

Title 16 WAC

AGRICULTURE, DEPARTMENT OF

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**DISPOSITION OF CHAPTERS FORMERLY
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**Chapter 16-512
FRYERS, BROILERS AND ROASTERS**

- 16-512-005 Marketing order—Policy statement. [Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055. 04-07-128, § 16-512-005, filed 3/22/04, effective 4/22/04; Marketing Order for Washington Fryers, Broilers and Roasters, effective 4/15/57.] Repealed by 10-11-066, filed 5/14/10, effective 6/14/10. Statutory Authority: Chapters 15.66 and 34.05 RCW.
- 16-512-006 Marketing order purposes. [Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055. 04-07-128, § 16-512-006, filed 3/22/04, effective 4/22/04.] Repealed by 10-11-066, filed 5/14/10, effective 6/14/10. Statutory Authority: Chapters 15.66 and 34.05 RCW.
- 16-512-010 Definitions. [Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055. 04-07-128, § 16-512-010, filed 3/22/04, effective 4/22/04; Marketing Order, Article I, effective 4/15/57.] Repealed by 10-11-066, filed 5/14/10, effective 6/14/10. Statutory Authority: Chapters 15.66 and 34.05 RCW.
- 16-512-020 Fryer commission—Structure, powers, duties, and procedure. [Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055. 04-07-128, § 16-512-020, filed 3/22/04, effective 4/22/04; Order 1405, § 16-512-020, filed 7/7/75; Marketing Order, Article II, effective 4/15/57.] Repealed by 10-11-066, filed 5/14/10, effective 6/14/10. Statutory Authority: Chapters 15.66 and 34.05 RCW.
- 16-512-040 Assessments and assessment funds. [Statutory Authority: Chapters 15.66 and 34.05 RCW. 09-16-024, § 16-512-040, filed 7/27/09, effective 8/27/09. Statutory

- 16-512-050 Information reports. [Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055. 04-07-128, § 16-512-040, filed 3/22/04, effective 4/22/04. Statutory Authority: Chapter 15.66 RCW. 80-14-020 (Order 1714), § 16-512-040, filed 9/24/80, effective 11/1/80; Marketing Order, Article IV, effective 4/15/57.] Repealed by 10-11-066, filed 5/14/10, effective 6/14/10. Statutory Authority: Chapters 15.66 and 34.05 RCW.
- 16-512-060 Separability. [Marketing Order, Article VI, effective 4/15/57.] Repealed by 10-11-066, filed 5/14/10, effective 6/14/10. Statutory Authority: Chapters 15.66 and 34.05 RCW.
- 16-512-070 Effective time. [Marketing Order, Article VII, effective 4/15/57.] Repealed by 10-11-066, filed 5/14/10, effective 6/14/10. Statutory Authority: Chapters 15.66 and 34.05 RCW.
- 16-512-101 Promulgation. [Regulation I, Promulgation, effective 8/20/57.] Decodified by 10-14-029, filed 6/28/10, effective 6/28/10.
- 16-512-110 Labeling. [Regulation I, effective 8/20/57.] Decodified by 10-14-029, filed 6/28/10, effective 6/28/10.
- 16-512-120 Fryer processor and grower report form. [Form, (codified as WAC 16-512-120), filed 3/21/60.] Decodified by 10-14-029, filed 6/28/10, effective 6/28/10.

**Chapter 16-528
WHEAT**

- 16-528-002 Director's final decision approving a marketing order. [Director's Final Decision, effective 12/4/57.] Repealed by 10-08-093, filed 4/7/10, effective 5/8/10. Statutory Authority: RCW 15.115.130 and chapter 34.05 RCW.
- 16-528-004 Marketing order for Washington wheat—Policy statement. [Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 04-10-057, § 16-528-004, filed 4/30/04, effective 7/1/04.] Repealed by 10-08-093, filed 4/7/10, effective 5/8/10. Statutory Authority: RCW 15.115.130 and chapter 34.05 RCW.
- 16-528-005 Marketing order purposes. [Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 04-10-057, § 16-528-005, filed 4/30/04, effective 7/1/04.] Repealed by 10-08-093, filed 4/7/10, effective 5/8/10. Statutory Authority: RCW 15.115.130 and chapter 34.05 RCW.
- 16-528-010 Definitions. [Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 04-10-057, § 16-528-010, filed 4/30/04, effective 7/1/04; Marketing Order, Article I, effective 4/30/58.] Repealed by 10-08-093, filed 4/7/10, effective 5/8/10. Statutory Authority: RCW 15.115.130 and chapter 34.05 RCW.
- 16-528-020 Wheat commission—Structure—Powers, duties—Procedure. [Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 04-10-057, § 16-528-020, filed 4/30/04, effective 7/1/04. Statutory Authority: Chapters 15.66 and 43.03 RCW. 89-08-020 (Order 1999), § 16-528-020, filed 3/29/89; Marketing Order, Article II, effective 4/30/58.] Repealed by 10-08-093, filed 4/7/10, effective 5/8/10. Statutory Authority: RCW 15.115.130 and chapter 34.05 RCW.
- 16-528-040 Assessments and collection. [Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 04-10-057, § 16-528-040, filed 4/30/04, effective 7/1/04. 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.] Repealed by 10-08-093, filed 4/7/10, effective 5/8/10. Statutory Authority: RCW 15.115.130 and chapter 34.05 RCW.
- 16-528-050 Effective time. [Marketing Order, Article V, effective 4/30/58.] Repealed by 10-08-093, filed 4/7/10, effective 5/8/10. Statutory Authority: RCW 15.115.130 and chapter 34.05 RCW.
- 16-528-060 Separability. [Marketing Order, Article VI, effective 4/30/58.] Repealed by 10-08-093, filed 4/7/10, effective 5/8/10. Statutory Authority: RCW 15.115.130 and chapter 34.05 RCW.

16-528-105 Definition of terms. [Statutory Authority: Chapter 15.04 RCW and RCW 15.66.140(2), 91-05-065 (Order 2072), § 16-528-105, filed 2/19/91, effective 3/22/91.] Decodified by 10-13-177, filed 6/23/10, effective 6/23/10.

16-528-110 Monthly meetings of the commission. [Statutory Authority: RCW 15.66.140 and chapter 34.05 RCW. 04-10-058, § 16-528-110, filed 4/30/04, effective 7/1/04. Statutory Authority: Chapter 15.04 RCW and RCW 15.66.140(2), 91-05-065 (Order 2072), § 16-528-110, filed 2/19/91, effective 3/22/91; Minute Order, 4/30/58.] Decodified by 10-13-177, filed 6/23/10, effective 6/23/10.

16-528-120 Special meetings. [Minute Order, 6/9/58.] Decodified by 10-13-177, filed 6/23/10, effective 6/23/10.

16-528-130 Annual meetings. [Minute Order, 11/19/58.] Decodified by 10-13-177, filed 6/23/10, effective 6/23/10.

16-528-140 Fiscal year of commission. [Minute Order, 11/19/58.] Decodified by 10-13-177, filed 6/23/10, effective 6/23/10.

16-528-150 Warrants drawn on commission account—Signatures. [Statutory Authority: RCW 15.66.140 and chapter 34.05 RCW. 04-10-058, § 16-528-150, filed 4/30/04, effective 7/1/04. Statutory Authority: Chapter 15.04 RCW and RCW 15.66.140(2), 91-05-065 (Order 2072), § 16-528-150, filed 2/19/91, effective 3/22/91; Minute Order, 11/19/58.] Decodified by 10-13-177, filed 6/23/10, effective 6/23/10.

16-528-160 Refund checks—Endorsement by payee. [Minute Order, 9/14/59.] Decodified by 10-13-177, filed 6/23/10, effective 6/23/10.

16-528-170 Rules for implementation of promotional hosting by the Washington wheat commission. [Statutory Authority: Chapter 15.04 RCW and RCW 15.66.140(2), 91-05-065 (Order 2072), § 16-528-170, filed 2/19/91, effective 3/22/91.] Decodified by 10-13-177, filed 6/23/10, effective 6/23/10.

16-528-210 Assessments—Rate—Duty of handlers, warehousemen, and processors. [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.] Decodified by 10-13-177, filed 6/23/10, effective 6/23/10.

16-528-230 Variations and discrepancies in assessment returns. [Minute Order, 9/8/58.] Decodified by 10-13-177, filed 6/23/10, effective 6/23/10.

**Chapter 16-530
WASHINGTON BARLEY COMMISSION**

16-530-005 Marketing order for Washington barley—Policy statement. [Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 04-16-026, § 16-530-005, filed 7/26/04, effective 8/26/04.] Repealed by 10-08-093, filed 4/7/10, effective 5/8/10. Statutory Authority: RCW 15.115.130 and chapter 34.05 RCW.

16-530-006 Marketing order purposes. [Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 04-16-026, § 16-530-006, filed 7/26/04, effective 8/26/04.] Repealed by 10-08-093, filed 4/7/10, effective 5/8/10. Statutory Authority: RCW 15.115.130 and chapter 34.05 RCW.

16-530-010 Definition of terms. [Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 04-16-026, § 16-530-010, filed 7/26/04, effective 8/26/04. Statutory Authority: Chapter 15.66 RCW. 85-11-089 (Order 1857), § 16-530-010, filed 5/22/85, effective 7/1/85.] Repealed by 10-08-093, filed 4/7/10, effective 5/8/10. Statutory Authority: RCW 15.115.130 and chapter 34.05 RCW.

16-530-020 Barley commission. [Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 04-16-026, § 16-530-020, filed 7/26/04, effective 8/26/04. Statutory Authority: Chapter 15.66 RCW. 85-11-089 (Order 1857), § 16-530-020, filed 5/22/85, effective 7/1/85.] Repealed by 10-08-093, filed 4/7/10, effective 5/8/10. Statutory Authority: RCW 15.115.130 and chapter 34.05 RCW.

16-530-040 Assessments and collection. [Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 04-16-026, § 16-530-040, filed 7/26/04, effective 8/26/04. 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.] Repealed by

10-08-093, filed 4/7/10, effective 5/8/10. Statutory Authority: RCW 15.115.130 and chapter 34.05 RCW.

16-530-050 Effective time. [Statutory Authority: Chapter 15.66 RCW. 85-11-089 (Order 1857), § 16-530-050, filed 5/22/85, effective 7/1/85.] Repealed by 10-08-093, filed 4/7/10, effective 5/8/10. Statutory Authority: RCW 15.115.130 and chapter 34.05 RCW.

16-530-060 Separability. [Statutory Authority: Chapter 15.66 RCW. 85-11-089 (Order 1857), § 16-530-060, filed 5/22/85, effective 7/1/85.] Repealed by 10-08-093, filed 4/7/10, effective 5/8/10. Statutory Authority: RCW 15.115.130 and chapter 34.05 RCW.

16-530-110 Definition of terms. [Statutory Authority: Chapter 15.04 RCW and RCW 15.66.140(2), 91-01-100 (Order 2067), § 16-530-110, filed 12/18/90, effective 1/18/91.] Decodified by 10-13-177, filed 6/23/10, effective 6/23/10.

16-530-120 Rules for implementation of promotional hosting by the Washington barley commission. [Statutory Authority: Chapter 15.04 RCW and RCW 15.66.140(2), 91-01-100 (Order 2067), § 16-530-120, filed 12/18/90, effective 1/18/91.] Decodified by 10-13-177, filed 6/23/10, effective 6/23/10.

**Chapter 16-580
WASHINGTON FARMED SALMON COMMISSION**

16-580-010 Definition of terms. [Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-010, filed 10/29/92, effective 12/1/92.] Repealed by 10-14-110, filed 7/7/10, effective 8/7/10. Statutory Authority: RCW 15.65.190 and chapter 34.05 RCW.

16-580-020 Farmed salmon commodity board. [Statutory Authority: RCW 15.65.050. 97-21-110, § 16-580-020, filed 10/21/97, effective 11/21/97. Statutory Authority: RCW 15.65.050 and 15.65.280. 95-22-035 (Order 5085), § 16-580-020, filed 10/25/95, effective 11/25/95. Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-020, filed 10/29/92, effective 12/1/92.] Repealed by 10-14-110, filed 7/7/10, effective 8/7/10. Statutory Authority: RCW 15.65.190 and chapter 34.05 RCW.

16-580-030 Marketing order purposes. [Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-030, filed 10/29/92, effective 12/1/92.] Repealed by 10-14-110, filed 7/7/10, effective 8/7/10. Statutory Authority: RCW 15.65.190 and chapter 34.05 RCW.

16-580-040 Assessments and collections. [Statutory Authority: RCW 15.65.050. 97-21-110, § 16-580-040, filed 10/21/97, effective 11/21/97. Statutory Authority: RCW 15.65.280. 94-08-090 (Order 5035), § 16-580-040, filed 4/5/94, effective 5/6/94. Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-040, filed 10/29/92, effective 12/1/92.] Repealed by 10-14-110, filed 7/7/10, effective 8/7/10. Statutory Authority: RCW 15.65.190 and chapter 34.05 RCW.

16-580-041 Time—Place—Method for payment and collection of assessments—Production reports. [Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-041, filed 10/29/92, effective 12/1/92.] Repealed by 10-14-110, filed 7/7/10, effective 8/7/10. Statutory Authority: RCW 15.65.190 and chapter 34.05 RCW.

16-580-050 Obligations of the board. [Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-050, filed 10/29/92, effective 12/1/92.] Repealed by 10-14-110, filed 7/7/10, effective 8/7/10. Statutory Authority: RCW 15.65.190 and chapter 34.05 RCW.

16-580-060 Termination of the order. [Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-060, filed 10/29/92, effective 12/1/92.] Repealed by 10-14-110, filed 7/7/10, effective 8/7/10. Statutory Authority: RCW 15.65.190 and chapter 34.05 RCW.

16-580-070 Effective time. [Statutory Authority: RCW 15.65.050 and 15.65.280. 95-22-035 (Order 5085), § 16-580-070, filed 10/25/95, effective 11/25/95. Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-070, filed 10/29/92, effective 12/1/92.] Repealed by 10-14-110, filed 7/7/10, effective 8/7/10. Statutory Authority: RCW 15.65.190 and chapter 34.05 RCW.

16-580-080 Separability. [Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-080, filed 10/29/92, effective 12/1/92.] Repealed by 10-14-110, filed 7/7/10, effective 8/7/10. Statutory Authority: RCW 15.65.190 and chapter 34.05 RCW.

Chapter 16-30 WAC

RESTRICTED FEEDLOTS AND RESTRICTED HOLDING FACILITIES

WAC

16-30-010	Definitions.
16-30-025	Restricted feedlots.
16-30-030	Conditions of permit to operate a restricted feedlot.
16-30-035	Types of restricted holding facilities.
16-30-038	Conditions of permit to operate restricted holding facilities.
16-30-039	Applications for a restricted feedlot or restricted holding facility.
16-30-040	Expiration and revocation of restricted feedlot and restricted holding facility permits.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-30-050	Brands. [Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-095, § 16-30-050, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-050, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-050, filed 2/5/88; Order 955, Regulation 5, filed 8/31/64; Order 851, Regulation 5, effective 7/19/61.] Repealed by 10-20-091, filed 9/30/10, effective 10/31/10. Statutory Authority: Chapters 16.36 and 34.05 RCW.
16-30-060	Brand time. [Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-095, § 16-30-060, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-060, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-060, filed 2/5/88; Order 955, Regulation 6, filed 8/31/64; Order 851, Regulation 6, effective 7/19/61.] Repealed by 10-20-091, filed 9/30/10, effective 10/31/10. Statutory Authority: Chapters 16.36 and 34.05 RCW.
16-30-070	Place of brand. [Statutory Authority: Chapters 16.36 and 34.05 RCW. 08-01-095, § 16-30-070, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-070, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-070, filed 2/5/88; Order 955, Regulation 7, filed 8/31/64; Order 851, Regulation 7, effective 7/19/61.] Repealed by 10-20-091, filed 9/30/10, effective 10/31/10. Statutory Authority: Chapters 16.36 and 34.05 RCW.

WAC 16-30-010 Definitions. In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

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

"Director" means the director of the department of agriculture or the director's authorized representative.

"Official individual identification" means identifying an animal or group of animals using devices or methods including, but not limited to, official tags, tattoos, and registered brands when accompanied by a certificate of brand inspection from a brand inspection authority who is recognized by the director.

"Restricted animals" means animals being held in a restricted holding facility or a restricted feedlot.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-20-091, § 16-30-010, filed 9/30/10, effective 10/31/10; 08-01-095, § 16-30-010, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 16.36 RCW. 99-14-032, § 16-30-010, filed 6/29/99, effective 7/30/99. Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-010, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-010, filed 2/5/88; Order 955, Regulation 1, filed 8/31/64; Order 851, Regulation 1, effective 7/19/61.]

WAC 16-30-025 Restricted feedlots. (1) A restricted feedlot is a designated area that is isolated from all other non-

restricted areas within a feedlot. A restricted feedlot is a category 2 restricted holding facility and subject to all the requirements pertaining to category 2 restricted holding facilities in addition to the requirements applicable to restricted feedlots.

(2) Restricted feedlots must meet the following standards:

(a) All cattle in a restricted feedlot must remain in slaughter channels.

(b) Cattle in the restricted feedlot must not share water or feeding facilities accessible to other areas.

(c) Restricted feedlots must be clearly identified as such by signs permanently affixed at all corners stating "restricted feeding area" in letters a minimum of six inches in height.

(d) There must be a minimum of thirty feet between restricted feedlots and other lots and facilities.

(e) No common fences and gates may be used.

(3) The purpose of a restricted feedlot is to accept for feeding purposes with no provision for grazing or commingling with unrestricted cattle:

(a) Female cattle from a Class Free state that are not officially brucellosis vaccinated and not knowingly exposed to brucellosis;

(b) Cattle that enter Washington state on a brand certificate that includes the entry permit number and without a certificate of veterinary inspection; and

(c) Cattle imported from Canada. These cattle must be confined to the initial restricted feedlot until moved to slaughter.

(4)(a) Restricted feedlots may buy and import cattle from a Class A state if the cattle do not originate from a herd known to be exposed to brucellosis. Female cattle entering a restricted feedlot from a Class A state must be:

(i) Officially brucellosis vaccinated; or

(ii) Brucellosis tested negative within thirty days prior to movement.

(b) Cattle may not be imported from restricted feedlots that accept cattle known to be exposed to brucellosis.

(5) The classification of states and areas as Class Free and Class A is designated by United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) in Title 9 CFR Part 78.41 (January 1, 2006) and is defined in *Brucellosis Eradication: Uniform Methods and Rules*, effective October 1, 2003.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-20-091, § 16-30-025, filed 9/30/10, effective 10/31/10; 08-01-095, § 16-30-025, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-025, filed 2/23/89.]

WAC 16-30-030 Conditions of permit to operate a restricted feedlot. The operator of a restricted feedlot must abide by the following conditions:

(1) There shall be no contact between animals not also similarly restricted.

(2) No cattle shall be removed from the restricted feedlot except to a federally inspected slaughter plant, a slaughter plant of like status, or a restricted feedlot of like status.

(3) The restricted feedlot will be maintained in a condition that follows common industry practices to mitigate disease risk.

(4) The owner or manager of a restricted feedlot will notify the department immediately of any outbreak of any infectious or contagious disease.

(5) The disposal of dead livestock will be in accordance with the laws relating to the disposal of dead livestock and in accordance with chapter 16-25 WAC.

(6) Accurate records will be kept for six years accounting for all cattle entering and leaving the restricted feedlot. Records must be open for review by authorized department of agriculture personnel during normal business hours, and must be provided to the department upon the director's request.

(7) Proper facilities shall be provided for inspection of brands, branding, and identification of cattle.

(8) The state veterinarian has the authority to enter the restricted feedlot at any reasonable time to conduct tests, examinations, and inspections.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-20-091, § 16-30-030, filed 9/30/10, effective 10/31/10; 09-03-018, § 16-30-030, filed 1/9/09, effective 2/9/09; 08-01-095, § 16-30-030, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-030, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-030, filed 2/5/88. Statutory Authority: Chapter 16.36 RCW. 83-07-028 (Order 1790), § 16-30-030, filed 3/14/83; Order 955, Regulation 3, filed 8/31/64; Order 851, Regulation 3, effective 7/19/61, but corrected for clerical error by filing dated 7/20/61.]

WAC 16-30-035 Types of restricted holding facilities.

(1) Restricted holding facilities are isolated areas approved and licensed by the director, as advised by the state veterinarian. Fees associated with restricted holding facilities are referenced under chapter 16-91 WAC.

(2) There are three categories of restricted holding facilities.

(a) A category 1 restricted holding facility is a facility where imported animals are held in quarantine until they meet animal health import requirements.

(b) A category 2 restricted holding facility is a dry feed yard with no provision for grazing where cattle that have been imported into the state and are destined for slaughter only are confined for feeding. Cattle in a category 2 restricted holding facility must remain in slaughter channels and move only to a federally inspected slaughter plant or other restricted facilities of like status.

(c) A category 3 restricted holding facility is a holding facility for permanently quarantined animals.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-20-091, § 16-30-035, filed 9/30/10, effective 10/31/10; 08-01-095, § 16-30-035, filed 12/17/07, effective 1/17/08.]

WAC 16-30-038 Conditions of permit to operate restricted holding facilities. (1) The following requirements are applicable to all categories of restricted holding facilities:

(a) The restricted holding facility area shall house restricted animals separate and apart from all other nonrestricted animals. There may be no contact between animals not also similarly restricted and no commingling between separate shipments of animals.

(b) The restricted holding facility will be maintained in a sanitary condition to mitigate disease risk.

(c) The department of agriculture will be notified immediately of any outbreak of any infectious or contagious disease.

(d) Milk from restricted animals may not be used for human consumption.

(e) Restricted holding facilities must be clearly identified as such by signs permanently affixed at all corners stating "restricted holding facility" in letters a minimum of six inches in height.

(f) The disposition of dead animals will be in accordance with the laws relating to the disposal of dead livestock and in accordance with chapter 16-25 WAC.

(g) Accurate records will be kept for six years to account for all animals entering and leaving the restricted holding facility. Records must be open for review by authorized department of agriculture personnel during normal business hours, and must be provided to the department upon the director's request.

(h) The state veterinarian has the authority to enter the restricted holding facility at any reasonable time to conduct tests, examinations, and inspections.

(2) Additional requirements for a category 1 restricted holding facility. In addition to the requirements of subsection (1) of this section for all types of restricted holding facilities, the operator of a category 1 restricted holding facility must abide by the following conditions:

(a) All animals entering a category 1 restricted holding facility must have official individual identification listed on the certificate of veterinary inspection.

(b) No animals may be removed from the category 1 restricted holding facility until they meet state and federal import regulations.

(c) Animals may be removed from the restricted holding facility without meeting state and federal import regulations if they are sent to a federally inspected slaughter establishment and have not commingled with any other animals not also similarly restricted. Animals that have commingled with others not also similarly restricted will be quarantined and must be tested negative for disease as determined by the state veterinarian within thirty days before being released from the holding facility.

(3) Additional requirements for a category 2 restricted holding facility. In addition to the requirements of subsection (1) of this section for all types of restricted holding facilities, the operator of a category 2 restricted holding facility must abide by the following conditions:

(a) There may be no contact between cattle not also similarly restricted.

(b) Cattle may be removed from the restricted holding facility without meeting state and federal import regulations if they are sent immediately to a federally inspected slaughter plant.

(c) There must be a minimum of thirty feet between the restricted holding facility and other lots and facilities.

(d) No common fences and gates may be used.

(e) Cattle in the restricted holding facility must not share water or feeding facilities accessible to other areas.

(f) The state veterinarian will conduct at least two and up to four random, unannounced audits during each licensing period. The audits will consist of a physical inspection. The licensee is also required to periodically confirm with the

department cattle shipments identified on state import permits as destined to the restricted holding facility by telephone or e-mail. The rate for audits is established in WAC 16-91-040, but the total amount charged per licensed restricted holding facility shall not exceed one thousand five hundred dollars in a calendar year.

(g) (f) of this subsection shall not limit the number of inspections necessary to investigate potential violations or limit the number of inspections or total amount charged to ensure compliance after a violation is found. Category 2 restricted holding facilities that have been found to be in violation of animal health or import regulations may be charged for audits and inspections in excess of the one thousand five hundred dollar limit in (f) of this subsection. This section shall not limit the department from charging the time and mileage fee for inspecting livestock and related records during an investigation of a proven violation of section 3, chapter 66, Laws of 2010.

(4) **Additional requirements for category 3 restricted holding facilities.** In addition to the requirements of subsection (1) of this section for all types of restricted holding facilities, the operator of a category 3 restricted holding facility must abide by the following conditions:

(a) The operator of a category 3 restricted holding facility must abide by quarantine conditions set forth by the state veterinarian.

(b) Accurate records will be kept accounting for all animals entering the category 3 restricted holding facility for the length of the quarantine.

(c) An animal in a category 3 restricted holding facility may be legally removed from the facility only upon the animal's death or if the animal is moved from the location by permit from the state veterinarian's office on a United States Department of Agriculture VS form 1-27 for the movement of restricted or quarantined animals to another category 3 restricted holding facility.

(d) If an animal dies or is moribund in a category 3 restricted holding facility, the operator of the holding facility will immediately notify the state veterinarian of the animal's condition. The state veterinarian may require inspection and testing of the animal before disposal.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-20-091, § 16-30-038, filed 9/30/10, effective 10/31/10; 08-01-095, § 16-30-038, filed 12/17/07, effective 1/17/08.]

WAC 16-30-039 Applications for a restricted feedlot or restricted holding facility. (1) Application forms to establish a restricted feedlot or restricted holding facility may be obtained from:

Washington State Department of Agriculture
Animal Services Division
1111 Washington St. S.E.
P.O. Box 42577
Olympia, Washington 98504-2577
Phone: 360-902-1878.

(2) Applicants for restricted feedlots and restricted holding facilities must provide the following information on the application form:

(a) Name and address of applicant;

(b) Location of the restricted feedlot or restricted holding facility; and

(c) Drawing of the layout of the restricted feedlot or restricted holding facility.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-20-091, § 16-30-039, filed 9/30/10, effective 10/31/10; 08-01-095, § 16-30-039, filed 12/17/07, effective 1/17/08.]

WAC 16-30-040 Expiration and revocation of restricted feedlot and restricted holding facility permits.

(1) All permits for restricted feedlots and holding facilities expire on the 30th day of June of the year following the date of issue. Restricted feedlots and holding facilities must be inspected annually upon renewal and at any other time as determined by the director. Renewal of a restricted feedlot or a restricted holding facility is contingent upon accurate recordkeeping.

(2) Any violation of chapter 16.36 RCW or any of the rules adopted under that chapter is sufficient cause for the suspension or revocation of any permit to operate a restricted feedlot or restricted holding facility. In all proceedings for suspension or revocation of a restricted feedlot or restricted holding facility permit, the owner or manager has the right to request a hearing before revocation is made permanent. Any action shall be taken under the provisions of chapter 34.05 RCW, the Administrative Procedure Act.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-20-091, § 16-30-040, filed 9/30/10, effective 10/31/10; 08-01-095, § 16-30-040, filed 12/17/07, effective 1/17/08. 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.]

**Chapter 16-54 WAC
ANIMAL IMPORTATION**

WAC

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WAC 16-54-010 Definitions. In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

"Accredited free state" means a state that has been determined by United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) to have a zero prevalence of cattle and bison herds affected with bovine tuberculosis as listed in Title 9 CFR Part 77.79 (January 1, 2006).

"Approved veterinary laboratory" means a laboratory that has been approved by National Veterinary Services Laboratories.

"Certificate of veterinary inspection" means a legible veterinary health inspection certificate on an official form

(electronic or paper) from the state of origin or from APHIS, USDA executed by a licensed and accredited veterinarian or a veterinarian approved by APHIS, USDA. The certificate of veterinary inspection is also known as an "official health certificate."

"Class free and Class A, B, and C states" means states that are classified for brucellosis by USDA, APHIS in Title 9 CFR Part 78.41 (January 1, 2006).

"Consigned" means to deliver for custody or sale.

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

"Director" means the director of WSDA or the director's authorized representative.

"Domestic bovine" means domesticated cattle, including bison.

"Domestic equine" means horses, donkeys, mules, ponies, and other animals in the *Equidae* family.

"Entry permit" means prior written permission issued by the director to admit or import animals or animal reproductive products into Washington state.

"Exotic animal" means species of animals that are not native to Washington state but exist elsewhere in the world in the wild state.

"Feral swine" means animals included in any of the following categories:

- Animals of the genus *Sus* that are free roaming on public or private lands and do not appear to be domesticated;
- Swine from domesticated stocks that have escaped or been released or born into the wild state;
- European wild hogs and their hybrid forms (also known as European wild boars or razorbacks), regardless of whether they are free roaming or kept in confinement; or
- Animals of the family *Tayassuidae* such as peccaries and javelinas, regardless of whether they are free roaming or kept in confinement.

"Immediate slaughter" means livestock will be delivered to a federally inspected slaughter plant within twelve hours of entry into Washington state.

"Mature vaccinate" means a female bovine over the age of twelve months that has been vaccinated, under directions issued by the state of origin, with a mature dose of brucellosis vaccine.

"Modified accredited state" means a state that has been determined by USDA, APHIS to have a prevalence of bovine tuberculosis of less than 0.1 percent of the total number of herds of cattle and bison as listed in Title 9 CFR Part 77.11 (January 1, 2006).

"Movement permit" means an entry permit that is valid for six months and permits the entry of domestic equine into Washington state.

"NPIP" means the National Poultry Improvement Plan.

"Official brucellosis test" means the official test defined by Title 9 CFR Part 78.1 (January 1, 2006).

"Official brucellosis vaccinate" means an official adult vaccinate or official calthood vaccinate as defined by Title 9 CFR Part 78.1 (January 1, 2006).

"Official individual identification" means identifying an animal or group of animals using USDA-approved or WSDA-approved devices or methods, including, but not limited to, official tags, unique breed registry tattoos, and registered brands when accompanied by a certificate of inspection

from a brand inspection authority who is recognized by the director.

"Poultry" means chickens, turkeys, ratites, waterfowl, game birds, pigeons, doves, and other domestic fowl.

"Restricted feedlot" means a feedlot holding a permit issued under chapter 16-30 WAC.

"Restricted holding facility" means an isolated area approved and licensed by the director, as advised by the state veterinarian.

"Stage I, II, III, IV, or V pseudorabies state" means states as classified by the Pseudorabies Eradication State-Federal-Industry Program Standards (November 1, 2003).

"USDA, APHIS" means the United States Department of Agriculture Animal and Plant Health Inspection Service.

"Virgin bull" means a sexually intact male bovine less than twelve months of age that is certified by the owner or the owner's designee as having had no breeding contact with female cattle.

"Wild animals" is defined in RCW 77.08.010(61).

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-20-092, § 16-54-010, filed 9/30/10, effective 10/31/10. Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-14-057, § 16-54-010, filed 6/25/08, effective 7/26/08. Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-010, filed 6/28/07, effective 7/29/07. Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-010, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-126 (Order 5010), § 16-54-010, filed 9/21/93, effective 10/22/93; 92-21-039, § 16-54-010, filed 10/15/92, effective 11/15/92. Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-54-010, filed 2/5/88; 84-16-022 (Order 1838), § 16-54-010, filed 7/24/84; Order 1172, § 16-54-010, filed 12/15/70; Order 1024, Regulation 1, filed 7/22/66, effective 8/22/66; Order 957, Regulation 1, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61.]

WAC 16-54-068 Restrictions. (1) It is a violation to import animals into Washington state that do not comply with the requirements of this chapter or any other Washington state regulation relating to animal health and care, or to the importation and movement of poultry, hatching eggs, and wildlife.

(2) All animals entering Washington state must comply with the requirements of USDA, APHIS regulations found at Title 9 CFR for movement or importation from foreign countries.

(3)(a) Livestock entering Washington state from a state where a reportable disease listed in WAC 16-70-010 has been diagnosed within the past thirty days must be accompanied by a valid entry permit and a certificate of veterinary inspection.

(b) The certificate of veterinary inspection shall also include written verification that the animals have not been exposed to any reportable disease.

(c) In the case of a state where vesicular stomatitis has been diagnosed, the certificate of veterinary inspection for susceptible livestock must be issued within twenty-four hours of shipment to Washington state and must contain:

(i) The temperature reading of each equine at the time of inspection; and

(ii) The following statement written by an accredited veterinarian:

"All animals identified on this certificate have been examined and found to be free from clinical signs of vesicular

stomatitis. During the past thirty days, these animals have not been exposed to vesicular stomatitis."

(d) Cattle entering Washington state from a state or a foreign state or province where vesicular stomatitis has been diagnosed must be held at their destination separate and apart from all other cattle for a period of seven days and reexamined by the state veterinarian or designee at the end of that period.

(e) In the case of a state where contagious equine metritis (CEM) has been diagnosed, the certificate of veterinary inspection for equine must contain the following statement: "The equine and equine reproductive products listed in this document have not originated from a premises where *T. equigenitalis* has been isolated during the sixty days immediately preceding importation to Washington or from a location currently under quarantine or investigation for CEM. No female equine in the shipment has been bred naturally to, or inseminated with, semen from an intact male positive for CEM or from an intact male resident upon positive premises or under quarantine or investigation for CEM. The equine showed no clinical signs of CEM on the day of inspection or semen collection."

(4) Dogs, cats, and ferrets must be accompanied by an entry permit and proof of current rabies vaccination if they originate from a rabies quarantined area.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-20-092, § 16-54-068, filed 9/30/10, effective 10/31/10; 07-14-056, § 16-54-068, filed 6/28/07, effective 7/29/07.]

WAC 16-54-071 Domestic equine and equine reproductive products—Importation requirements. Import health requirements.

(1)(a) In addition to the other requirements of this chapter, all domestic equine and equine reproductive products entering Washington state must be accompanied by a certificate of veterinary inspection.

(b) Equine vaccinated against equine viral arteritis (EVA) must be accompanied by a vaccination certificate.

(c) Reproductive products from donors that test positive for EVA must be accompanied by an application and entry permit.

(d) Domestic equine from the western states of Oregon, Idaho, California, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, and New Mexico may enter Washington state for shows, rides, or other events either with a certificate of veterinary inspection or with a document similar to the Equine Certificate of Veterinary Inspection and Movement Permit. Individual trips cannot exceed ninety days.

(e) An itinerary of interstate travel must be filed with the department within fourteen days of the expiration of the movement permit.

(2) All certificates and forms may be obtained from and sent to:

Washington State Department of Agriculture
Animal Services Division
1111 Washington Street S.E.
P.O. Box 42577
Olympia, Washington 98504-2577

Exemptions to import health requirements.

(3) Horses traveling into Washington state with their Oregon or Idaho owners in private conveyance for round-trip visits of not more than four days duration for purposes other than breeding are exempt from the certificate of veterinary inspection.

Import test requirements.

Equine infectious anemia (EIA).

(4) All domestic equine, except foals under six months of age accompanying their negative tested dams, must have a negative test for equine infectious anemia (EIA) within twelve months before entering Washington state.

Exemptions to EIA test requirements.

(5) Domestic equine moving to Washington from Oregon are excluded from EIA test requirements.

Equine viral arteritis (EVA).

(6) Intact males over six months of age must test antibody negative for EVA within thirty days before entry into Washington state or have proof of vaccination.

(7) Vaccinated equine that test antibody positive for EVA must be accompanied by a certificate of veterinary inspection that provides proof of:

(a) A prevaccination negative antibody blood test;

(b) Vaccination within ten days of the prevaccination blood test; and

(c) Approved method of animal identification. Approved methods of identification are:

(i) Photograph or clearly drawn picture of the animal (both sides and front);

(ii) Brand (hot iron or freeze brand);

(iii) Microchip; and/or

(iv) Lip tattoo.

(8) Intact males over six months of age and equine reproductive products from donors that test positive for EVA may enter Washington state only if accompanied by an entry permit and a statement on the certificate of veterinary inspection verifying that the consignee:

(a) Has been advised of the positive antibody test results and the associated risks of EVA infection;

(b) Agrees to follow the recommendations of the Office International des Epizooties of the World Organization of Animal Health regarding EVA and USDA recommendations found in the *Equine Viral Arteritis Uniform Methods and Rules*, effective April 19, 2004; and

(c) Consents to the shipment.

(9) Intact males that test antibody positive for EVA are required to have an entry permit and may be subject to quarantine.

(10) Equine semen and embryos require an entry permit and must originate from donors that have proof of vaccination or a negative antibody test for EVA during the current breeding season.

(11) Equine semen and embryos from antibody positive donors must be used or implanted only in vaccinated or seropositive mares. These mares must be isolated for twenty-one days following insemination or implantation.

(12) Additional testing for EVA may be required during emergency disease conditions declared by the director.

Piroplasmosis.

(13) Any equine that has ever tested positive for piroplasmosis may not enter Washington state.

(14) Any equine that has originated from a country or state where piroplasmiasis is endemic must be negative to a C-ELISA test within thirty days before entry into Washington state, and must be quarantined upon arrival and retested within sixty to ninety days. Horses that test positive on the post-arrival C-ELISA test are not permitted to remain in the state and must be removed.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-153, § 16-54-071, filed 6/23/10, effective 7/24/10. Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-14-057, § 16-54-071, filed 6/25/08, effective 7/26/08. Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-071, filed 6/28/07, effective 7/29/07. Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-071, filed 4/15/99, effective 5/16/99. Statutory Authority: Chapter 16.36 RCW. 94-23-121, § 16-54-071, filed 11/22/94, effective 12/23/94. Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-039, § 16-54-071, filed 10/15/92, effective 11/15/92. Statutory Authority: Chapters 16.36 and 16.44 RCW. 82-24-040 (Order 1778), § 16-54-071, filed 11/24/82. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-10-047 (Order 1730), § 16-54-071, filed 5/1/81; Order 1540, § 16-54-071, filed 10/17/77; Order 1430, § 16-54-071, filed 2/9/76. Formerly WAC 16-54-070.]

WAC 16-54-082 Domestic bovine animals—Importation requirements. Import health requirements.

(1) Domestic bovine entering Washington state must have a certificate of veterinary inspection and an entry permit issued by the office of the state veterinarian prior to entry. Entry permits are required on all cattle entering the state.

(2) Before entering Washington state, Canadian cattle, including calves, must be identified on the right hip by a "CAN" brand (C open-A N).

Exemptions to import health requirements.

(3) Unless an emergency rule is in effect, a certificate of veterinary inspection is not required for domestic bovine that are:

(a) Consigned to federally inspected slaughter plants for immediate slaughter; or

(b) Consigned to state-federal approved livestock markets for sale for immediate slaughter only; or

(c) Consigned to specifically approved livestock markets or restricted holding facilities where import requirements can be met; or

(d) Consigned to a restricted feedlot or a category 2 restricted holding facility, unless originating from a state or country with less than free status; or

(e) Cattle moving interstate from contiguous states on grazing permits.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-20-092, § 16-54-082, filed 9/30/10, effective 10/31/10. Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-14-057, § 16-54-082, filed 6/25/08, effective 7/26/08. Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-082, filed 6/28/07, effective 7/29/07; 05-14-019, § 16-54-082, filed 6/24/05, effective 7/25/05. Statutory Authority: RCW 16.36.040. 99-09-023, § 16-54-082, filed 4/15/99, effective 5/16/99; 97-01-067 (Order 6009), § 16-54-082, filed 12/16/96, effective 1/16/97. Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-039, § 16-54-082, filed 10/15/92, effective 11/15/92. Statutory Authority: Chapter 16.36 RCW. 89-24-021 (Order 2021), § 16-54-082, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-54-082, filed 2/5/88; 87-08-021 (Order 1918), § 16-54-082, filed 3/25/87; 84-16-022 (Order 1838), § 16-54-082, filed 7/24/84. Statutory Authority: Chapter 16.36 RCW. 83-09-009 (Order 1792), § 16-54-082, filed 4/8/83. Statutory Authority: Chapters 16.36 and 16.44 RCW. 83-04-030 (Order 1782), § 16-54-082, filed 1/27/83. Statutory Authority: Chapters 16.36 and 16.40 RCW. 82-03-019 (Order 1752), § 16-54-082, filed 1/14/82; 81-10-047 (Order 1730), § 16-54-082, filed 5/1/81. Statutory Authority: Chapters 16.36 and

16.44 RCW. 78-06-116 (Order 1579), § 16-54-082, filed 6/7/78; Order 1540, § 16-54-082, filed 10/17/77.]

WAC 16-54-085 Bovine tuberculosis requirements.

(1) All domestic bovine must have a negative tuberculosis (TB) test within sixty days before entry into Washington state and must be identified with a USDA silver identification ear tag, or a USDA-approved RFID tag, or an orange brucellosis vaccination tag when:

(a) Originating from a state or country where a tuberculosis affected herd has been identified within the past twelve months;

(b) Originating from a state or country where there is an ongoing epidemiological investigation related to bovine infected with tuberculosis;

(c) Originating from a state or country where tuberculosis is endemic or present in wildlife populations; or

(d) Originating from a modified accredited advanced or lower state as defined by USDA, APHIS in Title 9 CFR, Chapter 1, Part 77 (January 1, 2010) or a country equivalent in status. Such domestic bovine shall be held separate and apart from native cattle for sixty days and retested negative at least sixty days after entry into Washington state.

(2) **Dairy cattle (including steers and spayed heifers) six months of age or older** must:

(a) Test negative for bovine tuberculosis within sixty days before entering Washington state; and

(b) Be identified with a USDA silver identification ear tag, or a USDA-approved RFID tag, or an orange brucellosis vaccination tag.

(3) **Dairy heifers, steers, and bull calves less than six months of age** must:

(a) Be issued a hold order or a quarantine order that requires the animals to be taken directly to a designated premises or facility;

(b) Be held separate and apart from all other domestic bovine until they test negative for bovine tuberculosis after six months of age; and

(c) Be identified with a USDA silver identification ear tag, or a USDA-approved RFID tag, or an orange brucellosis vaccination tag.

(4) Dairy cattle are exempt from bovine tuberculosis testing requirements of subsections (2) and (3) of this section if they:

(a) Originate from an accredited bovine tuberculosis-free herd, as defined by USDA, APHIS in Title 9 CFR, Chapter 1, Part 77 (January 1, 2010), and if an accredited herd number and the date of the last bovine tuberculosis test are shown on the certificate of veterinary inspection;

(b) Are consigned to federally inspected slaughter plants for immediate slaughter;

(c) Are consigned to slaughter through state and federally approved public livestock markets and remain in slaughter channels; or

(d) Enter a category 2 restricted holding facility (restricted feedlot) to be fed for slaughter.

(5) Cattle used for rodeo or timed events.

(a) All cattle used for rodeo or timed events, except those imported directly from Mexico, must be accompanied by proof recorded on a certificate of veterinary inspection of a

negative bovine tuberculosis test within twelve months before entry into Washington state.

(b) Calves under six months old that were born and have continuously resided in the state of Washington are excluded from this requirement.

(6) **Mexican cattle** - All cattle imported from Mexico that enter Washington, including those imported for rodeo or recreation purposes, must be sexually neutered and must bear official Mexican identification and brand before entry.

(a) All Mexican cattle must be accompanied by proof of two negative bovine tuberculosis tests conducted in the United States after entry from Mexico. The second negative test must be a minimum of sixty days after the first test and within thirty days before entry into Washington state.

(b) All Mexican cattle that remain in the state of Washington shall be tested annually for tuberculosis.

(c) If Mexican cattle entering Washington state are not accompanied by proof of two negative bovine tuberculosis tests prior to entry, they will be issued a hold order or a quarantine order that requires the animals to be taken directly to a designated premises or facility and kept separate and apart from Washington cattle until the completion of required tests.

(d) Sexually intact Mexican beef cattle may enter only with a prior entry permit and at the discretion of the director.

(e) Mexican cattle are exempt from the second bovine tuberculosis test and isolation requirements if their official Mexican identification remains intact and they are consigned to a federally inspected slaughter plant for immediate slaughter.

(7)(a) Cattle that have not met the tuberculosis requirements in this subsection may enter, with approval from the director, a category 1 restricted holding facility in Washington state until testing requirements have been met.

(b) The category 1 restricted holding facility must be approved by the director and operated in accordance with a written agreement between the facility owner and the director.

(c) The restricted holding facility must be maintained and all inspections and testing done at the owner's expense.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-20-092, § 16-54-085, filed 9/30/10, effective 10/31/10. Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-14-057, § 16-54-085, filed 6/25/08, effective 7/26/08. Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-085, filed 6/28/07, effective 7/29/07.]

WAC 16-54-086 Bovine trichomoniasis requirements. (1) **Breeding bulls** may be imported into the state of Washington if they meet the following requirements:

(a) The bulls originate from a herd wherein all bulls have tested negative for bovine trichomoniasis since they were removed from female cattle; or

(b) The bulls have tested negative to a bovine trichomoniasis quantitative polymerase chain reaction (qPCR) test within thirty days before import and have had no contact with female cattle from the time of the test to the time of import; or

(c) The bulls have tested negative to a bovine trichomoniasis culture test, if from a state that recognizes a culture test as an official test; or

(d) If the bulls originate from a herd where one or more bulls or cows have been found infected with bovine trichomoniasis **within the past twelve months**, the bulls must have

two negative qPCR tests one week apart. The samples for each test must be collected within thirty days before cattle are imported into Washington state, and an import permit must be obtained from the director and include a certifying statement that the bulls originated from an infected herd.

(2) Before arrival at their destination in Washington state, all imported bulls must be identified with official identification or an official trichomoniasis bangle tag.

(3) Bulls that enter Washington state without meeting the bovine trichomoniasis requirements of this section will be quarantined at the owner's expense until they have had two negative qPCR tests one week apart.

(4)(a) Any bull or cow that is positive to a trichomoniasis test, and any herd in which one or more bulls or cows are found infected with trichomoniasis is considered infected.

(b) In the case of bulls testing positive to trichomoniasis, the herd shall be quarantined pending an epidemiological investigation to determine the source of the infection, and as long as infection persists in the herd.

(c) Infected bulls will be quarantined and will not be used for breeding. They must be slaughtered, sold for slaughter, or sent to a restricted feedlot or category 2 restricted holding facility to remain in slaughter channels.

(5) **Certification and proficiency testing and types of tests.** The state veterinarian will determine trichomoniasis training for veterinarians and laboratories, and the types of tests used to determine trichomoniasis infection. All sampling will be obtained by pipette scrapings from the prepuce and glans of a bull.

(a) All trichomoniasis testing of bulls in Washington state shall be performed by a veterinarian accredited by the United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA APHIS). In addition, all accredited veterinarians testing bulls in Washington state for trichomoniasis are required to successfully complete training and pass a trichomoniasis testing procedure proficiency examination provided by the department. Effective January 1, 2011, accredited veterinarians may not perform official trichomoniasis testing of bulls in Washington state until they have successfully completed the training and passed the proficiency examination.

A schedule of training opportunities is available by contacting the department at:

Washington State Department of Agriculture
Animal Services Division
1111 Washington Street S.E.
P.O. Box 42577
360-902-1878

(b) Registered veterinarians shall only utilize official laboratories recognized by the state veterinarian for testing of trichomoniasis samples.

(c) Registered veterinarians collecting samples in the state of Washington shall submit results of all trichomoniasis tests and all official identification on official trichomoniasis test and report forms to the animal services division within five business days of receiving test results from an official laboratory or identifying virgin bulls with official trichomoniasis bangle tags.

(d)(i) Polymerase chain reaction is accepted as an official test when completed by a qualified laboratory approved

by the director and when the sample is received by the laboratory within forty-eight hours of collection.

(ii) Other tests for trichomoniasis may be approved as official tests by the state veterinarian after the tests have been proven effective by research, have been evaluated sufficiently to determine efficacy, and a protocol for use of the test has been established.

(iii) An official test is one in which the sample is received in the official laboratory in good condition within forty-eight hours of collection. Samples in transit for more than forty-eight hours will not be accepted for official testing and must be discarded. Samples that have been frozen or exposed to high temperatures must also be discarded.

Exemptions to bovine trichomoniasis test requirements.

(6) **Virgin bulls** are exempt from bovine trichomoniasis test requirements. If sold, virgin bulls must be officially identified and accompanied by a certificate signed by the owner or the owner's designee that they have had no breeding contact with female cattle.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-20-092, § 16-54-086, filed 9/30/10, effective 10/31/10. Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-14-057, § 16-54-086, filed 6/25/08, effective 7/26/08.]

WAC 16-54-090 Goats—Importation and testing requirements. Import health requirements.

(1) All goats entering Washington state must be accompanied by a certificate of veterinary inspection. The certificate of veterinary inspection must state that the goats are free from clinical signs or known exposure to any infectious or communicable disease including, but not limited to, footrot, sore mouth, and caseous lymphadenitis.

(2) Female dairy goats six months of age or older must test negative for brucellosis and tuberculosis within thirty days before they enter Washington state.

(3) Sexually intact goats must have official USDA scrapie identification.

Exemption to import health requirements.

(4) Goats traveling into Washington state with their Oregon and Idaho owners in private conveyance for round-trip visits of not more than four days duration for purposes other than breeding are exempt from the certificate of veterinary inspection.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-153, § 16-54-090, filed 6/23/10, effective 7/24/10; 07-14-056, § 16-54-090, filed 6/28/07, effective 7/29/07. Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-039, § 16-54-090, filed 10/15/92, effective 11/15/92; Order 1172, § 16-54-090, filed 12/15/70; Order 1024, Regulation 9, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.]

WAC 16-54-145 Poultry and game birds, including ratites—Importation and testing requirements. Import health requirements.

(1) All poultry, excluding doves and pigeons, imported into Washington state must be accompanied by a:

- (a) Certificate of veterinary inspection; or
- (b) USDA NPIP VS form 9-3 (Report of Sales of Hatching Eggs, Chicks, and Poults); or
- (c) USDA VS form 17-6 (Certificate for Poultry or Hatching Eggs for Export).

(2) The certificate of veterinary inspection and the USDA VS form 17-6 must include either the NPIP number or negative results of the required tests.

(3) Poultry or hatching eggs must originate from flocks or areas not under state or federal restriction.

(4) Each ratite entering Washington state must be permanently identified with USDA approved identification. The type of identification must be listed on the certificate of veterinary inspection.

Import test requirements.

(5) Poultry, poults, and eggs, excluding doves and pigeons, that originate from flocks or hatcheries that have a pullorum-typhoid clean rating given by the state animal health official or are from an NPIP participant flock must meet the classification requirements stated in subsection (8) of this section.

(6) If poultry do not originate from an NPIP participant flock, they must test negative for the diseases listed in subsection (8) of this section thirty days before entry into the state of Washington.

(7) If hatching eggs are from non-NPIP participant flocks, then the parent breeder flock must be tested for the diseases in subsection (8) of this section within thirty days before the hatching eggs enter the state of Washington.

(8) Poultry, excluding doves and pigeons, must have a negative test for the following diseases:

Disease control classifications	Poultry type			
	Egg-type chickens	Meat-type chickens	Turkeys	Other ¹
Pullorum-typhoid	YES	YES	YES	YES ²
Avian influenza	YES	YES	YES	YES
<i>Mycoplasma gallisepticum</i>	-	-	YES	-
<i>Mycoplasma synoviae</i>	-	-	YES	-
<i>Salmonella enteritidis</i>	YES (commercial) ³	-	-	-

¹Waterfowl, hobby, fancy, exhibition chickens, game birds, ratites, and backyard flocks.

²Excluding waterfowl.

³Commercial means producers with three thousand or more birds regardless of shipment size.

Exemptions to import health requirements.

(9) Doves, pigeons, waterfowl, game birds, and poultry destined for immediate slaughter are exempt from the certificate of veterinary inspection and testing requirements.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-153, § 16-54-145, filed 6/23/10, effective 7/24/10. Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-14-057, § 16-54-145, filed 6/25/08, effective 7/26/08. Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-145, filed 6/28/07, effective 7/29/07. Statutory Authority: Chapter 16.36 RCW. 94-23-121, § 16-54-145, filed 11/22/94, effective 12/23/94.]

WAC 16-54-160 Birds other than poultry, including exotic birds—Importation and testing requirements. Import health requirements.

(1) All birds other than poultry entering Washington state require a certificate of veterinary inspection that contains the following statement:

"To the best of my knowledge, the birds listed on this certificate are not infected with exotic Newcastle disease, psittacosis, or avian influenza and have been free from clinical signs of or known exposure to infectious or communicable disease during the past thirty days."

(2) All birds must be individually identified with a numbered leg band or in a manner appropriate to the species.

Exemptions to import health requirements.

(3) Family pet birds are exempt from the certificate of veterinary inspection and identification requirements if they:

- (a) Are two or less in number; and
- (b) Have not been purchased within thirty days of entry into Washington state; and
- (c) Are traveling by private conveyance with their owners.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-153, § 16-54-160, filed 6/23/10, effective 7/24/10. Statutory Authority: RCW 16.36.040 and chapter 34.05 RCW. 08-14-057, § 16-54-160, filed 6/25/08, effective 7/26/08. Statutory Authority: Chapters 16.36 and 34.05 RCW. 07-14-056, § 16-54-160, filed 6/28/07, effective 7/29/07.]

WAC 16-54-180 Wild and exotic animals—Importation and testing requirements. Import health requirements.

(1) Wild and exotic animals entering Washington state must be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian licensed in the state of origin, or accompanied by an international certificate of health.

(2) All wild and exotic animals must be accompanied by an entry permit.

Import test requirements.

(3) **Brucellosis:** Within thirty days before entering Washington state, negative serologic testing must be conducted on the following categories of captive wild or exotic animals that are more than six months of age:

Table 1.

Wild and exotic animals that must be tested for brucellosis

Tested For	Species Scientific Name	Common Name Examples
<i>Brucella abortus</i>	<i>Camelidae</i>	<ul style="list-style-type: none"> • Vicuna • Guanaco
	<i>Cervidae</i>	<ul style="list-style-type: none"> • Elk

Tested For	Species Scientific Name	Common Name Examples
		<ul style="list-style-type: none"> • Caribou • Moose • Reindeer • Deer
	<i>Giraffidae</i>	<ul style="list-style-type: none"> • Giraffe • Okapi
	<i>Bovidae</i>	<ul style="list-style-type: none"> • Antelope • Wild cattle (gaur, banteng, kaupre, yak) • Bison (American bison, European bison) • Buffalo (Asian water buffalo, tamaraw, lowland anoa, mountain anoa, African buffalo)
	<i>Ovidae, Capridae</i>	<ul style="list-style-type: none"> • Wild sheep (big-horn sheep, Dall's sheep, mouflon, argoli, uriol, blue sheep, barbary sheep, red sheep) • Wild goats (Rocky Mountain goat, ibex, walia ibex, west Caucasian tur, East Caucasian tur, Spanish ibex, markhor)
<i>Brucella suis</i>	<i>Suidae</i>	<ul style="list-style-type: none"> • Wild swine (European wild boar, bearded pig, Jovan pig, pygmy hog, wart hog, giant forest pig, East Indian swine or Babirusa, African bush pig, peccaries)
<i>Brucella suis biovar 4</i>	<i>Cervidae</i>	<ul style="list-style-type: none"> • Caribou • Reindeer
<i>Brucella ovis</i>	<i>Ovidae, Capridae</i>	<ul style="list-style-type: none"> • All wild sheep and goats must be tested and found negative to <i>Brucella ovis</i> within thirty days before entering Washington state

(4) **Tuberculosis** (*Mycobacterium bovis* and *Mycobacterium tuberculosis*):

(a) Animals less than six months of age that are nursing negative tested dams may be excluded from tuberculosis test requirements.

(b) Within thirty days before entering Washington state, the animals listed in the following table must test negative for *M. bovis* and *M. tuberculosis* by a skin test or other approved test that follows federal tuberculosis protocols:

Table 2.
Wild and exotic animals that must be tested for tuberculosis

Species Scientific Name	Common Name Examples
<i>Ceropithecidae</i>	• Old world primates
<i>Elephantidae</i>	• Elephants ¹
<i>Hylobotidae</i>	• Gibbons
	• Lessor apes
<i>Pongidae</i>	• Great apes
<i>Bovidae</i>	• Antelope
	• Wild cattle
<i>Ovidae, Capridae</i>	• Wild sheep
	• Wild goats
<i>Cervidae, Giraffidae</i>	• Elk
	• Caribou
	• Moose
	• Reindeer
	• Deer
	• Giraffe
	• Okapi

¹Negative trunk wash or other USDA-validated tuberculosis test every twelve months.

(c) *Cervidae*, such as elk, deer, caribou, moose, and reindeer and *Giraffidae*, such as giraffe and okapi, must be from herds not known to be infected with, exposed to, or affected by tuberculosis. They must also test negative for *M. bovis* using the testing requirements defined in Title 9 CFR Part 77.33 (January 1, 2006).

(d) For all captive wild or exotic animals not listed in Table 2 in subsection (2)(b) of this section, the following statement signed by the animal's owner or agent must be placed on the official certificate of veterinary inspection:

"To my knowledge, the animals listed on this certificate are not infected with tuberculosis and have not been exposed to animals infected with tuberculosis during the past twelve months."

(5) **Pseudorabies:** All wild swine imported for zoos, exhibitions or to a research facility must test negative for pseudorabies no more than thirty days before entry into Washington state and must be held in quarantine for thirty to sixty days pending a postentry retest.

(6) **Equine infectious anemia:** All wild horses, donkeys, and hybrids of the family *Equidae* must test negative on an approved test for equine infectious anemia no more than six months before entry into Washington state.

(7) **Elaphostrongylinae** (*Parelaphostrongylus tenvis* (meningeal worm) and *Elaphostrongylus cervis* (muscle worm)): Before entering Washington state, all *Cervidae* must be examined for *Elaphostrongylinae* infection in the absence of anthelmintic treatment that could mask detection of the parasite.

(a) **All *Cervidae* residing for at least six months** west of a line through the eastern boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas or geographical boundaries as otherwise designated by the state

veterinarian must have a negative fecal exam for dorsal-spined larvae made by an approved laboratory using the Baermann technique. Animals must be certified that they have not been treated with or exposed to anthelmintics for at least thirty days before testing.

(b) **All *Cervidae* residing for less than six months** west of a line through the eastern boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas or geographical boundaries as otherwise designated by the state veterinarian or from east of that line must be held in a pre-entry quarantine for thirty to sixty days and have two fecal tests for dorsal-spined larvae made by an approved laboratory using the Baermann technique.

(i) The first test must be conducted at least thirty days and not more than forty days before the second test.

(ii) Fecal samples of at least thirty grams per sample are to be collected by an accredited veterinarian from the animal's rectum and identified by the animal's official identification number.

(iii) During the thirty-day testing period, test animals must be held in quarantine and isolated from all other *Cervidae* not included in the shipment.

(iv) If any animal tests positive to either of the two fecal tests, neither that animal nor any other animal held in quarantine with the infected animal may be imported into Washington state.

(c) All imported *Cervidae* must be held for one hundred eighty days in an onsite quarantine and be available for inspection by the director during this time.

(d) Every thirty, sixty, ninety, one hundred twenty, one hundred fifty, and one hundred eighty days after arrival, fecal samples from the animals must be tested by the Baermann technique in an approved laboratory and be found negative for dorsal-spined larvae. Animals that test positive for dorsal-spined larvae must either be removed from Washington state or destroyed.

(e) To prevent the presence of the gastropod intermediate hosts of *Elaphostrongylinae* larvae, the quarantine site must be prepared and inspected before the imported animals enter. Preparation includes:

(i) Providing a hard surface, such as asphalt or concrete, on which to keep the animals;

(ii) Spraying the quarantine area with an EPA-registered molluscicide; and

(iii) Spraying a four-meter wide tract around the perimeter of the holding compound with an EPA-registered molluscicide. This perimeter tract must be treated once every five days and within twenty-four hours of precipitation (10 mm or more) to ensure that the gastropod population is kept to zero within the compound.

(8) **Rabies:** Any carnivorous mammal taken from the wild is prohibited from entering Washington state if rabies has been diagnosed in the state of origin during the past twelve months.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-153, § 16-54-180, filed 6/23/10, effective 7/24/10; 07-14-056, § 16-54-180, filed 6/28/07, effective 7/29/07.]

**Chapter 16-70 WAC
ANIMAL DISEASES—REPORTING**

WAC

16-70-020 Other diseases reportable to WSDA.

WAC 16-70-020 Other diseases reportable to WSDA.

(1) In addition to the diseases published on the OIE notifiable disease list, the state veterinarian may request reports on other diseases of concern from a statistical or survey standpoint associated with overall disease control measures.

(2) Any veterinarian or veterinary laboratory must report to the office of the state veterinarian any of the diseases listed in subsection (5) of this section. Reports may be faxed to 360-902-2087 or sent to:

Washington State Department of Agriculture
Animal Services Division
1111 Washington Street S.E.
P.O. Box 42577
Olympia, Washington 98504-2577

(3) In addition to reporting requirements listed in the chart below, laboratories must send to the office of the state veterinarian reports of cultures of isolates from *Mycobacterium tuberculosis*, *Cryptococcus* excluding confirmed *Cryptococcus neoformans*, and Vancomycin resistant *Staphylococcus aureus* immediately after they are identified or the next business day.

(4) Veterinary laboratory directors must submit positive specimens of the diseases listed in subsection (3) of this section and any requested information to the state public health laboratories at:

Washington State Public Health Laboratories
Washington State Department of Health
1610 N.E. 150th Street
Seattle, Washington 98155

(5) The tables below describe the time frames associated with reportable diseases.

EMERGENCY CONDITIONS or DISEASE Report to state veterinarian immediately upon suspicion
<p>MULTIPLE SPECIES</p> <ul style="list-style-type: none"> • Anthrax (<i>Bacillus anthracis</i>) • Crimean Congo hemorrhagic fever • Foot-and-mouth disease • Heartwater (<i>Cowdria ruminantium</i>) • Japanese encephalitis • Livestock exposed to toxic substances which may threaten public health • Malignant catarrhal fever (all forms) • <i>Mycobacterium tuberculosis</i> • Rabies in any species (excluding bats) • Rift Valley fever • Rinderpest (cattle plague) • Screwworm myiasis (<i>Cochliomyia hominivorax</i> or <i>Chrysomya bezziana</i>) • Surra (<i>Trypanosoma evansi</i>) • Theileriosis (Corridor disease, East Coast fever) • Unexplained increase in dead or diseased animals • Vancomycin resistant (<i>Staphylococcus aureus</i>) • Vesicular stomatitis <p>BOVINE</p> <ul style="list-style-type: none"> • African trypanosomiasis (Tsetse fly diseases) • Bovine babesiosis (piroplasmiasis) • Bovine spongiform encephalopathy (mad cow) • Contagious bovine pleuropneumonia (<i>Mycoplasma mycoides mycoides</i>) • Lumpy skin disease <p>CAPRINE/OVINE</p> <ul style="list-style-type: none"> • Contagious agalactia (<i>Mycoplasma agalactia</i>) • Contagious caprine pleuropneumonia (<i>Mycoplasma capricolum capripneumoniae</i>) • Nairobi sheep disease • Peste des petits ruminants (goat plague) • <i>Salmonella abortus ovis</i> • Sheep and goat pox <p>PORCINE</p> <ul style="list-style-type: none"> • African swine fever • Classical swine fever (hog cholera) • Nipah virus • Swine vesicular disease • Vesicular exanthema of swine

EMERGENCY CONDITIONS or DISEASE Report to state veterinarian immediately upon suspicion
<p>POULTRY</p> <ul style="list-style-type: none"> • Exotic Newcastle disease (Viscerotropic velogenic Newcastle disease) • High pathogenic avian influenza and low pathogenic avian influenza • Turkey rhinotracheitis <p>EQUINE</p> <ul style="list-style-type: none"> • African horse sickness • Dourine (<i>Trypanosoma equiperdum</i>) • Equine piroplasmiasis (<i>Theileria equi</i> and <i>Babesia caballi</i>) • Glanders (Farcy) (<i>Pseudomonas mallei</i>) • Hendra virus (Equine morbillivirus) • Venezuelan equine encephalomyelitis <p>OTHER SPECIES</p> <ul style="list-style-type: none"> • Viral hemorrhagic disease of rabbits (calicivirus)
CONDITIONS OF REGULATORY IMPORTANCE Report to state veterinarian within twenty-four hours of suspicion or confirmation
<p>MULTIPLE SPECIES</p> <ul style="list-style-type: none"> • Bluetongue • Brucellosis <ul style="list-style-type: none"> • Bovine (<i>Brucella abortus</i>) • Canine (<i>Brucella canis</i>) • Caprine (<i>Brucella abortus</i> and <i>B. melitensis</i>) • Cervids (<i>Brucella abortus</i>) • Ovine (<i>Brucella ovis</i>) • Porcine (<i>Brucella suis</i>) • <i>Cryptococcus</i> not confirmed to be <i>Cryptococcus neoformans</i> • Plague (<i>Yersinia pestis</i>) • Pseudorabies (Aujeszky's disease) • Tularemia • West Nile virus <p>BOVINE</p> <ul style="list-style-type: none"> • Bovine tuberculosis (<i>Mycobacterium bovis</i>) • Trichomoniasis (<i>Trichomonas fetus</i>) <p>CAPRINE/OVINE</p> <ul style="list-style-type: none"> • Contagious ecthyma (Orf) • Scrapie <p>POULTRY</p> <ul style="list-style-type: none"> • Avian infectious laryngotracheitis • Ornithosis (Psittacosis or avian chlamydiosis) (<i>Chlamydia psittaci</i>) • Pullorum disease (fowl typhoid) (<i>Salmonella gallinarum</i> and <i>S. pullorum</i>) <p>EQUINE</p> <ul style="list-style-type: none"> • Contagious equine metritis (<i>Taylorella equigenitalis</i>) • Ehrlichiosis (Potomac horse fever) • Equine encephalomyelitis (Eastern and Western equine encephalitis) • Equine infectious anemia (swamp fever) • Equine rhinopneumonitis (Equine herpesvirus-1 neurologic form) <p>OTHER SPECIES</p> <ul style="list-style-type: none"> • Chronic wasting disease in cervids • Tuberculosis in cervids
MONITORED CONDITIONS Report by monthly summaries
<p>MULTIPLE SPECIES</p> <ul style="list-style-type: none"> • Avian tuberculosis (<i>Mycobacterium avium</i>) • Echinococcosis/Hydatidosis (<i>Echinococcus</i> species) • Johne's disease (<i>Mycobacterium avium</i> paratuberculosis) • Leishmaniasis

MONITORED CONDITIONS	
Report by monthly summaries	
<ul style="list-style-type: none"> • Leptospirosis • Listeriosis • Lyme Disease • Q Fever (<i>Coxiella burnetii</i>) • Salmonella • Scabies 	
BOVINE	
<ul style="list-style-type: none"> • Anaplasmosis (<i>Anaplasma marginale</i> or <i>A. centrale</i>) • Beef measles (<i>Taenia saginata</i>) • Bovine genital campylobacteriosis (<i>Campylobacter fetus venerealis</i>) • Bovine viral diarrhea • Enzootic bovine leukosis (Bovine leukemia virus) • Infectious bovine rhinotracheitis (Bovine herpesvirus-1) 	
CAPRINE/OVINE	
<ul style="list-style-type: none"> • Caprine (contagious) arthritis/encephalitis • Caseous lymphadenitis • Enzootic abortion of ewes (<i>Chlamydia psittaci</i>) • Maedi-Visna (Ovine progressive pneumonia) 	
PORCINE	
<ul style="list-style-type: none"> • Porcine circovirus (post-weaning multisystemic wasting syndrome) • Porcine cysticercosis (<i>Taenia solium</i> in humans) • Porcine reproductive and respiratory syndrome • Transmissible gastroenteritis (coronavirus) • Trichinellosis (<i>Trichinella spiralis</i>) 	
POULTRY	
<ul style="list-style-type: none"> • Avian infectious bronchitis • Avian mycoplasmosis (<i>Mycoplasma synoviae</i>) • Duck viral hepatitis • Fowl cholera (<i>Pasteurella multocida</i>) • Infectious bursal disease (Gumboro disease) • Infectious coryza (<i>Avibacterium paragallinarum</i>) • Marek's disease • Mycoplasmosis (<i>Mycoplasma gallisepticum</i>) 	
EQUINE	
<ul style="list-style-type: none"> • Equine influenza • Equine rhinopneumonitis (Equine herpesvirus-1 Non-neurologic form) • Equine viral arteritis • Strangles (<i>Streptococcus equi</i>) • Pigeon Fever (<i>Corynebacterium pseudotuberculosis</i>) 	
OTHER SPECIES	
<ul style="list-style-type: none"> • Fish diseases on the OIE notifiable disease list • Heartworm • Hemorrhagic diseases of deer (bluetongue, adenovirus, and epizootic hemorrhagic disease) • Myxomatosis in commercial rabbits 	

[Statutory Authority: Chapters 16.36 and 34.05 RCW, 10-13-055, § 16-70-020, filed 6/10/10, effective 7/11/10; 07-10-087, § 16-70-020, filed 5/1/07, effective 6/1/07. Statutory Authority: RCW 16.36.096 and 16.36.040, 93-19-127 (Order 5011), § 16-70-020, filed 9/21/93, effective 10/22/93; Order 1005, Regulation 4, filed 7/22/66, effective 8/22/66.]

Chapter 16-71 WAC

EQUINE DISEASES IN WASHINGTON STATE

16-71-100 Strangles.
16-71-110 Vesicular stomatitis.

WAC

- 16-71-010 Definitions.
- 16-71-015 Forms used in this chapter.
- 16-71-022 Equine infectious anemia procedures.
- 16-71-030 EIA quarantine.
- 16-71-035 Identification of EIA positive equine.
- 16-71-065 Equine viral arteritis.
- 16-71-070 Adoption of USDA equine viral arteritis uniform methods and rules.
- 16-71-080 Equine herpes virus.
- 16-71-090 Equine piropiasmosis.

WAC 16-71-010 Definitions. "Certificate of veterinary inspection (CVI)" means a legible veterinary health inspection certificate on an official form (electronic or paper) from the state of origin or by the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS). This certificate must be executed by a licensed and accredited veterinarian or a veterinarian

approved by USDA APHIS. The certificate of veterinary inspection is also known as an "official health certificate."

"Department" means the Washington state department of agriculture.

"Director" means the director of the Washington state department of agriculture or his or her authorized representative.

"Equine" means horses, donkeys, mules, ponies, zebras, and others in the Equidae family.

"Herd plan" means a written management agreement between the animal owner and the state veterinarian, with possible input from a private accredited veterinarian designated by the owner and the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) veterinary services area veterinarian-in-charge, in which each participant agrees to undertake actions specified in the herd plan to control the spread of infectious, contagious, or communicable disease within and from an infected herd and to work toward eradicating the disease in the infected herd.

"Official test" means a laboratory test by USDA-approved laboratories or by people authorized by the state of origin's animal health officials to conduct the tests.

"VS form 1-27" means a United States department of agriculture permit form for the movement of restricted or quarantined livestock.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-056, § 16-71-010, filed 6/10/10, effective 7/11/10. Statutory Authority: RCW 16.36.040. 00-14-059, § 16-71-010, filed 7/3/00, effective 8/3/00; Order 1330, § 16-71-010, filed 12/21/73.]

WAC 16-71-015 Forms used in this chapter. Forms used in this chapter may be obtained from the department at:

Animal Services Division
Washington State Department of Agriculture
1111 Washington St. S.E.
Olympia, WA 98504-2560
Phone: 360-902-1878.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-056, § 16-71-015, filed 6/10/10, effective 7/11/10.]

WAC 16-71-022 Equine infectious anemia procedures. (1) Equine infectious anemia (EIA) is an infection by the equine infectious anemia lentivirus that affects both sexes, all ages, all breeds, and all species of equine. Infected equine remain carriers for life, constituting a potential source for spread of the infection. There is no known cure or treatment.

(2)(a) Positive diagnosis of EIA is made with the agar gel immunodiffusion test (AGID or Coggins test), competitive enzyme-linked immunosorbent assay (cELISA test) or other official test. A supplementary AGID will be conducted to confirm positives detected with other official tests.

(b) Blood samples for EIA testing will be collected by licensed, accredited veterinarians at the owners' request and expense. At sample collection, the veterinarian will make an accurate, detailed identification of the equine on an official test request form. Positive test results are to be reported to state and federal animal health authorities.

(3) The management or board of governors at race tracks, rodeos, shows, fairs or other assembly points may require more restrictive testing for all equine before consignment to an assembly point or participation in an event.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-056, § 16-71-022, filed 6/10/10, effective 7/11/10. Statutory Authority: RCW 16.36.040. 00-14-059, § 16-71-022, filed 7/3/00, effective 8/3/00; Order 1431, § 16-71-022, filed 2/10/76. Formerly WAC 16-71-020.]

WAC 16-71-030 EIA quarantine. (1)(a) EIA positive equine will be quarantined to the location of origin or other location approved by the director, as provided for in RCW 16.36.010.

(b) The quarantine will be released only upon the positive equine's death or if the animal is legally moved from the quarantine location by permit on a VS form 1-27.

(c) All equine exposed to EIA positive equine will be quarantined. The quarantine will be removed on these exposed equine and movement allowed only after a negative, official EIA test at least ninety days after the positive equine have been removed from the quarantine premises.

(2) Positive equine must be:

(a) Placed in permanent quarantine in a restricted holding facility for the life of the equine under a herd plan developed to control the spread of the diseases, as provided for in RCW 16.36.005; or

(b) Donated to a diagnostic or research facility; or

(c) Legally removed from the state on a VS form 1-27; or

(d) Euthanized. A state or federal animal health official or a licensed and accredited veterinarian will conduct euthanasia.

(3) For lifelong quarantine, a state or federal animal health official must approve the isolation facility. The isolation facility must be located at least two hundred yards from any other equine, and must keep the positive equine separate from all other equine. The facility must be screened to prevent transmission of EIA by insect vectors.

(4) In consultation with an entomologist, an insect control program must be developed, approved by the director, and must be followed routinely.

(5) If the positive equine is donated to a research facility or removed from the state, it can only move by permit on a VS form 1-27. For removal from the state, the receiving state must agree in advance to accept the positive equine.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-056, § 16-71-030, filed 6/10/10, effective 7/11/10. Statutory Authority: RCW 16.36.040. 00-14-059, § 16-71-030, filed 7/3/00, effective 8/3/00; Order 1330, § 16-71-030, filed 12/21/73.]

WAC 16-71-035 Identification of EIA positive equine. Confirmed EIA positive equine will be permanently identified by lip tattooing or branding with a hot iron, chemical brand, or freeze brand. A lip tattoo is applied to the inside surface of the upper lip and consists of the numbers 91 followed by the letter A, with each character being at least one inch high and three-fourths of an inch wide. A brand is applied on the left side of the neck or left shoulder and consists of the numbers 91 followed by the letter A, with each character being at least two inches high. Permanent identification will be applied by state or federal animal health authorities.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-056, § 16-71-035, filed 6/10/10, effective 7/11/10. Statutory Authority: RCW 16.36.040. 00-14-059, § 16-71-035, filed 7/3/00, effective 8/3/00.]

WAC 16-71-065 Equine viral arteritis. (1) Equine viral arteritis (EVA) is a contagious equine disease. Although typically not life threatening to otherwise healthy adult horses, EVA is of special concern because it can result in abortion in pregnant mares, illness and death in young foals, and establishment of the carrier state in stallions. Equine viral arteritis is a manageable disease that can be prevented through a vaccination program.

(2) If equine test positive for EVA:

(a) The owner of intact males over six months of age and equine reproductive products from donors that test positive for EVA must comply with the United States Department of Agriculture (USDA) *Equine Viral Arteritis Uniform Methods and Rules*, effective April 19, 2004.

(b) Intact males that test antibody positive for EVA may be subject to quarantine.

(c) Equine semen and embryos from antibody positive donors must be used or implanted only in vaccinated or seropositive mares. These mares must be isolated for twenty-one days following insemination or implantation.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-056, § 16-71-065, filed 6/10/10, effective 7/11/10.]

WAC 16-71-070 Adoption of USDA equine viral arteritis uniform methods and rules. In addition to the rules adopted in this chapter, the Washington state department of agriculture adopts the procedures and methods of the United States Department of Agriculture (USDA) *Equine Viral Arteritis Uniform Methods and Rules*, effective April 19, 2004. The department maintains a copy of this document for public inspection. You may also find the information on the internet at: http://www.aphis.usda.gov/animal_health/animal_diseases/eva/downloads/eva-umr.pdf

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-056, § 16-71-070, filed 6/10/10, effective 7/11/10.]

WAC 16-71-080 Equine herpes virus. (1) The neurological form of equine herpes virus (EHV1) is a contagious equine disease that can cause respiratory disease, neurological disease, and abortion.

(2) Horses that show clinical signs consistent with neurological EHV1 and test positive to a PCR test for neurological EHV1 will be dealt with by the state veterinarian on a case-by-case basis.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-056, § 16-71-080, filed 6/10/10, effective 7/11/10.]

WAC 16-71-090 Equine piroplasmiasis. (1) Equine piroplasmiasis (EP) is a tick-borne disease caused by two parasitic organisms, *Theileria equi* and *Babesia caballi*, and is transmitted to horses by ticks or improperly disinfected needles or surgical instruments. EP causes clinical signs such as fever, anemia, lethargy, jaundice, dependent edema, and labored breathing.

(2) Horses that test positive to any of the following tests must either be euthanized or removed from the state within thirty days of diagnosis:

(a) cELISA (competitive enzyme-linked immunosorbent assay);

(b) CF (complement fixation);

(c) PCR (polymerase chain reaction); or

(d) IFA (immunofluorescent antibody).

(3) Equine found positive to piroplasmiasis must be:

(a) Permanently quarantined in a restricted holding facility for the life of the equine under a herd plan developed to control the spread of the disease, as provided for in RCW 16.36.005; or

(b) Donated to a diagnostic or research facility; or

(c) Legally removed from the state on a VS form 1-27; or

(d) The equine is euthanized and disposed of under the direct supervision of a state or federal animal health official.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-056, § 16-71-090, filed 6/10/10, effective 7/11/10.]

WAC 16-71-100 Strangles. (1) Strangles (also known as equine distemper) is a contagious, upper respiratory tract infection of equines caused by a bacterium, *Streptococcus equi var equi*. Strangles is enzootic in domesticated horses worldwide.

(2) Horses that test positive to *Streptococcus equi* will be dealt with by the state veterinarian on a case-by-case basis.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-056, § 16-71-100, filed 6/10/10, effective 7/11/10.]

WAC 16-71-110 Vesicular stomatitis. Equine that have been diagnosed with vesicular stomatitis will be held in quarantine with all exposed and susceptible species at the location where livestock were diagnosed until twenty-one days following the cessation of all clinical signs of disease in animals at that location.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-056, § 16-71-110, filed 6/10/10, effective 7/11/10.]

Chapter 16-80 WAC

SWINE DISEASES REGULATED IN WASHINGTON STATE

WAC

16-80-005	Definitions.
16-80-006	Adoption of USDA pseudorabies eradication program standards.
16-80-008	Adoption of USDA swine brucellosis control and eradication program standards.
16-80-009	Surveillance program.
16-80-010	Quarantine.
16-80-035	Indemnity for infected or exposed swine.
16-80-045	Identification of swine.
16-80-060	Feral swine.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-80-007	Surveillance program. [Statutory Authority: RCW 16.36.040. 00-06-066, § 16-80-007, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-007, filed 3/29/91, effective 4/29/91.] Repealed by 10-13-057, filed 6/10/10, effective 7/11/10. Statutory Authority: Chapters 16.36 and 34.05 RCW.
16-80-015	Sale of quarantined animals. [Statutory Authority: RCW 16.36.040. 00-06-066, § 16-80-015, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-015, filed 3/29/91, effective 4/29/91.] Repealed by 10-13-057, filed

- 6/10/10, effective 7/11/10. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-80-020 Quarantine and release. [Statutory Authority: RCW 16.36.040. 00-06-066, § 16-80-020, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-020, filed 3/29/91, effective 4/29/91.] Repealed by 10-13-057, filed 6/10/10, effective 7/11/10. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-80-025 Disinfecting premises. [Statutory Authority: RCW 16.36.040. 00-06-066, § 16-80-025, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-025, filed 3/29/91, effective 4/29/91.] Repealed by 10-13-057, filed 6/10/10, effective 7/11/10. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-80-030 Disinfecting vehicles. [Statutory Authority: RCW 16.36.040. 00-06-066, § 16-80-030, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-030, filed 3/29/91, effective 4/29/91.] Repealed by 10-13-057, filed 6/10/10, effective 7/11/10. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-80-040 Vaccination. [Statutory Authority: RCW 16.36.040. 00-06-066, § 16-80-040, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-040, filed 3/29/91, effective 4/29/91.] Repealed by 10-13-057, filed 6/10/10, effective 7/11/10. Statutory Authority: Chapters 16.36 and 34.05 RCW.
- 16-80-047 Mandatory reporting of suspected pseudorabies. [Statutory Authority: RCW 16.36.040. 00-06-066, § 16-80-047, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-047, filed 3/29/91, effective 4/29/91.] Repealed by 10-13-057, filed 6/10/10, effective 7/11/10. Statutory Authority: Chapters 16.36 and 34.05 RCW.

WAC 16-80-005 Definitions. In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

"Department" means the Washington state department of agriculture.

"Director" means the director of agriculture of the state of Washington or his or her authorized representative.

"Exposed" means to have had contact with an animal infected with an infectious or communicable disease.

"Feral swine" means animals included in any of the following categories:

- Animals of the genus *Sus* that are free roaming on public or private lands and do not appear to be domesticated;
- Swine from domesticated stocks that have escaped or been released or born into the wild state;
- European wild hogs and their hybrid forms (also known as European wild boars or razorbacks), regardless of whether they are free roaming or kept in confinement; or
- Animals of the family *Tayassuidae* such as peccaries and javelinas, regardless of whether they are free roaming or kept in confinement.

"Official USDA-approved identification" means methods of identification, as approved in 9 C.F.R. Chapter 1, Section 71.19, January 1, 2009.

"Pseudorabies infected herd" means a herd of swine in which pseudorabies has been diagnosed in one or more animals by the National Veterinary Service Laboratory (NVSL) or a state laboratory approved by USDA to conduct official pseudorabies tests.

"USDA" means the United States Department of Agriculture.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-057, § 16-80-005, filed 6/10/10, effective 7/11/10. Statutory Authority: RCW 16.36.040. 00-06-066, § 16-80-005, filed 3/1/00, effective 4/1/00. Statutory Authority:

RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-005, filed 3/29/91, effective 4/29/91.]

WAC 16-80-006 Adoption of USDA pseudorabies eradication program standards. In addition to the rules adopted in this chapter, the Washington state department of agriculture adopts the procedures and methods of the USDA pseudorabies eradication state-federal-industry program standards, effective November 1, 2003. The department maintains a copy of this document for public inspection. You may also find the information on the internet at: http://www.aphis.usda.gov/animal_health/animal_diseases/pseudorabies/downloads/program_stdts.pdf

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-057, § 16-80-006, filed 6/10/10, effective 7/11/10.]

WAC 16-80-008 Adoption of USDA swine brucellosis control and eradication program standards. In addition to the rules adopted in this chapter, the Washington state department of agriculture adopts the procedures and methods of the USDA swine brucellosis control and eradication state-federal-industry program standards, effective April, 1998. The department maintains a copy of this document for public inspection. You may also find the information on the internet at: http://www.aphis.usda.gov/animal_health/animal_diseases/swine/downloads/sbruumr.pdf

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-057, § 16-80-008, filed 6/10/10, effective 7/11/10.]

WAC 16-80-009 Surveillance program. All blood samples from Washington swine submitted to the department's laboratory or to a USDA-approved laboratory for pseudorabies or brucellosis testing will be tested for both pseudorabies and swine brucellosis using official USDA-approved tests.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-057, § 16-80-009, filed 6/10/10, effective 7/11/10.]

WAC 16-80-010 Quarantine. All swine infected with or exposed to classical swine fever (hog cholera), pseudorabies, swine brucellosis, or any other reportable, infectious, or communicable disease will be quarantined and officially tested for the above listed diseases by state or federal officials. If the owner of any such swine refuses to allow the department to test, the swine and the premises on which they are quarantined will remain quarantined until released under RCW 16.36.010 or 16.36.020. No animal or products of such animals will be removed from the premises while they are under quarantine except as provided in RCW 16.36.010 or 16.36.020.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-057, § 16-80-010, filed 6/10/10, effective 7/11/10. Statutory Authority: RCW 16.36.040. 00-06-066, § 16-80-010, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-010, filed 3/29/91, effective 4/29/91.]

WAC 16-80-035 Indemnity for infected or exposed swine. (1) Under RCW 16.36.090, the director may order the slaughter or destruction of any swine affected with or exposed to classical swine fever (hog cholera), pseudorabies,

swine brucellosis, or any other reportable, infectious, or communicable disease.

(2) Under RCW 16.36.096, subject to the availability of funds appropriated for this specific purpose, the director may pay an indemnity in an amount of up to seventy-five percent of appraised or salvage value of the animal ordered slaughtered or destroyed.

(3) No indemnity will be paid if:

(a) The swine belong to the federal government or any of its agencies, this state or any of its political subdivisions, or any municipal corporations; or

(b) The swine were not imported into this state in compliance with state importation regulations found in chapter 16-54 WAC.

(4) The state veterinarian must approve of the disposal methods of any swine ordered destroyed.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-057, § 16-80-035, filed 6/10/10, effective 7/11/10. Statutory Authority: RCW 16.36.040. 00-06-066, § 16-80-035, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-035, filed 3/29/91, effective 4/29/91.]

WAC 16-80-045 Identification of swine. All swine moving through public livestock markets or collection facilities in intrastate or interstate commerce must have official USDA-approved identification in compliance with 9 C.F.R. Chapter 1, Section 71.19, January 1, 2009.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-057, § 16-80-045, filed 6/10/10, effective 7/11/10. Statutory Authority: RCW 16.36.040. 00-06-066, § 16-80-045, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-045, filed 3/29/91, effective 4/29/91.]

WAC 16-80-060 Feral swine. Feral swine are illegal in the state of Washington. If found, feral swine will be eradicated and disposed of in a humane manner.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-13-057, § 16-80-060, filed 6/10/10, effective 7/11/10.]

Chapter 16-86 WAC

CATTLE AND BISON DISEASES IN WASHINGTON STATE

WAC

16-86-005	Definitions.
16-86-115	Trichomoniasis in Washington cattle.
16-86-116	Duties of certified, accredited veterinarians—Training requirement for veterinarians performing trichomoniasis testing in cattle.

WAC 16-86-005 Definitions. In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

"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 (USDA) Veterinary Services to participate in state-federal cooperative programs.

"Breed registry tattoo" means individual registry tattoos issued by breed associations.

"Brucellosis vaccine" means only those *Brucella abortus* products that are approved by and produced under license of

the USDA for injection into cattle to enhance their resistance to brucellosis.

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

"Director" means the director of WSDA or the director's authorized representative.

"Herd plan" means a written management agreement between the animal owner and the state veterinarian, with possible input from a private accredited veterinarian designated by the owner, in which each participant agrees to undertake actions specified in the herd plan to control the spread of infectious, contagious, or communicable disease within and from an infected herd and to work toward eradicating the disease in the infected herd.

"Official calfhooD vaccinate" means female cattle between four and twelve months of age that are vaccinated with brucellosis vaccine at a calfhooD dose (2cc subcutaneously).

"Official individual identification" means identifying an animal or group of animals using devices or methods approved by the director, including, but not limited to, official tags, unique breed registry tattoos, and registered brands when accompanied by a certificate of inspection from a brand inspection authority who is recognized by the director.

"Official Washington mature vaccinate" means female cattle over the age of twelve months that are native to Washington state, or originate from other class free states or countries to be determined on a case-by-case investigation by the director, and vaccinated with a reduced dose of brucellosis vaccine (0.25cc subcutaneously) under directions issued by the director.

"Premises" means a location or physical address.

"Timed events" means competitive events that take place where time elapsed is the factor that determines the placing of individuals competing in the event.

"USDA" means the United States Department of Agriculture.

"Vaccination tattoo" means a tattoo in the right ear bearing 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 the animal was vaccinated with strain 19 *Brucella* vaccine. For strain RB-51 calfhooD vaccination, an R precedes the shield and V. In the case of strain RB-51 mature vaccination, an M precedes the shield and V. For strain RB-51 vaccinates, the last number of the tattoo corresponds to the last digit of the year in which vaccine was administered.

"Virgin bull" means a sexually intact male bovine less than twelve months of age that is certified by the owner or the owner's designee with a signed statement as having had no breeding contact with female cattle.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-20-093, § 16-86-005, filed 9/30/10, effective 10/31/10; 09-03-019, § 16-86-005, filed 1/9/09, effective 2/9/09; 08-01-094, § 16-86-005, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 16.36.040. 99-09-025, § 16-86-005, filed 4/15/99, effective 5/16/99. Statutory Authority: RCW 16.36.096 and 16.36.-040. 90-10-045 (Order 2035), § 16-86-005, filed 4/30/90, effective 5/31/90. Statutory Authority: RCW 16.36.040 and 16.36.050. 87-08-020 (Order 1917), § 16-86-005, filed 3/25/87. Statutory Authority: Chapter 16.36 RCW. 84-08-037 (Order 1814), § 16-86-005, filed 3/30/84; Order 1539, § 16-86-005, filed 10/17/77.]

WAC 16-86-115 Trichomoniasis in Washington cattle. (1) Any sexually intact bovine, except for bison, that is found test-positive for trichomoniasis, and any herd in which one or more bulls or cows are found test-positive for trichomoniasis, is considered infected. Test-positive means a positive result on a quantitative polymerase chain reaction (qPCR) test for trichomoniasis.

(2) In the case of infected sexually intact bovine, the herd shall be quarantined pending an epidemiological investigation to determine the source of the infection.

(3) All exposed herds will be identified by an accredited veterinarian in conjunction with the department. An exposed herd is defined as a cattle herd which has had, within the past twelve months, direct commingling or cross-fence contact with an infected herd during a time of potential breeding activity. The owner of exposed herds will be notified of the possible exposure and requested to test the herd using a qPCR test. All testing will be at the owner's expense.

(4)(a) Infected bulls will be quarantined and branded high on the tail head by the department with a USDA regulatory S-brand, and will not be used for breeding.

(b) Infected bulls must be slaughtered, sold for slaughter, sent to a restricted feedlot, or to a category 2 restricted holding facility to remain in slaughter channels. Infected bulls shall only be moved when accompanied by a USDA form VS 1-27.

(c) Bulls of unknown origin or unknown breeding history offered for sale at a livestock market must be tested negative for trichomoniasis by a qPCR test before being turned out with breeding stock or must be sold for slaughter, sent to a restricted feedlot, or to a category 2 restricted holding facility to remain in slaughter channels.

(d) A nonpregnant female, with no calf at side, which is identified by the owner as being from an infected herd and is offered for sale at a livestock market, must remain in slaughter channels.

(5) The quarantine will be removed when all remaining bulls in the herd test negative to a second qPCR test for trichomoniasis and following proof of removal of infected bulls. Bulls must have a minimum of two negative qPCR tests at least one week apart for quarantine release. All bulls from infected herds, except virgin bulls, will be tested using a qPCR test the following trich-year before breeding. A trich-year means the period from September 1st to August 31st of any given year. Bulls from infected herds may not have to be tested the following trich-year if a herd plan has been approved by the state veterinarian.

(6) Information that cattle have tested positive for trichomoniasis may be supplied to county extension agents, accredited veterinarians, and industry representatives. Each month, the department may publish a press release of counties that have infected herds.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-20-093, § 16-86-115, filed 9/30/10, effective 10/31/10.]

WAC 16-86-116 Duties of certified, accredited veterinarians—Training requirement for veterinarians performing trichomoniasis testing in cattle. (1) Effective January 1, 2011, accredited veterinarians may not perform official trichomoniasis testing of bulls in Washington state until they are certified to do so by having successfully completed

training and passed a proficiency examination provided by the department.

(2) All official trichomoniasis testing of bulls in Washington state shall be performed by a certified, accredited veterinarian.

(3) A schedule of training opportunities is available by contacting the department at:

Washington State Department of Agriculture
Animal Services Division
1111 Washington Street S.E.
P.O. Box 42577
Olympia, Washington 98504-2577
360-902-1878

(4) Certified veterinarians shall utilize only official laboratories recognized by the state veterinarian for testing trichomoniasis samples. Positive test results will be sent to the department by the next business day.

(5)(a) Quantitative polymerase chain reaction (qPCR) is the test method for official tests accepted by the department.

(b) An official test is one in which the sample is collected by a certified veterinarian and received in the official laboratory in good condition within forty-eight hours of collection. Samples in transit for more than forty-eight hours or have been frozen or exposed to high temperatures will not be accepted for official testing. All samples shipped to the laboratory must be in pouch media, lactated Ringer's solution, or in normal saline solution. All sampling will be obtained by pipette scrapings from the prepuce and glans of a bull.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-20-093, § 16-86-116, filed 9/30/10, effective 10/31/10.]

Chapter 16-92 WAC

NOTICES OF INFRACTIONS—PENALTY SCHEDULE

WAC

16-92-005	Purpose.
16-92-020	Penalty schedule for notices of infraction.

WAC 16-92-005 Purpose. The purpose of this chapter is to provide for fair and uniform determination of penalties for civil infractions issued under RCW 16.36.116.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-07-025, § 16-92-005, filed 3/8/10, effective 4/8/10.]

WAC 16-92-020 Penalty schedule for notices of infraction. (1) If any person is in violation of RCW 16.36.116, the director may issue that person a notice of infraction and may assess a penalty.

(2) The following infractions have the base penalty listed, not including statutory assessments.

Civil Infraction Schedule
for Violations of Chapter 16.36 RCW

Violation	Base Penalty
RCW 16.36.116 WAC 16-54-030	Transporting imported live-stock on the public roads of this state without a valid health certificate or permit as required under chapters 16.36 RCW and 16-54 WAC, Animal importation.
First offense	\$100.00
2nd offense within three years	\$150.00
3rd offense within three years	\$250.00
RCW 16.36.116	Transporting or accepting delivery of live nonambulatory livestock to, from, or between any livestock market, feedlot, slaughtering facility, or similar facility that trades in live-stock.*
First offense	\$250.00
2nd offense within three years	\$500.00
3rd offense within three years	\$1,000.00

* The transport or acceptance of each nonambulatory livestock animal is considered a separate and distinct violation.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-07-025, § 16-92-020, filed 3/8/10, effective 4/8/10.]

Chapter 16-160 WAC

REGISTRATION OF MATERIALS FOR ORGANIC FOOD PRODUCTION

WAC

16-160-010	Purpose of this chapter.
16-160-020	Definitions.
16-160-120	Applications.
16-160-130	General application requirements.
16-160-140	Initial application requirements.
16-160-150	Renewal application requirements.
16-160-160	Updating an application.
16-160-170	Confidential information.
16-160-180	Inspections.
16-160-190	Recordkeeping requirements.
16-160-200	Fees.
16-160-210	Labels and logos.
16-160-220	Suspension, revocation, cancellation, and denial of registrations.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-160-030	Do I need to register my brand name material with the organic food program? [Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-030, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-030, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-030, filed 2/7/91, effective 3/10/91.] Repealed by 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW.
16-160-035	Brand name materials list. [Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-035, filed 8/6/07, effective 9/6/07. Statutory Authority:

Chapter 15.86 RCW. 03-03-045, § 16-160-035, filed 1/10/03, effective 2/10/03; 99-16-054, § 16-160-035, filed 7/30/99, effective 8/30/99.] Repealed by 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW.

16-160-040 How do I apply for registration? [Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-040, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-040, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-040, filed 2/7/91, effective 3/10/91.] Repealed by 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW.

16-160-050 When do registrations expire? [Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-050, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-050, filed 2/7/91, effective 3/10/91.] Repealed by 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW.

16-160-060 What criteria are used to determine if a brand name material is approved? [Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-060, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 03-03-045, § 16-160-060, filed 1/10/03, effective 2/10/03; 99-16-054, § 16-160-060, filed 7/30/99, effective 8/30/99; 91-20-013, § 16-160-060, filed 9/20/91, effective 10/21/91; 91-05-007, § 16-160-060, filed 2/7/91, effective 3/10/91.] Repealed by 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW.

16-160-070 Application fees. [Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-070, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 03-03-045, § 16-160-070, filed 1/10/03, effective 2/10/03; 99-16-054, § 16-160-070, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-070, filed 2/7/91, effective 3/10/91.] Repealed by 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.-060, 15.86.130, and chapter 34.05 RCW.

16-160-080 Inspections. [Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-080, filed 8/6/07, effective 9/6/07.] Repealed by 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.-060, 15.86.130, and chapter 34.05 RCW.

16-160-090 Denial or revocation of a registration. [Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-090, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-090, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-090, filed 2/7/91, effective 3/10/91.] Repealed by 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW.

16-160-100 Labeling of registered brand name materials and use of organic logo. [Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-100, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-100, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-100, filed 2/7/91, effective 3/10/91.] Repealed by 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.-060, 15.86.130, and chapter 34.05 RCW.

16-160-110 Organic material registration logo. [Statutory Authority: Chapters 15.86 and 34.05 RCW. 07-17-017, § 16-160-110, filed 8/6/07, effective 9/6/07. Statutory Authority: Chapter 15.86 RCW. 99-16-054, § 16-160-110, filed 7/30/99, effective 8/30/99.] Repealed by 10-19-018, filed 9/8/10, effective 10/9/10. Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW.

WAC 16-160-010 Purpose of this chapter. This chapter specifies the process for registering materials approved for use in organic production, processing and handling on the department's brand name materials list. This chapter is promulgated pursuant to chapter 109, Laws of 2010 to implement the brand name materials list.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-010, filed 9/8/10, effective 10/9/10. Statutory Authority: Chapter 15.86 RCW. 03-03-045, § 16-160-010, filed 1/10/03, effective

2/10/03; 99-16-054, § 16-160-010, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-010, filed 2/7/91, effective 3/10/91.]

WAC 16-160-020 Definitions. As used in this chapter:

"Animal manure" means feces, urine, other excrement, and bedding produced by livestock that has not been composted.

"Authorized representative" means either the registrant or a person authorized by the registrant to act on the registrant's behalf and bind the registrant for purposes of this chapter and registration on the brand materials list.

"Compost" means the product of a managed process through which microorganisms break down plant and animal materials into more available forms suitable for application to the soil.

"Crop production aid" means any substance, material, structure, or device that is used to aid a producer of an agricultural product except for fertilizers and pesticides.

"Department" means the department of agriculture of the state of Washington.

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

"Fertilizer" means a single or blended substance containing one or more recognized plant nutrients which is used primarily for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth.

"Label" means a display of written, printed, or graphic material on the immediate container of an agricultural product or any such material affixed to any agricultural product or affixed to a bulk container containing an agricultural product, except for package liners or a display of written, printed, or graphic material which contains only information about the weight of the product.

"Labeling" includes all written, printed, or graphic material accompanying an agricultural product at any time or written, printed, or graphical material about the agricultural product displayed at retail stores about the product.

"Livestock production aid" means any substance, material, structure, or device that is used to aid a producer in the production of livestock such as parasiticides, medicines, feed additives.

"Manufacturer" means a person that compounds, produces, granulates, mixes, blends, repackages, or otherwise alters the composition of materials.

"Material" means any substance or mixture of substances that is intended to be used in agricultural production, processing, or handling.

"National Organic Program" means the program administered by the United States Department of Agriculture pursuant to 7 C.F.R. Part 205, which implements the federal Organic Food Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.).

"Organic waste-derived material" means grass clippings, leaves, weeds, bark, plantings, prunings, and other vegetative wastes, uncontaminated wood waste from logging and milling operations, food wastes, food processing wastes, and materials derived from these wastes through composting. "Organic waste-derived material" does not include products that include biosolids as defined in chapter 70.95J RCW.

"Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any

member, officer, or employee thereof or assignee for the benefit of creditors.

"Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life or virus, except virus on or in living man or other animal, which is normally considered to be a pest or which the director may declare to be a pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; and

(c) Any substance or mixture of substances intended to be used as a spray adjuvant.

"Post-harvest material" means any substance, material, structure, or device that is used in the post-harvest handling of agricultural products.

"Processing aid" means a substance that is added to a food:

(a) During processing, but is removed in some manner from the food before it is packaged in its finished form;

(b) During processing, is converted into constituents normally present in the food, and does not significantly increase the amount of the constituents naturally found in the food; and

(c) For its technical or functional effect in the processing but is present in the finished food at insignificant levels and does not have any technical or functional effect in that food.

"Registrant" means the person registering a material on the brand name materials list under the provisions of this chapter.

"Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except for fertilizers and pesticides.

"Spray adjuvant" means any product intended to be used with a pesticide as an aid to the application or to the effect of the pesticide and that is in a package or container separate from the pesticide. Spray adjuvant includes, but is not limited to, wetting agents, spreading agents, deposit builders, adhesives, emulsifying agents, deflocculating agents, and water modifiers or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to its application or to its effect. Spray adjuvant does not include products that are only intended to mark the location where a pesticide is applied.

"USDA" means the United States Department of Agriculture.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-020, filed 9/8/10, effective 10/9/10. Statutory Authority: Chapter 15.86 RCW. 03-03-045, § 16-160-020, filed 1/10/03, effective 2/10/03; 99-16-054, § 16-160-020, filed 7/30/99, effective 8/30/99; 91-05-007, § 16-160-020, filed 2/7/91, effective 3/10/91.]

WAC 16-160-120 Applications. (1) Registration of a material on the brand name materials list is voluntary. While registration is not required for a material to be used or sold in this state, registration is necessary for a material to be included on the brand name materials list.

(2) Registration of a material on the brand name materials list under this chapter does not guarantee acceptance for use in organic production, processing, or handling by organic certifying agents other than the department. The department

is not liable for any losses or damage that occurs as a result of use of a material registered on the brand name materials list.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-120, filed 9/8/10, effective 10/9/10.]

WAC 16-160-130 General application requirements.

(1) Manufacturers of materials used in organic production, processing or handling may submit an application for registration on the brand name material list to the department.

(2) Manufacturers may submit applications to the department at:

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

These forms may also be found on the department's web site at: <http://agr.wa.gov/foodanimal/organic>

(3) Applications for registration will not be approved unless the applicant demonstrates that the material meets the requirements and standards of the National Organic Program and is approved for use in organic production, processing, or handling in accordance with the National Organic Program. Specifically, the material may not be a material prohibited for the use in the production or handling of organic products by 7 C.F.R. Section 205.105, and may not be otherwise prohibited for use in organic production and handling by the National Organic Program.

(4) All registrations expire on October 31st of the registration year.

(5) Requests for expedited review must be submitted on a form provided by the department. If approved, expedited review is billed as provided under WAC 16-160-200.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-130, filed 9/8/10, effective 10/9/10.]

WAC 16-160-140 Initial application requirements.

(1) Applications must be submitted on the form provided by the department, and must include:

(a) Material registrant agreement in which the registrant agrees to comply with chapter 16-160 WAC.

(b) The name and address of the registrant.

(c) Manufacturer information:

(i) Name and address of the manufacturer;

(ii) Contact information, including the name and phone number of the authorized representative of the registrant; and

(iii) List of all material manufactured at the same facility as the registered material.

(d) The brand name that the material is sold under.

(e) A copy of the label or bill of lading accompanying the material and a statement of all claims made for it, including directions and precautions for use.

(f) The complete formula or any alternate formulations for the material, including active and inert ingredients:

(i) Supplier of each ingredient;

(ii) Percentage of ingredient in the final formula; and

(iii) Purpose of each ingredient in the formula.

(g) Ingredient information for each ingredient listed in the formula (including alternate formulas) sufficient to demonstrate compliance with the standards of the National Organic Program:

(i) Manufacturing process; and

(ii) Formulation, including active and inert ingredients.

(h) A description of the manufacturing process for the material, including all substances used for the extraction and synthesis process, if appropriate. If the manufacturing facility manufactures materials other than the material listed in the application, the application must include a plan to prevent the contamination or commingling of materials allowed or prohibited in organic agriculture.

(i) A flow chart, indicating movement of material from incoming ingredient to outgoing final material. The flow chart may include, but is not limited to:

(i) Storage facilities;

(ii) Equipment location; and

(iii) Shipping facilities.

(j) The intended use of the material.

(k) The required fee for registration.

(l) Signature by authorized representative.

(m) The department may request additional information related to the items above as necessary to demonstrate that the material meets the standards of the National Organic Program.

(2) Applications for fertilizers and pesticides must submit verification of a valid registration from the WSDA pesticide management division.

(3) In addition to the information required in this section, a registrant who is packaging or distributing a material manufactured by another person or manufacturer or are otherwise not responsible for the processing or production of the final product must submit a statement from the manufacturer of the material granting the department access to the manufacturing facility and authorizing inspections in accordance with WAC 16-160-180.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-140, filed 9/8/10, effective 10/9/10.]

WAC 16-160-150 Renewal application requirements.

(1) Renewal applications must be submitted on the form provided by the department, and must include the following:

(a) Material registrant agreement in which the registrant agrees to comply with chapter 16-160 WAC;

(b) Name(s) of the material(s) seeking renewal;

(c) Name and address of the manufacturing facility(ies) for each registered material;

(d) Notification of changes to the original application;

(e) Signature of authorized representative; and

(f) The required fee for renewal. Renewal applications postmarked after October 31st must include the appropriate late fee as listed under WAC 16-160-200.

(2) Registrants who package or distribute a material manufactured by another person or manufacturer or are otherwise not responsible for the processing or production of the final product must annually submit a statement from the manufacturer of the material granting the department access to the manufacturing facility and authorizing inspections in accordance with WAC 16-160-180.

(3) Full disclosure of the complete formula of the material, including active and inert ingredients, is required every five years.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-150, filed 9/8/10, effective 10/9/10.]

WAC 16-160-160 Updating an application. If any changes to the information provided in an initial or renewal application occurs at any time after the application is submitted, the registrant must immediately submit the corrected information to the department for review. This information includes, but is not limited to, changes in material formulation, ingredient suppliers, manufacturing facilities or processes, labels or other production or marketing processes. The corrected information must be provided in writing. Failure by the registrant to provide correction to the information provided in an application may result in suspension or revocation of the registration.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-160, filed 9/8/10, effective 10/9/10.]

WAC 16-160-170 Confidential information. Any information provided to the department under this chapter that the registrant desires to claim as exempt from disclosure under the provisions of chapter 42.56 RCW, the Public Records Act, or as a trade secret under chapter 19.108 RCW, the Uniform Trade Secrets Act, or other statute must be clearly designated as confidential. However, the determination of whether the information is exempt from disclosure will be based solely upon chapter 42.56 RCW or other applicable law.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-170, filed 9/8/10, effective 10/9/10.]

WAC 16-160-180 Inspections. (1) By applying for registration on the brand name materials list, the registrant expressly grants to jurisdiction of the state of Washington in all matters related to the registration.

(2) By applying for registration on the brand name materials list, the registrant expressly grants the department or other organic certifying agent or inspection agent approved by the National Organic Program the right to enter the registrant's premises during normal business hours or at other reasonable times to:

(a) Inspect the portion of the premises where the materials, inputs or ingredients are stored, produced, manufactured, packaged or labeled;

(b) Inspect records related to the sales, storage, production, manufacture, packaging or labeling of the material, inputs or ingredients; and

(c) Obtain samples of materials, inputs or ingredients.

(3) Inspections may be conducted as a condition of ongoing compliance, after receiving an initial or a renewal application, notification of a change to an application, upon receipt of a complaint, or as required by the National Organic Program. Inspections may be announced or unannounced.

(4) Registrants who package or distribute a material manufactured by another person or manufacturer or are otherwise not responsible for the processing or production of the final product must annually submit a statement from the manufacturer of the material granting the department access to the manufacturing facility and authorizing inspections. The signed consent must be on a form provided by the department.

(5) Should the registrant or manufacturer refuse to allow inspection of the premises or records or fail to provide samples, the registration on the brand name materials list is can-

celed as provided under WAC 16-160-220. The department shall deny applications for registration where the registrant refuses to allow the inspection of the premises or records, fails to provide samples as provided in this section, or fails to provide the department with the consent described in subsection (4) of this section.

(6) Inspections must be documented on a form approved by the department. Inspections conducted by an inspection body other than the department will be accepted when a review determines that the inspection document is sufficient to demonstrate compliance with the standards of the National Organic Program.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-180, filed 9/8/10, effective 10/9/10.]

WAC 16-160-190 Recordkeeping requirements. (1) Registrants must maintain records sufficient to verify that the materials are approved for use in organic production, processing, or handling and comply with the standards of the National Organic Program. These records may include:

(a) Records pertaining to incoming raw materials:

(i) Invoices/bills of lading;

(ii) Transportation documentation;

(iii) Material safety data sheets;

(iv) Storage documentation.

(b) Production records:

(i) Material formulations;

(ii) Dates of production;

(iii) Amount of ingredients used in each batch;

(iv) Amount of final materials;

(v) Sampling and/or laboratory analyses;

(vi) Lot identification and tracking;

(vii) Other records maintained during manufacturing.

(c) Finished material records:

(i) Packaging documentation;

(ii) Sales documentation;

• Purchase orders;

• Receipts;

• Shipping documents;

(iii) Storage documentation.

(2) Records shall be maintained for six years.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-190, filed 9/8/10, effective 10/9/10.]

WAC 16-160-200 Fees. The following fees apply to applicants and registrants to the brand name materials list.

(1) **Initial material registration:**

(a) The application fee for initial registration of a pesticide, spray adjuvant, processing aid, livestock production aid or post-harvest material is five hundred dollars per material.

(b) The application fee for initial registration of a fertilizer, soil amendment, organic waste derived material, compost, animal manure or crop production aid is four hundred dollars per material.

(2) **Renewal registration:** The application fee for renewing a registration for a pesticide, spray adjuvant, processing aid, livestock production aid or post-harvest material is three hundred dollars per material. The application fee for renewing a registration for a fertilizer, soil amendment, organic waste derived material, compost, animal manure or crop production aid is two hundred dollars per material.

(3) **Late fees:** Renewal applications postmarked after October 31st must include a late fee in addition to the renewal fee. Renewal applications received after February 2nd will not be accepted.

If your application is post-marked after October 31st but before:	Then the late fee is:
December 1	\$100
January 1	\$200
February 1	\$300

(4) **Inspections:** Inspections conducted by the department, including report writing, will be billed at forty dollars per hour plus travel costs and mileage which shall be charged at the rate established by the state office of financial management. Fees assessed for inspections conducted by third-party inspection agencies are established by that agency. Registrants may contact the inspection agency to determine the applicable fee for those inspections.

(5) **Samples:** Chemical analysis of samples, if required for registration or renewal, or obtained during an inspection, will be charged to the applicant at a rate established by the department of agriculture or at the cost for analyses performed by another laboratory.

(6) **Expedited evaluation fees:** Requests for expedited reviews may be submitted and, if approved, are billed at the rate of forty dollars per hour.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-200, filed 9/8/10, effective 10/9/10.]

WAC 16-160-210 Labels and logos. A person whose material is registered under this chapter may use the words "approved material under Washington state department of agriculture organic food program" and may use the logo specified in this section in the labeling of the material. Registered materials are not certified as organic by the department and are prohibited from making claims indicating products are "certified organic" or similar term. Materials that are not registered under this chapter are prohibited from using the statement or the logo in this section in the labeling of the material. In addition to the other limitations expressed in this chapter and chapter 15.86 RCW, registration does not imply the Washington department of agriculture endorses the use of the product, does not make any guarantee that the material performs as represented by the registrant, and does not guarantee acceptance for use in organic production by certifying agents other than the department.



[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-210, filed 9/8/10, effective 10/9/10.]

WAC 16-160-220 Suspension, revocation, cancellation, and denial of registrations. (1) Registrations on the brand name materials list, and applications for registration, are governed by chapter 34.05 RCW. The director may deny, suspend, cancel, or revoke a registration on the brand name materials list if the director determines that a registrant has failed to meet the registration criteria established under chapter 15.86 RCW or chapter 16-160 WAC, or violated any other provision under chapter 15.86 RCW or chapter 16-160 WAC.

(2) Application or registrations will be revoked, canceled, or denied if a material fails to meet the standards for approval or is no longer approved for use in organic production, processing, or handling by the National Organic Program.

[Statutory Authority: RCW 15.86.060, 15.86.130, and chapter 34.05 RCW. 10-19-018, § 16-160-220, filed 9/8/10, effective 10/9/10.]

**Chapter 16-228 WAC
GENERAL PESTICIDE RULES**

WAC

16-228-1010
16-228-1380

What are the definitions that apply to this chapter?
What are the requirements for application of rodent control pesticides?

WAC 16-228-1010 What are the definitions that apply to this chapter? The definitions in this section apply throughout this chapter, unless the context requires otherwise:

(1) "Above ground" means situated on the surface of the ground, not to include treatment of below ground tunnels, burrows and/or nests.

(2) "Agricultural commodity" means any plant, or part of a plant, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily

for sale, consumption, propagation, or other use by people or animals.

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

(4) "Bait box" for rodenticides is a box constructed of durable metal, wood, plastic, or other treated material. It shall be designed to hold rodent bait securely, allow rodents to enter and leave, and prevent unauthorized individuals and nonpest domestic animals from gaining access to the bait. Baits placed in industrial, commercial or other areas that are accessible to the public shall be contained in tamper resistant bait boxes. Fragile materials are unacceptable.

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

(6) "Blossoming plants" means:

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

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

(c) When there are five or more open weed blooms per square yard on average for the area being measured for groundcover in orchards or vineyards, fence lines, ditch banks, or field, vineyard or orchard edges. This definition shall not apply to plants that are not attractive to bees (e.g., lentils, hops, peas (*Pisum sp.*), pears (second bloom) and potatoes). For the purposes of this definition, "bloom" means a flower head, raceme or spike with one or more open flowers.

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

(8) "Certified applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, or certified private applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA as a restricted use pesticide or by the state as restricted to use by certified applicators only.

(9) "Chemigation" means the application of any substance or combination of substances intended as a pesticide, plant or crop protectant or a system maintenance compound applied with irrigation water.

(10) "Commercial vineyard" means a parcel of land from which the grape crop is intended to be sold to a processor, or intended to be used for commercial wine making, or intended for the commercial fresh market.

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

(12) "Complete wood destroying organism inspection" means inspection for the purpose of determining evidence of infestation, damage, or conducive conditions as part of the transfer, exchange, or refinancing of any structure in Washington state. Complete wood destroying organism inspections must also include any wood destroying organism inspection that is conducted as the result of telephone solicitation by an inspector, pest control, or other business, even if the inspection would fall within the definition of a specific wood destroying organism inspection.

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

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

(15) "Diluent" means a material, liquid or solid, serving to dilute the pesticide product to the application rate for adequate coverage (such as water).

(16) "Director" means the director of the department or a duly authorized representative.

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

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

(19) "EPA restricted use pesticide" means any pesticide classified for restricted use by the administrator, EPA.

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

(21) "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act as amended (61 stat. 163, 7 U.S.C. Sec. 136 net seq.).

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

(23) "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.

(24) "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.

(25) "High volatile esters" are phenoxy hormone-type herbicides with five or less carbon atoms in the ester group, such as, but not limited to, methyl, ethyl, isopropyl, n-butyl, isobutyl and n-pentyl.

(26) "Highly toxic pesticide" for the purpose of this chapter, means any pesticide that conforms to the criteria in 40 C.F.R. Sec. 156.10 for toxicity Category I due to oral, inhalation or dermal toxicity.

(27) "Landscape application" means an application by a certified applicator of any EPA registered pesticide to any exterior landscape plants found around residential property, commercial properties such as apartments or shopping centers, parks, golf courses, schools including nursery schools and licensed day cares, or cemeteries or similar areas. This definition shall not apply to: (a) Applications made by certified private applicators; (b) mosquito abatement, gypsy moth eradication, or similar wide-area pest control programs spon-

sored by governmental entities; and (c) commercial pesticide applicators making structural applications.

(28) "Loose bait" means pellet, grain, seed, meal, liquid or any other form of bait that can be spilled or scattered, including bait packaged in a place pack. Loose bait does not include single-block, paste or other single-piece types of bait.

(29) "Low volatile esters" are phenoxy hormone-type herbicides with more than five carbon atoms in the ester group.

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

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

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

(33) "Positive identification" means a photo identification document issued by a U.S. government agency or affiliated jurisdiction (states, tribes, territories). Acceptable photo identification documents are: A driver's license, a passport, a military ID card or an immigration green card. Exception: Nonphoto identification documents may be allowed for religious groups that prohibit members from having their picture taken. In this case, two forms of identification are required, one of which must be a government issued document with a signature (e.g., Social Security card). Other nonphoto identification must identify the holder by name and address (e.g., utility bill).

(34) "Private applicator" means a certified applicator who uses or is in direct supervision of the use of any pesticide classified by the EPA or the director as a restricted use pesticide for the purposes of producing any agricultural commodity and for any associated noncrop application on land owned or rented by the private applicator or the applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

(35) "Private-commercial applicator" means a certified applicator who uses or supervises the use of any pesticide classified by the EPA or the director as a restricted use pesticide for purposes other than the production of any agricultural commodity on lands owned or rented by the applicator or the applicator's employer.

(36) "Properly secured" means firmly attached and fixed to a floor or other surface so that animals and children cannot overturn the bait box or displace the bait. In the case of liquid baits, the bait container must be firmly attached and fixed to a floor surface only.

(37) "Specific wood destroying organism inspection" means an inspection of a structure for purposes of identifying or verifying evidence of an infestation of wood destroying organisms prior to pest management activities.

(38) "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.

(39) "Structural pest inspector" means any individual who performs the service of conducting a complete wood

destroying organism inspection or a specific wood destroying organism inspection.

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

(41) "Use restricted pesticide" means any pesticide determined by the director to need further state restrictions on use under the authority of chapters 17.21 and 15.58 RCW. This designation does not change federal or state restricted use classifications.

(42) "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 15.58, 17.21, and 34.05 RCW. 10-15-015, § 16-228-1010, filed 7/8/10, effective 8/8/10; 07-11-041A, § 16-228-1010, filed 5/9/07, effective 6/9/07; 03-22-029, § 16-228-1010, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58, 17.21 RCW. 00-22-073, § 16-228-1010, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1010, filed 10/20/99, effective 11/20/99.]

WAC 16-228-1380 What are the requirements for application of rodent control pesticides? Rodent control pesticides shall be used in and around structures only under the following conditions, provided that the use of rodent control baits registered for home and garden use only, is exempt from this section:

(1) Bait shall only be placed in locations not readily accessible to children, pets and nontarget wildlife, provided that when properly secured, a locked and/or sealed tamper-resistant bait box may be used in accessible locations.

(2) Locked bait boxes are required for all outdoor, aboveground bait placement.

(3) Bait shall not be placed in a manner that can contaminate, or be easily translocated to food, feed, drugs, or other consumer commodities. Spilled bait must be cleaned up immediately.

(4) Loose bait, whether contained in a bait box or not, shall not be placed above floor levels, including but not limited to suspended ceilings, shelves, ledges, cupboards and counters. Except that, loose bait may be placed on the floor of an attic, including unfinished walking surfaces, or bottom surfaces in conformance with all other requirements of this section.

(5) All bait boxes and containers used for bait placement shall be of sturdy construction, composed of durable, nonabsorbent, corrosion resistant material and designed to prevent overturning. All bait containers holding liquid bait shall be liquid impervious and shall be properly secured.

(6) All bait boxes and containers used for bait placement shall be labeled with letters on contrasting background and maintained with the following information clearly legible on the outside of the bait box or container:

(a) The name, physical address, and telephone number of the company and/or certified applicator.

(b) The name, Environmental Protection Agency (EPA) registration number, and active ingredient(s) of the rodent control pesticide product.

(7) When detection baits without pesticides are placed in bait containers, the container must clearly identify that the contents are not a pesticide.

(8) Rodenticide bait, when in use to fill bait containers shall be handled with caution according to the label, shall not be left unattended where children or nontarget animals might be exposed to the contents and be in a container that bears an EPA registered label.

(9) Upon completion of a baiting operation, all bait, if it may become readily accessible to the public, shall be recovered and disposed of according to the product label.

(10) Rodenticide tracking powders shall not be used in any manner that will expose people, nontarget animals, food, feed, drugs, or other consumer commodities to the powder. The use of rodenticide tracking powders is prohibited in or on residential structures, except by written permission of the Washington state department of agriculture. Applicators who wish to use a rodenticide tracking powder in or on a residential structure must submit a request in writing to be received by the department at least seven days prior to the intended application date. The written request must include:

(a) The name, address, and telephone number of the occupants of the structure.

(b) The date and time of the intended application.

(c) The specific locations in or on a structure and the means by which the rodenticide tracking powder will be applied.

(d) A justification for the need to use the rodenticide tracking powder.

(e) What steps will be taken to ensure the rodenticide tracking powder does not contaminate any living area or otherwise result in an exposure to people or nontarget animals.

(11) Rodenticide tracking powder that contaminates an unintended location must be immediately and thoroughly cleaned up according to label instructions, or in the absence of label instructions, according to instructions obtained from the manufacturer.

[Statutory Authority: Chapters 15.58, 17.21, and 34.05 RCW. 10-15-015, § 16-228-1380, filed 7/8/10, effective 8/8/10; 03-22-029, § 16-228-1380, filed 10/28/03, effective 11/28/03. Statutory Authority: Chapters 15.58, 17.21 RCW. 00-22-073, § 16-228-1380, filed 10/30/00, effective 11/30/00. Statutory Authority: Chapters 15.54, 15.58 and 17.21 RCW. 99-22-002, § 16-228-1380, filed 10/20/99, effective 11/20/99.]

Chapter 16-230 WAC

USE OF CHEMICALS AND CHEMICALLY TREATED MATERIALS IN CERTAIN COUNTIES

WAC

16-230-665 What are the restrictions on aerial applications near vineyards?

WAC 16-230-665 What are the restrictions on aerial applications near vineyards? (1) Aerial application of use restricted herbicides is 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 use restricted 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 use restricted 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.

(2) Commercial vineyard means a parcel of land from which the grape crop is intended to be sold to a processor, or intended to be used for commercial wine making, or intended for the commercial fresh market.

[Statutory Authority: Chapters 15.58, 17.21, and 34.05 RCW. 10-15-015, § 16-230-665, filed 7/8/10, effective 8/8/10; 07-11-041A, § 16-230-665, filed 5/9/07, effective 6/9/07. 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.]

Chapter 16-231 WAC

USE RESTRICTED HERBICIDES

WAC

16-231-335 What are the restrictions on applications near vineyards?

16-231-835 What are restrictions for aerial applications near vineyards?

WAC 16-231-335 What are the restrictions on applications near vineyards? (1) Aerial applications of use restricted herbicides are prohibited within one mile of any commercial vineyard in the area under order: Provided, That aerial application of use restricted herbicides to lands located within one-half mile to one mile from commercial vineyards shall be considered through written request to the Washington state department of agriculture.

(2) Commercial vineyard means a parcel of land from which the grape crop is intended to be sold to a processor, or intended to be used for commercial wine making, or intended for the commercial fresh market.

[Statutory Authority: Chapters 15.58, 17.21, and 34.05 RCW. 10-15-015, § 16-231-335, filed 7/8/10, effective 8/8/10; 07-11-041A, § 16-231-335, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-335, filed 2/20/80.]

WAC 16-231-835 What are restrictions for aerial applications near vineyards? (1) Aerial application of use restricted herbicides is prohibited within one mile of any commercial vineyard in the area under order: Provided, That aerial application of use restricted herbicides to lands located within one-half mile to one mile from commercial vineyards will be considered through written request to the Washington state department of agriculture.

(2) Commercial vineyard means a parcel of land from which the grape crop is intended to be sold to a processor, or intended to be used for commercial wine making, or intended for the commercial fresh market.

[Statutory Authority: Chapters 15.58, 17.21, and 34.05 RCW. 10-15-015, § 16-231-835, filed 7/8/10, effective 8/8/10; 07-11-041A, § 16-231-835, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-835, filed 2/20/80.]

Chapter 16-232 WAC**USE RESTRICTED HERBICIDES IN CERTAIN COUNTIES****WAC**

16-232-030 What are the restrictions on aerial applications near vineyards?

WAC 16-232-030 What are the restrictions on aerial applications near vineyards? (1) Aerial applications of use restricted herbicides are prohibited within one mile of any commercial vineyard: Provided, That aerial application of use restricted herbicides to lands located within one-half to one mile from commercial vineyards will be considered through written request of the Washington state department of agriculture.

(2) Commercial vineyard means a parcel of land from which the grape crop is intended to be sold to a processor, or intended to be used for commercial wine making, or intended for the commercial fresh market.

[Statutory Authority: Chapters 15.58, 17.21, and 34.05 RCW. 10-15-015, § 16-232-030, filed 7/8/10, effective 8/8/10; 07-11-041A, § 16-232-030, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-026 (Order 1665), § 16-232-030, filed 2/20/80.]

Chapter 16-302 WAC**GENERAL RULES FOR SEED CERTIFICATION**

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

WAC

16-302-040 Varieties eligible for seed certification in Washington state.
 16-302-070 When is a seed field inspected by the certifying agency?
 16-302-080 What will cause a seed field to be ineligible for seed certification?
 16-302-170 Other considerations in applying the standards for certification.
 16-302-385 Grass seed standards for certification.
 16-302-560 Miscellaneous field and seed inspection standards for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum, small grain seed certification.
 16-302-685 Small grains standards for seed certification.
 16-302-755 Standards for quality timothy seed.

WAC 16-302-040 Varieties eligible for seed certification in Washington state. (1) Only seed varieties that are accepted as meriting seed certification by an appropriate AOSCA National Variety Review Board or a member agency of AOSCA in accordance with the criteria listed in subsection (3) of this section may be eligible for seed certification in Washington state.

(2) A current list of varieties eligible for certification for the crops certified by the seed program may be obtained by contacting WSDA Seed Program, 21 N. 1st Avenue, Yakima, WA 98902, 509-249-6950. A current list of varieties eligible for certification for the crops certified by WSCIA may be obtained by contacting WSCIA, 1610 N.E. Eastgate Blvd. Suite 610, Pullman, WA 99163, 509-335-8250.

(3) The following information is required for submission to an AOSCA National Variety Review Board or other certifying agency for acceptance of a seed variety for certification:

(a) A statement and supporting evidence by the originator, developer, or owner requesting certification that:

(i) The variety has been adequately tested to determine its value and probable area of adaptation, and that it merits certification; and

(ii) The variety is distinguishable from other varieties as set forth in Article 5, International Code of Nomenclature for Cultivated Plants, which reads as follows: "The term cultivar (variety) denotes an assemblage of cultivated individuals which are distinguished by any characters (morphological, physiological, cytological, chemical or others) significant for the purposes of agriculture, forestry, or horticulture, and which, when reproduced (sexually or asexually) retain their distinguishing features."

(b) A statement on origin and breeding procedure.

(c) A description of:

(i) The morphological characteristics, (such as color, height, uniformity, leaf, head or flower characteristics, etc.);

(ii) Physiological characteristics;

(iii) Disease and insect reactions; and

(iv) Any other identifying characteristics of value to field inspectors and other pertinent factors as the breeder or sponsor considers relevant.

(d) Evidence of performance, including data on yield, insect or disease resistance and other factors supporting the value of the variety. Performance tests may be conducted by private seed firms or agricultural experiment stations, and must include appropriate check varieties, which are used extensively in the area of intended usage.

(e) A statement giving the suggested region of probable adaptation and purposes for which the variety is used. This includes where the breeder of the variety has tested the variety and anticipates recommending the merchandising of it.

(f) A description of the procedure for maintenance of stock seed classes. At the time a variety is accepted for certification, a sample lot of breeder seed is presented to the certifying agency. The sample is retained as a control varietal sample against which all future seed stock released for certified seed production may be tested to establish continued trueness of variety.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 10-02-113, § 16-302-040, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-040, filed 12/4/00, effective 1/4/01.]

WAC 16-302-070 When is a seed field inspected by the certifying agency? The certifying agency conducts field inspections as follows:

(1) A seedling field is inspected at the most appropriate time after receipt of seedling application. If the field produces seed the same year of planting, a seedling producing inspection is made prior to harvest.

(2) Each year a crop of certified seed is produced, field inspections are made at a time when factors affecting certification are most evident.

(3) The unit of certification is defined as the entire field standing at the time of inspection. A portion of a field may be certified if the area to be certified is clearly defined by flagging, stakes or other visual means. The border area of the field is considered the unit of certification if it is planted to the same crop and is inclusive of the acreage applied for.

(4) The unit of inspection may include areas adjacent to a field or areas of surveillance if these areas contain factors

that would impact the certification eligibility of the seed crop as defined in the specific crop standards. Such factors may be, but are not limited to, contaminating pollen sources.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 10-08-029, § 16-302-070, filed 3/31/10, effective 5/1/10. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-070, filed 12/4/00, effective 1/4/01.]

WAC 16-302-080 What will cause a seed field to be ineligible for seed certification? (1) A seed field is not eligible for certification unless a field inspection is made prior to defoliation or harvesting.

(2) Prohibited noxious weeds must be controlled to prevent seed formation. Follow-up inspections may be conducted to ensure weed control was sufficiently carried out to prevent prohibited noxious weed seeds from being harvested with the seed crop. Excessive objectionable weeds may be cause for rejection of a seed field. Excessive weeds, poor stands, lack of vigor, or other conditions which make inspection inaccurate may be cause for rejection. A field producing foundation or registered seed that warrants a rejection because of noxious weeds may be reclassified to certified blue tag class if upon reinspection the field meets certified blue tag standards.

(3) If a seed field is rejected for certification, the grower may reapply to the certifying agency and pay a fee for reinspection after the cause for rejection is corrected, unless otherwise specified in chapter 16-302 WAC. No more than two reinspections are permitted for each field per year.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 10-08-028, § 16-302-080, filed 3/31/10, effective 5/1/10. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-080, filed 12/4/00, effective 1/4/01.]

WAC 16-302-170 Other considerations in applying the standards for certification. (1) Any crop certification standard, with the exception of germination that is expressed as a percent will be derived from a test based on the minimum weight for purity analysis as specified in the 2000 AOSA rules for that crop unless otherwise specified in rule.

(2) Any crop certification standard that is based on a number per pound will be derived from a test based on the minimum weight for noxious weed seed examination as specified in the 2000 AOSA rules for that crop unless otherwise specified in rule.

(3) For species that have a high rate of inherent dormancy, it will be acceptable to use the percent of total viability instead of germination percentage for certification only. State and federal seed laws require seed be labeled on a germination test.

(4) For species or varieties that contain GMO (genetically modified organism) traits, herbicide resistant traits, or other novel traits, each seed lot may be required to meet minimum trait standards as defined by the breeder or trait owner. The variety description must define the trait. To determine the level of trait present, a test such as PCR (polymerase chain reaction) or specified bioassay test may be required.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 10-08-028, § 16-302-170, filed 3/31/10, effective 5/1/10. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-170, filed 12/4/00, effective 1/4/01.]

WAC 16-302-385 Grass seed standards for certification. The seed standards for grass shall be as follows:

SEED STANDARDS

CROP AND TYPE OF REPRODUCTION AS PER WAC 16-302-330		MINIMUM % GERM (d)(n)		MINIMUM % PURE		MAXIMUM % INERT		MAXIMUM % WEEDS (b)		MAXIMUM % OTHER CROPS		MAXIMUM SEEDS OF OTHER CROP GRASS SPECIES			
		FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. REG.	CERT.	FNDT. (i) REG. (i)	CERT. (a)	FNDT. SEEDS/LB.	REG. SEEDS/LB.	CERT. %	
BLUEGRASS															
Big	(A)	70	70	90	90	10	10	.05	.3	.1	.5	45 /lb.	454 /lb.	.25	
Canby	(A)	70	70	90	90	10	10	.05	.3	.1	.5	45 /lb.	454 /lb.	.25	
Kentucky	(A)	80	80	97	97	3	3	.05	.3	.1	.5	45 /lb.	454 /lb.	.25	
Canada, Upland	(A)	80	80	96	92	4	8	.05	.3	.1	.5	45 /lb.	907 /lb.	.25	
BROMEGRASS															
Smooth & Meadow	(C)	80	85	95	95	5	5	.05	.3 (c)	.1	.5	9 /lb.	91 /lb.	.25	
Mountain & Sweet	(C)	85	85	95	95	5	5	.3	.3 (c)	.1	1.0	9 /lb.	91 /lb.	.25	
DEERTONGUE	(C)	50	50	97	95	3	5	.50	.5 (c)	1.0	1.0	1%			
FESCUE															
Tall & Meadow	(C)	80	85	95	97	5	3	.03	.3(c)	.1	.5	18 /lb.	91 /lb.	.25	
Blue, Hard & Sheep (m)															
Turf Type (o)	(C)	80	85	95	97	5	3	.03	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25	
Reclamation/Range Type (o)		80	85	95	92	5	8	.03	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25	
Chewings Red, Idaho and other Fescue	(C)	80	90	95	97	5	3	.03	.3(c)	.1	.5	9 /lb.	45 /lb.	.25	
ORCHARDGRASS	(C)	80	85	85	90	15	10	.03	.3 (c)	.1	.5	27 /lb.	91/lb.	.25	
			80 for penlate & latar												
RYEGRASS															
Pennfine	(C)	85	90 (l)	96 (k)	97 (k)	4	3	.1	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25	
		80	85	96 (k)	97 (k)	4	3	.1	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25	
TIMOTHY		80	85	97	97	3	3	.1	.3	.1	.5	9 /lb.	45 /lb.	.25	
WHEATGRASS (n)															
Beardless	(C)	80	85	90	90	10	10	.1	.3(c)	.1(e)	.5(e)	9 /lb.	45 /lb.	.25	
Bluebunch	(C)	80	85	90	90	10	10	.1	.3(c)	.1(e)	.5(e)	9 /lb.	45 /lb.	.25	
Intermediate, Tall Pubescent	(C)	80	85	95	95	5	5	.1	.3(c)	.1(e)	.5(e)	9 /lb.	45 /lb.	.25	
Western, R/S, Streambank, Thickspike	(C)	80	85	95	95	5	5	.1	.3 (c)	.1 (e)	.5 (e)	9 /lb.	45 /lb.	.25	
Slender Crested & Siberian	(S)	80	85	90	90	10	10	.1	.3(c)	.1(e)	.5(e)(p)	9 /lb.	45 /lb.	.25(p)	
	(C)	80	85	90	95	10	5	.1	.3(c)	.1(e)	.5(e)	9 /lb.	45 /lb.	.25	
INDIAN RICEGRASS	(S)	80 (j)	80 (j)	95	90	5	10	.3	.5	.5	1.0	9 /lb.	45 /lb.	.25	
PUCCINELLIA (n) distans	(C)	80	80	90	95	5	5	.3	.5	.5	1.0	45 /lb.	454 /lb.	.25	
WILDRYE (n)	(C)	80	80	90	90	10	10	.1	.3 (c)	.1	.5	9 /lb.	45 /lb.	.25	
BENTGRASS	(C)	85	85	98	98	2	2	.3	.4 (f) (g)	.2	.6 (h)				
REDTOP	(C)	80	80	92	92	8	8	.3	.5 (f)	.5	.2				
Ann. CANARYGRASS GREEN (n)	(C)	85	85	99	99	1	1	.1	.3	1/lb.	3/lb.	-	-	-	
NEEDLEGRASS	(C)	80	80	80	80	20	20	.1	.3 (c)	.1	.5	-	-	-	
SWITCHGRASS	(C)	60	60	90	90	10	10	.5	1.5	.1	.25				

The following (a) - (p) are notes to the above table.

- (a) Not to exceed .25% other grass species for blue tag seed.
- (b) Grass seed must not contain more than 45/lb. for registered seed 91/lb. for certified seed, singly or collectively, of objectionable weed seeds. (See (f) of this subsection for certified bentgrass and redtop exemption.) Grass seed shall be free of the seed of prohibited noxious weeds.

- (c) A tolerance of 0.5% may be allowed for samples containing weedy bromus spp provided the total of all other weed seeds does not exceed 0.3%.
- (d) A standard tetrazolium (two hundred seed) test may be used in lieu of germination test. NOTE: State and federal seed laws require seed be labeled on a germination test.

- (e) A tolerance of 0.8% may be allowed in registered and certified wheatgrass containing small grain seed provided the total of all other crop seed does not exceed 0.1% for registered class and 0.5% for certified class.
- (f) Certified seed must not contain over 907 seeds per pound, singly or collectively, of the following weeds: Plantago spp., Big Mouse-ear Chickweed, Yarrow, Spotted Cat's Ear, and Dandelion.
- (g) A maximum of .50% weed seed may be allowed in certified bentgrass containing silver hairgrass provided the total of all other weed seed does not exceed .40%.
- (h) 1.50% other fine bentgrasses and .50% redtop may be allowed in certified bentgrass containing a minimum of 98.00% total bentgrass.
- (i) A crop exam is required for all registered and foundation class grass seeds.
- (j) Or 70% by Tz test.
- (k) Maximum other ryegrass allowed as determined by fluorescence test: Foundation 0.1%, registered 1%, certified 2% for annual and 3% for perennial containing a minimum of 97% total ryegrass. Acceptable fluorescence levels for specific varieties available upon request.
- (l) 85% minimum germination allowed on ryegrass varieties as designated by the breeder or variety owner. See list maintained by the seed program.
- (m) An ammonia test is required on hard, blue and sheep fescue to determine presence of other Fescue sp. Other fine-leaved fescue found in the ammonia test will be included with other crop not other grass species.
- (n) Total viability as allowed in WAC 16-302-170 can be substituted for germination percentage.
- (o) Turf type fescues 97% pure seed. Range/reclamation types 92% pure seed. Varietal designation of turf or range/reclamation types are to be made by the breeder or variety owner. If no designation is made, the variety will be considered a turf type.
- (p) 10% slender wheatgrass is allowed in the certified class of Critana, provided that the total of all other grass spp. does not exceed .25% and total other crop, including all other grass spp. does not exceed .50%.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 10-04-029, § 16-302-385, filed 1/26/10, effective 2/26/10. Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. 06-15-139, § 16-302-385, filed 7/19/06, effective 8/19/06. Statutory Authority: RCW 15.49.310, 15.49.370(3) and chapter 34.05 RCW. 04-08-044, § 16-302-385, filed 3/31/04, effective 5/1/04. Statutory Authority: Chapters 15.49 and 34.05 RCW. 03-18-072, § 16-302-385, filed 8/29/03, effective 9/29/03; 02-12-060, § 16-302-385, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-385, filed 12/4/00, effective 1/4/01.]

WAC 16-302-560 Miscellaneous field and seed inspection standards for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum, small grain seed certification. (1) Field inspection standards for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum, small grain seed entered in the certification program are:

- (a) For field pea and chickpea (garbanzo bean) - when seed crop is in full bloom and at maturity;
- (b) For lentil - when seed crop is in full bloom and at maturity;
- (c) For soybean - when seed crop is in full bloom and/or of mature color;
- (d) For open pollinated sorghum - when seed crop is in full bloom, and optionally again when seed crop begins to show mature color;
- (e) For hybrid sorghum - two inspections during bloom and one inspection after seed begins to show mature color;
- (f) For small grains - when seed crop is fully headed and of mature color;
- (g) For millet - one inspection during bloom and one inspection after seed begins to show mature color; and
- (h) For buckwheat - one inspection when seed crop is in full bloom.

(2) Any condition or practice which permits or causes contamination of the seed crop, such as failure to prevent seed formation of prohibited noxious weeds, or excess weeds including excessive objectionable or restricted noxious weeds, or mechanical field mixing, is cause for rejection upon inspection. Fields rejected for jointed goatgrass at first inspection are not eligible for reinspection and must remain ineligible for any production of certified classes of small grain seed until a reclamation procedure, as specified in subsection (3) of this section has been completed. Fields rejected for other causes will remain eligible for reinspection.

(3) The jointed goatgrass reclamation procedure includes the following:

(a) Each grower must develop a reclamation plan for his/her affected fields. The plan must be based on the most current recommendations of Pacific Northwest scientists and Washington State University cooperative extension as well as good management practices. The plan may include use of certified seed, spring cropping practices, and late tilling and planting. No particular program is specified or endorsed and compliance with a program does not assure eligibility for the production of certified classes of small grain seed. Eligibility is based solely upon results of field inspections as provided in (b) through (e) of this subsection.

(b) The rehabilitation and inspection program duration is three years for irrigated land and five years for dryland without production of certified small grain seed and the first year of certified seed production thereafter.

(c) Annual inspections of the affected fields are conducted by the certifying agency during the prescribed rehabilitation period at such time that the jointed goatgrass would be most visible.

(d) Following the prescribed period of rehabilitation and during the first certified seed production year, a minimum of three field inspections are conducted by the certifying agency.

(e) If jointed goatgrass is found during any inspection as provided in (c) and (d) of this subsection, the rehabilitation program is determined unsuccessful or the field is declared ineligible and the rehabilitation and inspection program for that field must begin again at year one of the procedure.

(4) Field run lots of seed of the same variety may be commingled to facilitate storage and conditioning.

(5) No prohibited noxious weed seeds are permitted upon inspection for seed standards.

(6) Germination minimum refers to germination when sampled.

(7) If chemically controllable seed-borne diseases are noted upon inspection for field standards and seed standards for small grains, treatment of seed is required.

(8) Wild oat, isolated patches and borders must be removed or clearly marked so as to avoid harvesting with the rest of the field. If rejected, a reinspection is necessary to assure clean-up efforts are satisfactory. Spot checks are conducted on fields where heavy patches or contaminated borders were noted. Harvesting these areas with the rest of the field is cause for rejection of the entire field.

(9) The official laboratory providing seed analysis for the purpose of certification is the department.

(10) For all fields planted with varieties that contain the CLEARFIELD trait as defined in the variety description, documentation will be required to be submitted with the certification application verifying that the production field meets all production guidelines and was sprayed with the appropriate

herbicide. CLEARFIELD is a trait that makes a plant resistant to the Imazamox herbicide.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 10-08-028, § 16-302-560, filed 3/31/10, effective 5/1/10. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-560, filed 12/4/00, effective 1/4/01.]

WAC 16-302-685 Small grains standards for seed certification. (1) Land, isolation, and field standards for small grains (barley, oat, rye, triticale, and wheat) seed certification are:

LAND, ISOLATION, AND FIELD STANDARDS

CLASS	LAND STANDARDS MINIMUM YEARS	ISOLATION STANDARDS MINIMUM FEET	OFF-TYPE MAXIMUM HEAD RATIO	OTHER CROP MAXIMUM HEAD RATIO	TRITICALE	WILD OAT
					PLANTS PER ACRE IN BARLEY, WHEAT, AND OAT	MAXIMUM PLANTS/ACRE
Foundation	2 ^a	90 same genus ^b 3 different genus	None found	None found ^c	None found ^d	None found
Registered	1 ^a	10 same genus 3 different genus ^b	1/148,000	1/148,000 ^c	None found ^d	5
Certified	1 ^a	10 same genus 3 different genus ^b	1/49,000	1/49,000 ^c	None found ^d	5

- ^a Waived if the previous crop is grown from an equal or higher certified class of seed of the same variety.
- ^b Each rye field for certification must be isolated by three feet from fields producing a certified class of the same variety, and by six hundred sixty feet from other rye fields. Each triticale field for certification must be isolated by three feet from fields producing a certified class of the same variety, and by three hundred feet from other triticale, rye and wheat fields for foundation and registered class, and ten feet for certified class, unless otherwise stated by the plant breeder.
- ^c Refers to other small grains, except that no rye or triticale is permitted in barley, oat, or wheat; and no vetch is permitted in barley, oat, rye, triticale, or wheat.
- ^d Only one reinspection is allowed for foundation fields when triticale is found in the first inspection. Additional inspections are allowed if the field is downgraded to the registered or certified class.

(2) Small grains - seed standards:

For CLEARFIELD varieties: For all classes - each lot must pass the CLEARFIELD Confirm test by bioassay or PCR as defined by the trait owner. The CLEARFIELD Confirm test verifies that the seed is resistant to the Imazamox herbicide.

Class	Foundation	Registered	Certified
Pure seed (min.)	98%	98%	98%
Inert (max.)	2%	2%	2%
off-type ^a (max.)	None found	2/lb	4/lb
Other small grain excluding triticale ^a (max.)	None found	1/lb	2/lb
Triticale allowed in wheat ^f	None found	None found	1/1000 grams
Triticale allowed in oats and barley	None found	None found	1/lb
Other crop ^b (max.)	None found	0.03%	0.05%
Weed seed (max.)	0.01%	0.01%	0.03%
Objectionable weed seed ^c (max.)	None found	None found	1/lb
Wild oat (max.)	None found	None found	None found ^d
Viability ^e (min.)	85%	85%	85%

- ^a The combination of other small grain and off-type must not exceed 2/lb for registered class, and 4/lb for certified class. The tolerance for rye is none found in barley, oat, or wheat. The tolerance for triticale is none found in triticale. The tolerance for triticale is none found in rye.
 - ^b Excluding off-type and other small grain. No vetch is allowed in small grain seed.
 - ^c Excluding wild oat.
 - ^d 1/lb for certified class oat.
 - ^e A certification certificate is issued upon receipt of either an official AOSA tetrazolium or germination test which meets minimum Washington viability standards. NOTE: State and federal seed laws require seed be labeled based on a germination test.
 - ^f In wheat, the foundation standard is based on a 1000 gram crop exam. The registered standard is based on a 500 gram crop exam. The certified standard is based on a 500 gram crop exam. If one triticale seed is found in 500 grams, a second 500 gram crop exam is required for a total 1000 gram crop exam. No triticale is allowed in the second 500 grams with the total standard of 1 triticale seed per 1000 grams allowed.
- Note: For all classes the purity analysis is based on 100 grams examined. For registered and certified classes, noxious weed, vetch, off-type, and other small grain determinations are based on 500 grams examined except as allowed in footnote ^f of this subsection. For foundation class, noxious weed, vetch, off-type, and other small grain determinations are based on 1000 grams examined.
- [Statutory Authority: Chapters 15.49 and 34.05 RCW. 10-24-102, § 16-302-685, filed 12/1/10, effective 1/1/11; 10-08-028, § 16-302-685, filed 3/31/10, effective 5/1/10. Statutory Authority: RCW 15.49.370(3), 15.49.310 and chapter 34.05 RCW. 04-06-018, § 16-302-685, filed 2/23/04, effective 3/25/04. Statutory Authority: Chapters 15.49 and 34.05 RCW. 02-12-060, § 16-302-685, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. 00-24-077, § 16-302-685, filed 12/4/00, effective 1/4/01.]

WAC 16-302-755 Standards for quality timothy seed. (1) Seed standards for quality timothy grass seed are as follows:

	Minimum Purity	Minimum Viability by Germination or TZ Test	Maximum Other Crop*	Maximum Weed**
Timothy seed	97%	85%	0.2%	.02%
Purity component percentages are based on 1 gram sample size as prescribed by the AOSA rules.				

*	Must be free of ryegrass, orchardgrass, <i>Agrostis</i> sp., <i>Poa</i> sp., brome, reed canarygrass, tall fescue, and meadow foxtail.
Must be free of the above listed contaminants based upon a 50 gram examination.	

**	Must be free of alfilaria (redstem filaree), bromus sp., Chickweed including all other species in the Caryophyllaceae family, Henbit, <i>Poa</i> sp., wild carrot, and prohibited noxious weeds listed in WAC 16-301-045 and restricted noxious weeds listed in WAC 16-301-050.
Must be free of the above listed contaminants based upon a 50 gram examination.	

(2) A quality timothy seed analysis certificate is the basis of determining if a lot meets the quality timothy seed standards. This certificate is issued by the certifying agency and represents a purity test, a 50 gram noxious, all weed, all crop exam, and a viability test.

(3) Seed meeting quality timothy seed standards will be tagged with a "quality timothy seed" tag.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. 10-20-149, § 16-302-755, filed 10/6/10, effective 11/6/10; 08-23-055, § 16-302-755, filed 11/14/08, effective 12/15/08.]

Chapter 16-462 WAC

GRAPE PLANTING STOCK—REGISTRATION AND CERTIFICATION

WAC

- 16-462-015 Definitions.
- 16-462-020 Requirements for participation in the grape planting stock program.
- 16-462-021 Requirements for registered blocks.
- 16-462-022 Requirements for certified planting stock.
- 16-462-025 Foundation, registered, and certified grape planting stock—Inspections.

WAC 16-462-015 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

"Certified grape planting stock" means vines, rooted cuttings, cuttings or grafted plants taken or propagated directly from foundation vines or registered vines in compliance with the provisions of this chapter.

"Department" means the department of agriculture of the state of Washington.

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

"Foundation block" means a planting of grapevines established, operated and maintained by Washington State University, or other sources approved in writing by the director, that are indexed and found free from viruses designated in this chapter and that are not off-type.

"Index" means testing for virus infection by making a graft with tissue from the plant being tested to an indicator plant, or by any other testing method approved by the department.

"Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.

"Mother vine" means a grapevine used as a source for propagation material.

"Off-type" means appearing under visual examination to be different from the variety listed on the application for registration and certification, or exhibiting symptoms of a genetic or nontransmissible disorder.

"Registered block" means a planting of registered grapevines maintained by a nursery and used as a source of propagation material for certified grapevines.

"Registered vine" means any vine propagated from a foundation block approved by the director, identified to a single vine source, and registered with the Washington state department of agriculture, in compliance with provisions of this chapter.

"Tissue culture" means aseptically removing a vegetative shoot tip from growth arising from a dormant cutting from a foundation plant or from green growth (i.e., softwood) from a foundation plant during the growing season and aseptically transferring this shoot tip to a suitable vessel containing an appropriate culture medium.

"Virus-like" means a graft-transmissible disorder with symptoms resembling a characterized virus disease, including, but not limited to, disorders caused by viroids and phytoplasmas.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 11-01-092, § 16-462-015, filed 12/15/10, effective 1/15/11; 06-19-009, § 16-462-015, filed 9/8/06, effective 10/9/06. Statutory Authority: Chapter 15.14 RCW. 02-11-100, § 16-462-015, filed 5/20/02, effective 6/20/02; 99-12-025, § 16-462-015, filed 5/25/99, effective 6/25/99; 86-08-078 (Order 1883), § 16-462-015, filed 4/2/86; 78-10-072 (Order 1583), § 16-462-015, filed 9/27/78; Order 1397, § 16-462-015, filed 4/7/75; Order 1193, § 16-462-015, filed 4/19/71; Order 1084, § 16-462-015, filed 4/2/68.]

WAC 16-462-020 Requirements for participation in the grape planting stock program. (1) The applicant shall be responsible, subject to the approval of the department, for the selection of the location and the proper maintenance of registered blocks and planting stock.

(2) The applicant must maintain records identifying the foundation source of registered vines and certified planting stock. The applicant must make these records available to the department upon request.

(3) The applicant shall take suitable precautions in cultivation, irrigation, movement and use of equipment, and in other farming practices, to guard against spread of soil-borne pests to planting stock entered in this program. The applicant shall keep all registered blocks and certified planting stock clean cultivated except for approved cover crops.

(4) Following notification by the department the applicant shall remove and destroy immediately any registered vine or certified planting stock found to be off-type or affected by a virus or virus-like disease or a quarantine pest.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 11-01-092, § 16-462-020, filed 12/15/10, effective 1/15/11; 06-19-009, § 16-462-020, filed 9/8/06, effective 10/9/06. Statutory Authority: Chapter 15.14 RCW. 02-11-100, § 16-462-020, filed 5/20/02, effective 6/20/02; 99-12-025, § 16-462-020, filed 5/25/99, effective 6/25/99; 86-08-078 (Order 1883), § 16-462-020, filed 4/2/86; 78-10-072 (Order 1583), § 16-462-020, filed 9/27/78; Order 1193, § 16-462-020, filed 4/19/71; Order 1084, § 16-462-020, filed 4/2/68.]

WAC 16-462-021 Requirements for registered blocks. (1) All registered grapevines must be identified by the number assigned to the single vine source in the foundation block from which they were taken.

(2) With the exception of practices allowed in subsections (3), (4), and (5) of this section, registered plants must be propagated directly from cuttings taken from a foundation block.

(3) Plants propagated from a foundation block by tissue culture and grown entirely under laboratory or greenhouse conditions may serve as a source of softwood cuttings or shoot tip culture used to establish a registered block or registered grapevines.

(4) Registered grapevines may be propagated from other registered grapevines within the same registered block for the purpose of increasing the size of the registered block or for replacement grapevines, if the mother vine was propagated directly from a foundation vine.

(5) Participating nurseries must obtain a permit from the department to propagate registered grapevines from other registered grapevines for the purpose of establishing or increasing other registered blocks within the nursery. All of the following conditions must be complied with:

(a) The mother vines were propagated directly from foundation vines;

(b) Propagation occurs under controlled conditions adequate to prevent the introduction of pests; and

(c) The mother vine is no more than two years old, or the department has determined the mother vine is free of regulated viruses.

(6) Prior to planting registered vines, the growing area and its contiguous borders of not less than ten feet must be tested for the presence of the nematodes *Xiphenema* and *Longidorus*, which can be virus vectors. If either nematode is detected, the growing area must be fumigated in accordance with rates and practices recommended by Washington State University. This treatment must be carried out under the supervision of the department.

(7) Registered blocks must be located at least one hundred feet from noncertified or nonregistered grapevines. This does not apply to registered stock grown in a fully enclosed greenhouse, screenhouse or laboratory, providing the facility does not contain noncertified grapevines.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 11-01-092, § 16-462-021, filed 12/15/10, effective 1/15/11; 06-19-009, § 16-462-021, filed 9/8/06, effective 10/9/06. Statutory Authority: Chapter 15.14 RCW. 02-11-100, § 16-462-021, filed 5/20/02, effective 6/20/02; 99-12-025, § 16-462-021, filed 5/25/99, effective 6/25/99.]

WAC 16-462-022 Requirements for certified planting stock. (1) Certified planting stock, including all components of budded or grafted plants, must be propagated from cuttings taken from registered or foundation grapevines.

(2) Cuttings from registered blocks must be sorted and kept separate by variety and selection number or clone.

(3) Treatment to control nematodes and other soil-borne pests may be required at any time by the department.

(4) All certified planting stock other than greenhouse grown plants must comply with the grades and standards for Washington certified grape planting stock as listed in WAC 16-462-055.

(5) Certified stock must be separated from noncertified grapevines by one of the following distances. This requirement does not apply to certified stock grown in a fully enclosed greenhouse, screenhouse or laboratory, providing the facility does not contain noncertified grapevines.

(a) Ten feet for any land treated to control nematodes; or

(b) Twenty feet for land not specifically treated to control nematodes.

(6) Certification is based solely on compliance with the requirements prescribed in WAC 16-462-050 and other requirements of this chapter.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 11-01-092, § 16-462-022, filed 12/15/10, effective 1/15/11. Statutory Authority: Chapter 15.14 RCW. 02-11-100, § 16-462-022, filed 5/20/02, effective 6/20/02; 99-12-025, § 16-462-022, filed 5/25/99, effective 6/25/99.]

WAC 16-462-025 Foundation, registered, and certified grape planting stock—Inspections. (1) Inspections and indexing of registered grapevines and certified planting stock will be performed by the department at times determined to be suitable for the detection of virus and virus-like disease symptoms. Washington State University will inspect and index the foundation block.

(2) The department will index registered grapevines by methods consistent with those utilized by the Washington State University grapevine foundation program.

(3) The department will conduct at least two inspections of registered grapevines during each growing season.

(4) The department will inspect certified planting stock at least three times per year, twice during the growing season and once during or after harvest.

(5) The department will refuse or withdraw registration or certification for any planting stock that is infested or infected with any regulated pest.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 11-01-092, § 16-462-025, filed 12/15/10, effective 1/15/11; 06-19-009, § 16-462-025, filed 9/8/06, effective 10/9/06. Statutory Authority: Chapter 15.14 RCW. 02-11-100, § 16-462-025, filed 5/20/02, effective 6/20/02; 99-12-025, § 16-462-025, filed 5/25/99, effective 6/25/99; 86-08-078 (Order 1883), § 16-462-025, filed 4/2/86; Order 1193, § 16-462-025, filed 4/19/71; Order 1084, § 16-462-025, filed 4/2/68.]

Chapter 16-520 WAC SEED POTATOES

WAC

16-520-005

Marketing order—Policy statement.

16-520-006

Marketing order purposes.

16-520-010

Definitions.

16-520-020

Seed potato commission—Structure, powers, duties, and procedure.

16-520-025

Powers and duties of commission.

16-520-027	Procedure for commission.
16-520-035	Limitation of liability of commission members and employees.
16-520-040	Assessments and assessment funds.
16-520-050	Information reports.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-520-002	Director's findings and final decision approving a marketing order. [Director's Findings and Decision, effective 8/17/56.] Repealed by 10-22-008, filed 10/21/10, effective 11/21/10. Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW.
16-520-030	Marketing order purposes. [Marketing Order, Article III, effective 10/1/56.] Repealed by 10-22-008, filed 10/21/10, effective 11/21/10. Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW.
16-520-070	Effective time. [Marketing Order, Article VII, effective 10/1/56.] Repealed by 10-22-008, filed 10/21/10, effective 11/21/10. Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW.

WAC 16-520-005 Marketing order—Policy statement. (1) The marketing of seed potatoes within this state is in the public interest. It is vital to the continued economic well-being of the citizens of this state and their general welfare that its seed potatoes be properly promoted by:

(a) Enabling producers of seed potatoes to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of the seed potatoes they produce; and

(b) Working towards stabilizing the agricultural industry by increasing consumption of seed potatoes within the state, the nation, and internationally.

(2) That it is in the overriding public interest that support for the seed potato industry be clearly expressed, that adequate protection be given to the industry and its activities and operations, and that the seed potatoes be promoted individually, and as part of a comprehensive agriculture industry to:

(a) Enhance the reputation and image of Washington state's seed potatoes.

(b) Increase the sale and use of Washington state's seed potatoes in local, domestic, and foreign markets.

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's seed potatoes.

(d) Increase the public's knowledge of the qualities and value of Washington state's seed potatoes.

(e) Support and engage in programs or activities that benefit the planting, production, harvesting, handling, processing, marketing, and uses of seed potatoes produced in Washington state.

(3) The director is authorized to implement, administer, and enforce chapter 15.66 RCW through this marketing order.

(4) The Washington state seed potato commission exists primarily for the benefit of the people of the state of Washington and its economy, and with oversight by the director, the commission is authorized to speak on behalf of Washington state government with regard to seed potatoes under the provisions of this marketing order.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 10-22-008, § 16-520-005, filed 10/21/10, effective 11/21/10; Marketing Order for Washington Seed Potatoes, effective 10/1/56.]

WAC 16-520-006 Marketing order purposes. This marketing order is to promote the general welfare of the state and for the purpose of maintaining existing markets or creating new or larger local, domestic, and foreign markets; ensuring a fair regulatory environment; and increasing production efficiency of seed potatoes in Washington state. The Washington state seed potato commission is designated by the director to conduct the following programs in accordance with chapter 15.66 RCW:

(1) **Research.** The commission may research or enter into contracts or agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of seed potatoes.

(2) **Marketing and sales promotion plans.**

(a) Subject to the provisions of the act, the commission is hereby authorized to prepare plans, administer and conduct programs and expend moneys for marketing and sales promotion for promoting the sale of seed potatoes including, but not necessarily limited to, the following:

(i) Increasing the sales of Washington produced seed potatoes through the use of the press, radio, television and all other marketing media.

(ii) Trade promotion, publicity, market development and expansion activities.

(iii) Presentation of facts to and negotiations with state, federal, or foreign governmental agencies on matters which affect the marketing of seed potatoes produced in this state, and such other activities and programs which are consistent with the objectives of this marketing order and the act.

(b) In carrying out any marketing and sales promotion plans or programs, the commission may engage or hire such marketing medias as may be necessary to accomplish the purposes of the act and this order, arrange for marketing space, display material and other advertising material, or may use any other methods consistent with the act and this marketing order which the commission considers appropriate in promoting or creating new and larger domestic or foreign markets for seed potatoes, or in maintaining existing markets. The commission may also engage in cooperative efforts in the domestic or foreign marketing of seed potato food products.

(c) Programs and plans adopted by the commission under this marketing order shall be directed towards promoting the sale of seed potatoes without reference to any particular private brand or trade name. Sales promotion and marketing programs shall not disparage the value, quality, sale or use of any other agricultural commodity or make use of any unwarranted or false claims regarding seed potatoes.

(d) Marketing plans, programs and projects developed by the commission shall be submitted for director review and approval as required under RCW 15.66.141.

(3) **Labeling.**

(a) Under chapter 15.66 RCW, the commission may adopt rules, subject to the provisions of chapter 34.05 RCW, to define, establish and provide labeling requirements for improving standards and grades of seed potatoes, and may expend money for such purposes. Such requirements shall not be inconsistent with the horticultural laws of this state with respect to seed potatoes.

(b) The commission shall be authorized to cooperate with state and federal agencies or departments responsible for

revising and modernizing grades and standards and labeling of seed potatoes.

(c) Nothing in this section shall be construed as authorizing the commission to set minimum grades, sizes or maturity of seed potatoes which a producer may sell, offer for sale or ship.

(4) **Unfair trade practices.** The commission may investigate and take necessary action to prevent unfair trade practices and to correct, where possible, trade practices which hinder marketing of Washington produced seed potatoes. To the extent permitted under the Public Records Act, chapter 42.56 RCW, information acquired in an investigation shall be confidential and shall be released only to the extent necessary to effectuate the purposes of the act.

(5) **Standards, grades, labels, trade practices.** The provisions covering standards, grades, labels and trade practices shall apply with respect to seed potatoes produced in Washington state.

(6) The commission is authorized to provide information and communicate on matters pertaining to the production, irrigation, processing, transportation, marketing, or uses of seed potatoes produced in Washington state to any elected official or officer or employee of any agency.

(7) **Information and education.** The commission may conduct programs for the purpose of providing information and education including:

(a) Marketing information and services for producers of seed potatoes.

(b) Information and services enabling producers to meet their resource conservation objectives.

(c) Seed potato-related education and training.

(8) The director shall approve any plans, programs, and projects concerning:

(a) The establishment, issuance, effectuation, and administration of programs authorized under this section for advertising and promotion of seed potatoes.

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that marketing and utilization of seed potatoes may be encouraged, expanded, improved or made more efficient.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 10-22-008, § 16-520-006, filed 10/21/10, effective 11/21/10.]

WAC 16-520-010 Definitions. Definitions for terms used in this chapter are also found in chapter 15.66 RCW, Washington State Agricultural Commodity Commissions Act. For the purposes of the seed potato marketing order, the following definitions shall apply:

(1) "Director" means the director of agriculture of the state of Washington or any qualified person or persons designated by the director of agriculture to act for him or her concerning some matter under this marketing order or chapter 15.66 RCW;

(2) "Act" means the Washington State Agricultural Commodity Commissions Act, chapter 15.66 RCW;

(3) "Person" includes any individual, firm, corporation, limited liability company, trust, association, partnership, society or any other organization of individuals or any unit or agency of local or state or federal government;

(4) "Producer" means any person engaged in the business of producing or causing to be produced for market in the

state of Washington seed potatoes in commercial quantities. "To produce" means to act as a producer;

(5) "Commercial quantities" means five thousand hundred weight or more;

(6) "Hundredweight" or "affected unit" are synonymous and mean and include each one hundred pound unit or any combination of packages making a one hundred pound unit of seed potatoes;

(7) "Seed potatoes" means and include all kinds and varieties of Irish seed potatoes grown in the state of Washington and marketed, sold or intended for use for seed purposes;

(8) "Seed potato commission" or "commission" are synonymous and mean the commission established under WAC 16-520-020 consistent with chapter 15.66 RCW;

(9) "Marketing season" or "fiscal year" are synonymous and mean the twelve month period beginning July 1 of any year and ending upon the last day of June, both dates inclusive;

(10) "Handler" means any person who acts, either as principal, agent, or otherwise, in the processing, selling, marketing, or distributing of seed potatoes that are not produced by the handler. "Handler" does not include a common carrier used to transport an agricultural commodity. "To handle" means to act as a handler;

(11) "Sale" means a transaction wherein the property in or to seed potatoes is transferred from the producer to a purchaser for consideration. "Sale" shall also include an agreement to acquire such property for a consideration;

(12) "Affected area" means and includes all of the state of Washington.

(13) "Affected producer" means any producer who is subject to this marketing order.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 10-22-008, § 16-520-010, filed 10/21/10, effective 11/21/10; Marketing Order, Article I, effective 10/1/56.]

WAC 16-520-020 Seed potato commission—Structure, powers, duties, and procedure. (1) **Establishment and membership.** A seed potato commission is hereby established to administer this marketing order. The commission shall be composed of three members who shall be affected producers elected by the producers as provided in the act, and four members who shall be appointed by the director. In addition, the director shall be a voting member of the commission.

(a) Elected producer positions on the board shall be designated as positions 2, 3, and 4.

(b) Director-appointed positions on the board shall be designated as positions 1, 5, 6, and 7.

(c) The position representing the director shall be designated as position 8.

(2) **Membership qualifications.** Commission members shall be citizens and residents of this state, over the age of eighteen years and producer members of the commission shall be producers of seed potatoes in the state of Washington. The qualifications of producer members of the commission as herein set forth must continue during their term of office. Members appointed by the director shall be either producers or others active in matters relating to seed potatoes.

(3) Term of office.

(a) The term of office of commission members shall be three years from the date of their election or appointment and until their successors are elected or appointed and qualified so that one-third of the terms will commence as nearly as practicable each year.

(b) To accomplish the transition to a commodity board structure where the director appoints a majority of the board members, the names of the prior marketing order's elected board members in positions 1, 5, 6, and 7 shall be forwarded to the director for appointment within thirty days of the effective date of this amended marketing order to serve out the remainder of their terms.

(4) Nomination, appointment and election of commission members. Nomination, appointment, and election of commission members shall be as set forth in the act and specified by the director. Dates for this process are as follows:

(a) Not earlier than March 19 and not later than April 3 of each year, the director shall give notice by mail to all affected producers that an open commission position(s) will occur in the commission and call for nominations. Nominating petitions shall be signed by three persons qualified to vote for the candidates. The notice shall state the final date for filing nominating petitions which shall be not earlier than April 7 and not later than April 12 of such year.

(b) The director shall conduct an election or advisory vote by mail to all affected producers in the district wherein the open commission position(s) will occur not earlier than April 17 and not later than May 2 of each year. Ballots shall be returned not later than June 1 of each year. An election or advisory vote shall be conducted in a manner so that it shall be a secret ballot in accordance with rules adopted by the director. An affected producer is entitled to one vote.

(c) When only one nominee is nominated by the affected producers for a director-appointed position, RCW 15.66.120 shall apply.

(d) Except with respect to the initial seed potato commission, the members of the commission not elected by the producers or appointed by the director shall be elected by a majority of the commission within ninety days prior to the expiration of the term.

(5) Vacancies.

(a) In the event of a vacancy in an elected position, the remaining members shall select a qualified person to fill the term. The appointment shall be made at the commission's first or second meeting after the position becomes vacant.

(b) In the event of a vacancy in a director-appointed position, the position shall be filled as specified in chapter 15.66 RCW.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 10-22-008, § 16-520-020, filed 10/21/10, effective 11/21/10. Statutory Authority: Chapter 15.66 RCW. 83-22-019 (Order 1808), § 16-520-020, filed 10/25/83, effective 12/1/83; Marketing Order, Article II, effective 10/1/56.]

WAC 16-520-025 Powers and duties of commission. The commission shall have the following powers and duties:

(1) To administer, enforce, direct and control the provisions of this marketing order and of the act relating thereto;

(2) To elect a chairman and such other officers as the commission may deem advisable; and to select subcommittees of commission members;

(3) To adopt, rescind, and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under this marketing order;

(4) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;

(5) To acquire personal property and lease office space and other necessary real property and transfer and convey the same;

(6) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of the act and of this marketing order;

(7) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by the department and other legal agencies of the state and make annual reports therefrom to the state auditor;

(8) To borrow money and incur indebtedness;

(9) To make necessary disbursements for routine operating expenses;

(10) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with and to effectuate the purposes of the act and this marketing order;

(11) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this marketing order during each fiscal year. The commission, at least sixty days prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget;

(12) To accept and receive gifts and grants from private persons or private and public agencies and expend the same to effectuate the purposes of the act and this order;

(13) To work cooperatively with other local, state, and federal agencies, universities, and national organizations for the purposes set forth in this marketing order;

(14) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local, to carry out the purposes set forth in this marketing order. Personal service contracts must comply with chapter 39.29 RCW;

(15) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, marketing, use or distribution of seed potatoes;

(16) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general;

(17) To engage in appropriate fund-raising activities for the purpose of supporting activities of the commission authorized by this marketing order;

(18) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to

the production, manufacture, regulation, transportation, distribution, sale, or use of seed potatoes including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission;

(19) To maintain a list of names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of this marketing order and data on the value of each producer's production for a minimum three-year period pursuant to RCW 15.66.140;

(20) To maintain a list of names and addresses of persons who handle seed potatoes within the affected area and data on the amount and value of seed potatoes handled for a minimum three-year period by each person pursuant to RCW 15.66.140;

(21) To maintain a list of names and addresses of all affected producers and the amount, by unit, of seed potatoes produced during the past three years pursuant to RCW 15.66.143;

(22) To maintain a list of all persons who handle seed potatoes and the amount of seed potatoes handled by each person during the past three years pursuant to RCW 15.66.143;

(23) To establish a foundation using commission funds as grant money for the purposes established in this marketing order;

(24) To request records and audit the records of producers or handlers of seed potatoes during normal business hours to determine whether the appropriate assessment has been paid;

(25) To acquire or own intellectual property rights, licenses, or patents and to collect royalties resulting from commission-funded research related to seed potatoes; and

(26) To exercise such other powers and perform such other duties as are necessary and proper to effectuate the purposes of the act and of this order.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 10-22-008, § 16-520-025, filed 10/21/10, effective 11/21/10.]

WAC 16-520-027 Procedure for commission. (1) The commission may by resolution establish a headquarters which shall continue as such unless and until so changed by the commission, at which headquarters shall be kept the books, records and minutes of the commission meetings.

(2) The commission shall hold at least two regular meetings during each fiscal year with the time and date thereof to be fixed by the resolution of the commission. Notice of the time and place of regular meetings shall be published on or before January of each year in the *Washington State Register*. Notice of any change to the meeting schedule shall be provided in compliance with chapter 42.30 RCW, the Open Public Meetings Act.

(3) The commission may hold special meetings as it may deem advisable and shall establish by resolution the time, place and manner of calling such special meetings with reasonable notice to the members, provided, that the notice to a member of any special meeting may be waived by a waiver from that member of the board. Notice for special meetings shall be in compliance with chapter 42.30 RCW.

(4) Any action taken by the commission shall require the majority vote of the members present provided a quorum is present.

(5) A quorum of the commission shall consist of at least five members.

(6) No members of the commission shall receive any salary or other compensation from the commission, except that each member shall be paid a specified sum to be determined by resolution of the commission, which rate shall not exceed the compensation rate set by RCW 43.03.230 for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and travel expenses in accordance with RCW 43.03.050 and 43.03.060. The commission may adopt by resolution provisions for reimbursement of actual travel expenses incurred by members of the commission in carrying out the provisions of this marketing order pursuant to RCW 15.66.130.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 10-22-008, § 16-520-027, filed 10/21/10, effective 11/21/10.]

WAC 16-520-035 Limitation of liability of commission members and employees. Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any other commission established pursuant to the act or the assets thereof or against any member officer, employee or agent of the commission in his or her individual capacity. The members of the commission, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for his or her own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall be several and not joint and no member shall be liable for the default of any other member.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 10-22-008, § 16-520-035, filed 10/21/10, effective 11/21/10.]

WAC 16-520-040 Assessments and assessment funds. (1) **Assessments levied.** There is hereby levied and there shall be collected by the commission, as provided in chapter 15.66 RCW, upon all seed potatoes of commercial quantities grown in the state an annual assessment which shall be paid by the producer thereof upon each and every hundredweight of seed potatoes sold, processed, delivered for sale or processing by him or her or stored or delivered for storage when such storage or delivery for storage is outside the boundaries of this state. The assessment shall be three cents per hundredweight. The assessment shall then be set by the seed potato commission at a regular meeting before July 15th of each year, to become effective from September 1st of the same year to August 31st of the following year. The assessment shall not be less than one cent or more than five cents per

hundredweight. No assessment may be collected on the following:

(a) Seed potatoes of a producer's own production used by him or her on his or her own premises for seed, feed or personal consumption;

(b) Seed potatoes donated or shipped for relief or charitable purposes; or

(c) Sales on a producer's premises by a producer direct to a consumer of five hundred pounds or less of seed potatoes from a producer's own production.

No assessment levied or made collectable by the act under this order shall exceed three percent of the total market value of all such seed potatoes sold, processed or delivered for sale or processing by all producers of seed potatoes for the fiscal year to which the assessment applies.

(2) Collection of assessment.

(a) All assessments made and levied pursuant to the provisions of the act under this marketing order shall apply to the respective producer who shall be primarily liable therefore. To collect the assessments, the commission may require:

(i) Stamps to be known as "Washington seed potato commission stamps" to be purchased from the commission and fixed or attached to the containers, invoices, shipping documents, inspection certificates, releases or receiving receipts or tickets. Any stamps shall be canceled immediately upon being attached or fixed and the date of the cancellation shall be placed thereon;

(ii) Handlers receiving seed potatoes from the producer, including warehousemen and processors, to collect producer assessments from producers whose production they handle and all moneys so collected shall be paid to the commission on or before the twentieth day of the succeeding month for the previous month's collections. Each handler shall at the times as required by rule, file with the commission a return under oath on forms to be furnished by the commission, stating the quantity of seed potatoes handled, processed, delivered and/or shipped during the period prescribed by the commission.

(iii) In the event payment of producer assessments occur before the seed potatoes are shipped off the farm or occur at different or later times, such person subject to the assessment shall give adequate assurance or security for its payment as the commission shall require.

(b) The commission is authorized to make reasonable rules in accordance and conformity with the act and with this section to effectuate the collection of assessments. On or before the beginning of each marketing season, the commission shall give reasonable notice to all producers, handlers and other affected persons of the method or methods of collection to be used for that marketing season.

(c) No hundredweight unit or units of seed potatoes shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment has been paid and the receipt issued or stamp canceled, but no liability or obligation applies to common carriers in the regular course of their business. When any seed potatoes for which an exemption is claimed, as provided for in subsection (1) of this section, are shipped either by railroad or truck, there shall be plainly noted on the bill of lading, shipping document, container or invoice, the reasons for the exemption(s).

(d) Any producer or handler who fails to comply with the provisions of this section as herein provided shall be guilty of a violation of this order.

(3) Funds.

(a) Moneys collected by the seed potato commission pursuant to the act and this marketing order as assessments shall be used by the commission only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and this marketing order.

(b) At the end of each fiscal year the commission shall credit each producer with any amount paid by such producer in excess of three percent of the total market value of all seed potatoes sold, processed, delivered for sale or processing or delivered for storage or stored when such storage or delivery for storage was outside the boundaries of this state during that period. Refund may be made only upon satisfactory proof given by the producer which may include, bills of lading, bills of sale or receipts.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 10-22-008, § 16-520-040, filed 10/21/10, effective 11/21/10. Statutory Authority: RCW 15.66.050, 92-22-007, § 16-520-040, filed 10/21/92, effective 12/1/92. Statutory Authority: Chapter 15.66 RCW. 83-22-019 (Order 1808), § 16-520-040, filed 10/25/83, effective 12/1/83; Marketing Order, Article IV, effective 10/1/56.]

WAC 16-520-050 Information reports. All persons subject to the provisions of this marketing order shall make and render reports and furnish such information to the director or the commission as may be necessary or required under the act or this order to effectuate the purposes thereof. Any financial or commercial information and records obtained by the director or commission are exempted from public disclosure under the provisions of RCW 15.66.105 and 42.56.380 and shall not be disclosed to any other person save to a person with like right to obtain the same or any attorney employed by the director or the commission to give legal advice thereon or by court order.

[Statutory Authority: RCW 15.66.030, 15.66.053, 15.66.055, and chapter 34.05 RCW. 10-22-008, § 16-520-050, filed 10/21/10, effective 11/21/10; Marketing Order, Article V, effective 10/1/56.]

**Chapter 16-575 WAC
WINE COMMISSION**

WAC

16-575-040

Rules for implementation of promotional hosting by the Washington wine commission.

WAC 16-575-040 Rules for implementation of promotional hosting by the Washington wine commission. RCW 15.04.200 provides that agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents, or commissioners. "Promotional hosting" means the hosting of individuals or groups of individuals at meetings, meals, events, tours, or other gatherings for the purpose of agricultural development, trade promotion, cultivating trade relations, or in the aid of the marketing, advertising, or sale of Washington state wine or wine grapes.

The rules governing promotional hosting expenditures for the Washington wine commission shall be as follows:

(1) Budget approval. Commission expenditures for agricultural development, trade promotion, and promotional hosting shall be pursuant to specific budget items in the commission's annual budget as approved by the commission and the director.

(2) Officials and agents authorized to make expenditures. The following officials and agents are authorized to make expenditures for agricultural development, trade promotion, and promotional hosting in accordance with the provisions of these rules:

- (a) Commissioners;
- (b) Executive director;
- (c) Commission staff, as authorized in writing by the executive director.

Individual commissioners shall make promotional hosting expenditures, or seek reimbursements for those expenditures, only in those instances where the expenditures have been approved by the commission.

(3) Payment and reimbursement. All payments and reimbursements shall be identified and supported by vouchers to which receipts are attached. Voucher forms will be supplied by the commission, and shall require the following information:

- (a) Name and position (if appropriate) of each person hosted, provided that in a group of ten or more persons, then only the name of the group hosted shall be required;
- (b) General purpose of the hosting;
- (c) Date of hosting;
- (d) Location of the hosting;
- (e) To whom payment was or will be made;
- (f) Signature of person seeking payment or reimbursement.

(4) The chair of the commission, executive director, and commission staff, as authorized in writing by the executive director, are authorized to approve direct payment or reimbursements submitted in accordance with these rules: Provided, That the chair, executive director, and commission staff are not authorized to approve their own vouchers.

(5) The following persons may be hosted when it is reasonably believed such hosting will promote agricultural development, promote trade, cultivate trade relations, or aid in the marketing, advertising, or sale of Washington state wine or wine grapes: Provided, That such hosting shall not violate federal or state conflict of interest laws:

- (a) Individuals from private business, associations, commissions, and accompanying staff and interpreter(s);
- (b) Members of the media and accompanying staff and interpreter(s);
- (c) Foreign government officials and accompanying staff and interpreter(s);
- (d) Federal, state, or local officials: Provided, That lodging, meals, and transportation will not be provided when such officials may obtain full reimbursement for these expenses from their government employer;
- (e) The general public, at meetings or gatherings open to the general public;

(f) Commissioners and employees of the commission when their attendance at meetings, meals, and gatherings at which the persons described in (a) through (e) of this subsection are being hosted, will promote agricultural development, promote trade, cultivate trade relations, or aid in the market-

ing, advertising, or sale of Washington state wine or wine grapes;

(g) Spouses, partners, or significant others of the persons listed in (a), (b), (c), (d), and (f) of this subsection when attendance of such spouse, partner, or significant other is customary and expected or will serve to promote agricultural development, promote trade, cultivate trade relations, or aid in the marketing, advertising, or sale of Washington state wine or wine grapes.

[Statutory Authority: RCW 15.04.200, chapters 15.88 and 34.05 RCW. 11-01-003, § 16-575-040, filed 12/2/10, effective 1/2/11.]

Chapter 16-604 WAC

PUBLIC LIVESTOCK MARKETS—HEALTH, FACILITIES, AND SANITATION

WAC

16-604-009	Definitions.
16-604-020	Facilities and sanitation.
16-604-025	Health regulations.

WAC 16-604-009 Definitions. For the purposes of this order:

"C.F.R." means Code of Federal Regulations.

"Consigned" means to deliver for sale at a public livestock market.

"Department" means the department of agriculture of the state of Washington.

"Director" means the director of the department or the director's duly authorized representative.

"Licensee" means any person licensed to operate a public livestock market.

"Livestock" means cattle, bison, horses, mules, donkeys, swine, sheep, goats, rabbits, llamas, alpacas, ratites, poultry, waterfowl, game birds, and other species so designated by statute. "Livestock" does not mean free ranging wildlife as defined in Title 77 RCW.

"Lot" means livestock of one ownership.

"Market" means public livestock market as defined in RCW 16.65.010(1).

"Market veterinarian" means a veterinarian licensed in the state of Washington, accredited by USDA, and contracted with a public livestock market.

"Official individual identification" means identifying an animal or group of animals using USDA-approved or WSDA-approved devices or methods including, but not limited to, official tags, unique breed registry tattoos, and registered brands when accompanied by a certificate of inspection from a brand inspection authority who is recognized by the director.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-20-094, § 16-604-009, filed 9/30/10, effective 10/31/10. Statutory Authority: RCW 16.36.040 and 16.36.096, 92-21-022, § 16-604-009, filed 10/13/92, effective 11/13/92; Order 1102, § 16.604.009 (codified as WAC 16-604-009), filed 11/18/68; Order 1059, Regulation 1, filed 7/24/67, effective 8/23/67; Order 1025, Regulation 1, filed 7/22/66, effective 8/22/66.]

WAC 16-604-020 Facilities and sanitation. Licensees shall provide facilities and sanitation for the prevention of livestock diseases at their public livestock markets, as follows:

(1) The licensee shall be responsible for the moving and yarding of livestock necessary for animal disease traceability, brand, or animal health inspection. Personnel employed by the public livestock market will be required to sort and designate any unhealthy animals, as determined by the market veterinarian, before they are admitted into trade channels.

(2) The floors of all pens and alleys that are part of a public livestock market shall be constructed of concrete or similar impervious material and kept in good repair, with a slope of not less than one-fourth inch per foot to adequate drains leading to an approved system. The director may designate certain pens within such public livestock markets as feeding and holding pens and the floors and alleys of such pens shall not be subject to the aforementioned surfacing requirements.

(3) Feeding and holding pens maintained in an area adjacent to a public livestock market shall be constructed and separated from such public livestock market, in a manner prescribed by the director, in order to prevent the spread of communicable diseases to the livestock sold or held for sale in such public livestock market.

(4) All yards, chutes and pens used in handling livestock shall be constructed of such material which will render them easily cleaned and disinfected, and such yards, pens and chutes shall be kept clean, sanitary and in good repair at all times, as required by the director.

(5) Sufficient calf pens of adequate size to prevent overcrowding shall be provided, and such pens when used shall be cleaned and disinfected no later than the day subsequent to each sale.

(6) All swine pen facilities shall be covered and when used shall be cleaned and disinfected no later than the day subsequent to each sale.

(7) A water system carrying a pressure of forty pounds psi and supplying sufficient water to thoroughly wash all pens, floors, alleys and equipment shall be provided.

(8) Sufficient quarantine pens of adequate capacity shall be provided. Such pens shall be used to hold only cattle reacting to brucellosis and tuberculosis or to quarantine livestock with other contagious or communicable diseases and shall be:

(a) Hard surfaced with concrete or similar impervious material and shall be kept in good repair.

(b) Provided with separate watering facilities.

(c) Painted white with the word "quarantine" painted in red letters not less than four inches high on such quarantine pen's gate.

(d) Provided with a tight board fence not less than five and one-half feet high.

(e) Cleaned and disinfected not later than one day subsequent to the date of sale.

To prevent the spread of communicable diseases among livestock, the director shall have the authority to cause the cleaning and disinfecting of any area or all areas of a public livestock market and equipment or vehicles with a complete coverage of disinfectants approved by the director.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-20-094, § 16-604-020, filed 9/30/10, effective 10/31/10. Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-022, § 16-604-020, filed 10/13/92, effective 11/13/92; Order 1174, § 16-604-020, filed 12/15/70; Order 1059, Regulation 3, filed 7/24/67, effective 8/23/67; Order 1025, Regulation 3, filed 7/22/66, effective 8/22/66; Order 954, filed 8/20/64; Order 913, filed 4/1/63; Order 853, filed 6/19/61; Order 788, effective 6/17/59.]

WAC 16-604-025 Health regulations. (1) The director shall require such testing, treating, identifying, examining and recordkeeping of livestock by a market veterinarian and/or livestock market as in the director's judgment may be necessary to prevent the spread of brucellosis, tuberculosis, or any other infectious, contagious or communicable disease among the livestock of this state.

(2) For livestock health purposes, the director shall establish procedures for inspection of livestock markets for compliance with sanitary requirements and to observe livestock being handled. Such inspections shall be conducted by animal health inspection personnel working under the jurisdiction of the director. Such inspectors will not issue health certificates, perform "private treaty work" or engage in functions other than those in connection with surveillance for communicable, infectious animal diseases and sanitary measures. Operators of markets shall arrange with a market veterinarian to perform animal health inspections, issue health certificates or certificates of veterinary inspection, perform private treaty work, and perform any testing, quarantine, or movement restrictions of animals as directed by the director of agriculture or required by federal law. Departmental inspectors will work in cooperation with any market veterinarians in performing yard inspections.

(3) Markets handling swine shall be required to identify all boars and sows with official identification. Markets must comply with chapters 16-54 and 16-80 WAC and 9 C.F.R. Sec. 71.19 and 71.20 when handling swine for market.

(4) No livestock may leave the market for points outside the state of Washington without first meeting the requirements of the state of destination and 9 C.F.R. Parts 71 through 89, interstate transportation of animals (including poultry) and animal products.

(5) Any animal or animals which have been found by the market veterinarian to be diseased or unhealthy shall be handled in accordance with instructions from the state veterinarian as to disposition. The market veterinarian may require they be marked "slaughter only" and:

(a) Be sold only to immediate slaughter at a federally inspected slaughter plant;

(b) Require they be sold "as is" with an announcement;

(c) Require they be returned to consignor with or without quarantine; or

(d) Require they be held under quarantine in the yard.

(6) Market requirements.

(a) Animal health requirements as prescribed in chapters 16-54 and 16-86 WAC shall be met for animals entering or released from the public livestock markets. Those public livestock markets that are not specifically approved as per 9 C.F.R. Part 78 that wish to provide brucellosis blood testing as approved by the director shall comply with the facilities requirements for specifically approved public livestock markets. Specifically approved markets (9 C.F.R. Part 78) can accept cattle and bison from out-of-state without meeting the import requirements provided that all Washington state animal health requirements are met at the market upon arrival and the animals are consigned to sell through that market. Those markets not specifically approved can receive from out-of-state only those cattle and bison that have met all animal health requirements prior to entering the state.

(b) Animals released from Washington markets to points outside the state shall be in compliance with subsection (4) of this section.

(c) Public livestock market brucellosis reactors will be:

(i) Tagged with reactor identification tags in the left ear and branded "B" according to 9 C.F.R. Sec. 78.1.

(ii) Placed in a "quarantine pen."

(iii) Sold at the close of the regular sale to licensed slaughterer or their designated agent operating under federal or state inspection or return to the farm of origin under a written quarantine.

(iv) The market veterinarian shall issue VS Form 1-27 on all suspects or reactors immediately after their sale or detection and the original copy must accompany the animals to slaughter or back to the farm of origin. The pink and yellow copies are to be mailed immediately to the state veterinarian's office at P.O. Box 42560, Olympia, Washington, 98504-2560 and the green copy mailed immediately to the destination of shipment.

(v) All brucellosis reactors consigned and transported directly to a licensed slaughtering establishment for immediate slaughter cannot be transported with any animals not so consigned. All trucks and railway cars or other conveyances used for the transportation of such reactors shall be cleaned and disinfected at destination under state and federal supervision.

(7) The market must provide to the department a certificate of permit (haul slip) for all livestock consigned to the market.

(8) All public livestock markets shall officially identify all sexually intact cattle and bison over eighteen months of age with official individual identification prior to being presented for sale. Records of official individual identification applied to the animal indicating seller, buyer, and brucellosis vaccination status if animal is a female shall be maintained by the market for a period of one year.

(9) Slaughter-only livestock.

(a) Livestock purchased through a market in the state of Washington for slaughter-only must be consigned to a federally inspected slaughter plant, restricted feedlot, or a category 2 restricted holding facility. Such animals will be cleared from the market on a Washington state cattle brand certificate and must reach the declared point of destination, slaughter establishment, category 2 restricted holding facility or restricted feedlot, within twelve hours of first being declared slaughter-only livestock. Official individual identification must not be removed and cattle brand certificates must be presented with the animals at declared point of destination and livestock shall not be diverted to any other point.

(b) Cattle that have been declared slaughter-only cattle shall not be commingled with cattle not so declared.

(c) No Washington state cattle brand certificate will be issued at any market unless the purchaser first provides the full name of the purchaser and seller and the complete physical address of the destination, and the cattle are identified to herd of origin.

(10) Health of swine.

(a) Intrastate consignments. Washington swine that are healthy, not known to be affected with or exposed to any contagious or infectious swine diseases, and not under quarantine

may enter and leave any market in the state after veterinary inspection.

(b) Interstate consignments.

(i) Slaughter swine. Swine not known to be affected with or exposed to infectious or communicable swine diseases may be imported into the state without a certificate of veterinary inspection to a recognized federally inspected slaughter plant, or specifically approved livestock market under 9 C.F.R. Sec. 71.19 for immediate slaughter, and may not be diverted en route. The waybills or certificates for shipment must contain an entry permit number obtained from the office of the state veterinarian and must state for "slaughter only to a federally inspected slaughter plant."

(ii) Feeder and breeder swine - must have originated from states in Stage IV or Stage V pseudorabies free status and/or comply with the entry requirements as stated in chapter 16-54 WAC. Animals must be accompanied by an official certificate of veterinary inspection stating that they are clinically free of symptoms of infectious and contagious disease or exposure thereto, unless consigned to a specifically approved livestock market under 9 C.F.R. Part 85. The certificate of veterinary inspection will contain an entry permit number obtained from the office of the state veterinarian and the consignor and consignee will be properly listed with exact physical origin and destination addresses clearly shown. Such swine must not come in contact with swine from states of unlike status prior to or during shipment, and must have been transported in one continuous movement.

(c) Swine brucellosis. All interstate swine over six months of age entering public livestock markets to be sold for breeding purposes must have been tested and found negative to swine brucellosis within thirty days prior to entry or originate in a validated swine brucellosis free herd or state. Swine not in compliance with this requirement will not be sold as breeder swine.

[Statutory Authority: Chapters 16.36 and 34.05 RCW. 10-20-094, § 16-604-025, filed 9/30/10, effective 10/31/10. Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-022, § 16-604-025, filed 10/13/92, effective 11/13/92; Order 1174, § 16-604-025, filed 12/15/70; Order 1059, Regulation 4, filed 7/24/67, effective 8/23/67; Order 1025, Regulation 3, 7/22/66, effective 8/22/66; Order 954, filed 8/20/64; Order 913, filed 4/1/63; Order 853, filed 6/19/64; Order 788, effective 6/17/59.]

Chapter 16-610 WAC

LIVESTOCK BRAND INSPECTION

(Formerly chapter 16-607 WAC)

WAC

16-610-016	Self-inspection certificates issued prior to June 10, 2010.
16-610-018	Proof of ownership documents.
16-610-020	Cattle inspections for brands or other proof of ownership.
16-610-050	Cattle inspections for private transactions.
16-610-060	Veterinarian certification.
16-610-065	Livestock identification fees.
16-610-066	Replacement copies of brand inspection documents.

WAC 16-610-016 Self-inspection certificates issued prior to June 10, 2010. (1) A self-inspection certificate was used for cattle inspections involving twenty-five head or less at the point of private sale, trade, gifting, barter, or any other

action not in connection with a public livestock market that constitutes a change of ownership.

(2) Self-inspection certificates completed after June 10, 2010, are not satisfactory proof of ownership for cattle. Self-inspection certificates completed prior to June 10, 2010, will be accepted as satisfactory proof of ownership of cattle if:

(a) The self-inspection certificate was completed and signed by the buyer and seller. The original completed copy of the certificate must accompany the cattle.

(b) The buyer must provide, at the time of reinspection, additional proof of ownership documentation for all cattle bearing brands not recorded to the seller listed on the self-inspection certificate.

[Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. 10-21-016, § 16-610-016, filed 10/7/10, effective 11/7/10; 07-14-057, § 16-610-016, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-016, filed 12/23/03, effective 1/23/04.]

WAC 16-610-018 Proof of ownership documents. (1) Proof of ownership for cattle and horses may be established at the time of a livestock inspection by presenting one of the following documents:

(a) An official livestock inspection certificate issued by the director.

(b) A duplicate certificate or certified copy of an original inspection document issued by the director.

(c) For cattle only, a self-inspection certificate completed prior to June 10, 2010, and any other information required in WAC 16-610-016.

(d) An official inspection certificate issued by another state or province that maintains a livestock inspection program.

(e) Registration papers on purebred horses.

(f) Registration papers on purebred cattle if the brand is not recorded in this state.

(g) For horses only, a bill of sale. Department form #7092 Equine Bill of Sale may be used and may be purchased by contacting the department at 360-902-1855. The purchase price of an Equine Bill of Sale is \$1.00 for a book of twenty-five.

(h) A certificate of veterinary inspection issued by a state that does not maintain a livestock inspection program. Vaccination/test tags and the animal description must be verifiable and match the document.

(2) Only original inspection certificates, official duplicate certificates, or certified copies of inspection certificates are acceptable. The name of the livestock owner must appear on the document that is submitted. Carbon copies, faxed copies or photocopies will not be accepted except for registration papers on purebred livestock.

[Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. 10-21-016, § 16-610-018, filed 10/7/10, effective 11/7/10; 07-14-057, § 16-610-018, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-018, filed 12/23/03, effective 1/23/04.]

WAC 16-610-020 Cattle inspections for brands or other proof of ownership. (1) All cattle must be inspected for brands or other proof of ownership:

(a) Before being moved out of Washington state, unless the provisions of WAC 16-610-035(2) apply.

(b) When offered for sale at any public livestock market or special sale approved by the director.

(c) Upon delivery to any cattle processing plant where the United States Department of Agriculture maintains a meat inspection program, unless the cattle:

(i) Originate from a certified feedlot; or

(ii) Are accompanied by an inspection certificate issued by the director, or a veterinarian certified by the director, or an agency in another state or Canadian province authorized by law to issue such a certificate.

(2) All cattle entering or reentering any certified feedlot licensed under chapter 16.58 RCW must be inspected for brands or other proof of ownership before commingling with other cattle unless the cattle are accompanied by an inspection certificate issued by the director, or a veterinarian certified by the director, or an agency in another state or Canadian province authorized by law to issue such a certificate.

(3) All cattle must be inspected for brands or other proof of ownership at any point of private sale, trade, gifting, barter, or any other action that constitutes a change of ownership, except for individual private sales of unbranded female dairy breed cattle involving fifteen head or less. For transactions involving cattle not being moved or transported out of Washington state:

(a) Cattle must be presented for an inspection within fifteen days from the date of the initial transaction. It shall be the responsibility of the seller to notify the department immediately that a sale has occurred. It shall be the responsibility of the buyer to present the animals for inspection.

(b) Cattle sold for 4-H and FFA youth projects are exempt from the fifteen day inspection requirement and can be inspected, if not prior, when consigned to a terminal show.

(4) Exemptions from mandatory inspections do not exempt cattle sellers from paying beef promotion fees owed to the Washington state beef commission under chapter 16.67 RCW.

[Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. 10-21-016, § 16-610-020, filed 10/7/10, effective 11/7/10; 07-14-057, § 16-610-020, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-020, filed 12/23/03, effective 1/23/04.]

WAC 16-610-050 Cattle inspections for private transactions. Inspections of cattle required under WAC 16-610-020(3) may be conducted by:

(1) The director; or

(2) Veterinarians certified by the director.

[Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. 10-21-016, § 16-610-050, filed 10/7/10, effective 11/7/10; 07-14-057, § 16-610-050, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-050, filed 12/23/03, effective 1/23/04.]

WAC 16-610-060 Veterinarian certification. (1) The director may certify veterinarians, who are licensed and accredited in Washington state and who comply with the requirements of this section, to issue livestock inspection certificates.

(2) Veterinarians licensed and accredited in Washington state who wish to issue inspection certificates for livestock must apply for certification on the department's application form (WSDA form #7028). The application must include the following:

- (a) The full name and principal business address of the individual applying for certification;
- (b) The applicant's Washington state veterinary license number;
- (c) The geographic area in which the applicant will issue inspection certificates for livestock;
- (d) A statement describing the applicant's experience with large animals, especially cattle and horses;
- (e) A brief statement indicating that the applicant is requesting certification to issue inspection certificates for cattle, horses or both;
- (f) The signature of the applicant; and
- (g) Any other additional information as requested by the director.

(3) All applications must be accompanied by a check or money order for the amount of the certification fee of thirty-five dollars per applicant.

(4) Certifications expire on the third December 31st following the date of issuance. For example, if a certificate was issued on October 14, 2003, it would expire on December 31, 2005. All applications for renewal of certification must be submitted on AGR Form 930-7089 and accompanied by a check or money order for the amount of the certification fee of thirty-five dollars per applicant.

(5) All veterinarians applying for certification or renewal of certification must successfully complete department-provided training. The department will provide to each person applying for certification or renewal of certification a copy of the most current brand book and any supplements issued to date. Training will include, but will not be limited to, the:

- (a) Reading of printed brands;

- (b) Reading of brands or other marks on animals;
 - (c) Completion of official documents; and
 - (d) Review of satisfactory ownership documents.
- (6) The director will maintain a list of veterinarians certified to perform livestock inspections. Interested parties may request a copy of the list from the department by calling 360-902-1855.

(7) Inspections by certified veterinarians are conducted upon request and provided at the discretion of the veterinarian.

(8) Certified veterinarians must submit all required inspection fees to the director and copies of each inspection certificate within thirty days of the date of issue.

(9) The director may deny certification or renewal of certification to issue inspection certificates if the veterinarian fails to meet the requirements of this section or knowingly makes false or inaccurate statements regarding his or her qualifications on the certification application.

[Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. 10-21-016, § 16-610-060, filed 10/7/10, effective 11/7/10; 07-14-057, § 16-610-060, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-060, filed 12/23/03, effective 1/23/04.]

WAC 16-610-065 Livestock identification fees. All livestock identification inspection fees charged by the director are specified in statute under RCW 16.57.220 but are reproduced in this section for ease of reference.

For purposes of this section, the time and mileage fee means seventeen dollars per hour and the current mileage rate set by the office of financial management.

Certificate	Fees:
Inspection Certificate - Cattle	<p>(1) The livestock inspection fee for cattle is \$1.60 per head or the time and mileage fee, whichever is greater, except: The fee for livestock inspection for cattle is \$1.10 per head or the time and mileage fee, whichever is greater, when cattle are identified with a valid brand recorded to the owner of the cattle in Washington. The time and mileage fee may be waived for private treaty transactions of ten head or less of cattle bearing the seller's Washington recorded brand and special sales of 4-H, FFA, and junior/youth groups. The time and mileage waiver: (a) Will be limited to twelve waivers within a calendar year; and (b) Does not apply to multiple sales to the same buyer within a thirty-day period.</p> <p>(2) The livestock inspection fee for cattle is \$4.00 per head for cattle delivered to a USDA inspected slaughter facility with a daily capacity of no more than five hundred head of cattle.</p> <p>(3) No inspection fee is charged for a calf that is inspected prior to moving out-of-state under an official temporary grazing permit if the calf is part of a cow-calf unit and the calf is identified with the owner's Washington state-recorded brand.</p> <p>(4) No inspection fee is charged for a dairy calf less than thirty days old that is delivered to a USDA inspected slaughter facility.</p>
Inspection Certificate - Horse	(5) The livestock inspection fee for horses is \$3.50 per head or the time and mileage rate, whichever is greater, except:
Inspection Certificate - Groups of thirty or more horses	<p>(6) The livestock inspection fee for groups of thirty or more horses is \$2.00 per head or the time and mileage fee, whichever is greater, if: (a) The horses are owned by one individual; and (b) The inspection is performed on one date and at one location; and (c) Only one certificate is issued.</p>
Inspection Certificate - Minimum fee	(7) The minimum fee for a livestock inspection is \$5.00 . The minimum fee does not apply to livestock consigned to and inspected at a public livestock market, special sale, or a cattle processing plant.

Certificate	Fees:
Annual individual identification certificate for individual animals	(8)(a) The livestock inspection fee for an annual individual identification certificate for cattle and horses is \$20.00 per head or the time and mileage fee, whichever is greater. (b) The livestock inspection fee for an annual individual identification certificate for groups of thirty or more horses or cattle is \$5.00 per head or the time and mileage fee, whichever is greater, if: (i) The horses or cattle are owned by one individual; (ii) The inspection is performed on one date and at one location; and (iii) Only one certificate is issued.
Lifetime individual identification certificate	(9) A livestock inspection fee for a lifetime individual identification certificate for horses and cattle is \$60.00 per head or the time and mileage fee, whichever is greater.

[Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. 10-21-016, § 16-610-065, filed 10/7/10, effective 11/7/10; 07-14-057, § 16-610-065, filed 6/28/07, effective 7/29/07; 04-01-171, § 16-610-065, filed 12/23/03, effective 1/23/04.]

WAC 16-610-066 Replacement copies of brand inspection documents. (1) Individuals can request replacement copies of inspection documents issued by the director which are held by the department.

(2) All requests for replacement copies will be submitted on AGR Form 930-7093 to the department.

(3) A twenty-five dollar fee will be charged per document for replacement copies and must accompany the form.

(4) Replacement copies will only be issued to a requestor whose name appears as the buyer, seller, or owner on the document being requested.

[Statutory Authority: Chapters 16.57, 16.58, 16.65, and 34.05 RCW. 10-21-016, § 16-610-066, filed 10/7/10, effective 11/7/10.]

Chapter 16-662 WAC

WEIGHTS AND MEASURES—NATIONAL HANDBOOKS

WAC

- 16-662-105 What national weights and measures standards are adopted by the Washington state department of agriculture (WSDA)?
- 16-662-110 Does the WSDA modify NIST Handbook 44?
- 16-662-115 Does the WSDA modify NIST Handbook 130?

WAC 16-662-105 What national weights and measures standards are adopted by the Washington state department of agriculture (WSDA)? The WSDA adopts the following national standards:

National standard for:	Contained in the:
(1) The specifications, tolerances, and other technical requirements for the design, manufacture, installation, performance test, and use of weighing and measuring equipment	2010 Edition of <i>NIST Handbook 44 - Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices</i>
(2) The procedures for checking the accuracy of the net contents of packaged goods	Fourth Edition (January 2005) of <i>NIST Handbook 133 - Checking the Net Contents of Packaged Goods</i>
(3) The requirements for packaging and labeling,	2009 Edition of <i>NIST Handbook 130 - Uniform Laws and</i>

National standard for:	Contained in the:
method of sale of commodities, examination procedures for price verification, and engine fuels, petroleum products and automotive lubricants	<i>Regulations in the areas of legal metrology and engine fuel quality.</i> Effective June 1, 2011, the 2010 Amendments to the 2009 Edition of NIST Handbook 130 to Section 2.1 Gasoline and Gasoline-Oxygenate Blends in the Engine Fuels and Automotive Lubricants Regulation. Specifically:
(a) Weights and measures requirements for all food and nonfood commodities in package form	<i>Uniform Packaging and Labeling Regulation</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , 2009 Edition. Effective June 1, 2011, the 2010 Amendments to the 2009 Edition of NIST Handbook 130 to Section 2.1. Gasoline and Gasoline-Oxygenate Blends in the Engine Fuels and Automotive Lubricants Regulation
(b) Weights and measures requirements for the method of sale of food and nonfood commodities	<i>Uniform Regulation for the Method of Sale of Commodities</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , 2009 Edition. Effective June 1, 2011, the 2010 Amendments to the 2009 Edition of NIST Handbook 130 to Section 2.1. Gasoline and Gasoline-Oxygenate Blends in the Engine Fuels and Automotive Lubricants Regulation
(c) Weights and measures requirements for price verification	<i>Examination Procedure for Price Verification</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook</i>

National standard for:	Contained in the:
	<i>130</i> , 2009 Edition. Effective June 1, 2011, the 2010 Amendments to the 2009 Edition of NIST Handbook 130 to Section 2.1. Gasoline and Gasoline-Oxygenate Blends in the Engine Fuels and Automotive Lubricants Regulation
(d) Definitions and requirements for standard fuel specifications; classification and method of sale of petroleum products; retail storage tanks and dispenser filters; condemned product; product registration; and test methods and reproducibility limits	<i>Uniform Engine Fuels and Automotive Lubricants Regulation</i> as adopted by the National Conference on Weights and Measures and published in <i>NIST Handbook 130</i> , 2009 Edition. Effective June 1, 2011, the 2010 Amendments to the 2009 Edition of NIST Handbook

National standard for:	Contained in the:
	130 to Section 2.1. Gasoline and Gasoline-Oxygenate Blends in the Engine Fuels and Automotive Lubricants Regulation

[Statutory Authority: Chapters 19.94, 19.112, 34.05 RCW, and 2010 c 96. 10-18-088, § 16-662-105, filed 9/1/10, effective 10/2/10. Statutory Authority: Chapters 19.94, 19.112, and 34.05 RCW. 09-19-007, § 16-662-105, filed 9/3/09, effective 10/4/09. Statutory Authority: Chapters 19.94 and 34.05 RCW. 08-05-007, § 16-662-105, filed 2/7/08, effective 3/9/08. Statutory Authority: Chapters 19.112 and 34.05 RCW. 07-05-083, § 16-662-105, filed 2/21/07, effective 3/24/07. Statutory Authority: Chapters 19.94 and 34.05 RCW. 07-01-115A, § 16-662-105, filed 12/20/06, effective 1/20/07; 06-08-102, § 16-662-105, filed 4/5/06, effective 5/6/06; 05-10-088, § 16-662-105, filed 5/4/05, effective 6/4/05; 04-12-025, § 16-662-105, filed 5/26/04, effective 6/26/04; 03-08-017, § 16-662-105, filed 3/25/03, effective 4/25/03. Statutory Authority: Chapter 19.94 RCW. 02-12-029, § 16-662-105, filed 5/29/02, effective 6/29/02. Statutory Authority: RCW 19.94.195. 01-16-005, § 16-662-105, filed 7/19/01, effective 8/19/01; 00-14-005, § 16-662-105, filed 6/23/00, effective 7/24/00; 99-07-056, § 16-662-105, filed 3/16/99, effective 4/16/99; 98-13-072, § 16-662-105, filed 6/15/98, effective 7/16/98. Statutory Authority: Chapter 19.94 RCW. 97-12-075, § 16-662-105, filed 6/4/97, effective 7/5/97.]

WAC 16-662-110 Does the WSDA modify NIST Handbook 44? The WSDA adopts the following modifications to *NIST Handbook 44*, which is identified in WAC 16-662-105(1):

Modified Section:	Modification:
General Code: Section G-UR.4.1. Maintenance of Equipment	In the last sentence of G-UR.4.1., Maintenance of Equipment, change the words "device user" to "device owner or operator." As a result of this modification, the last sentence of G-UR.4.1. will read: "Equipment in service at a single place of business found to be in error predominantly in a direction favorable to the device owner or operator (see also Introduction, Section Q) shall not be considered "maintained in a proper operating condition.""
Liquid-Measuring Devices: Section S.1.6.4.1. Unit Price	Modify subsection (b) under section S.1.6.4.1. Unit Price, to read: Whenever a grade, brand, blend, or mixture is offered for sale from a device at more than one unit price, then all of the unit prices at which that product is offered for sale shall be displayed or shall be capable of being displayed on the dispenser using controls available to the consumer prior to the delivery of the product or after prepayment for the product but prior to its delivery. It is not necessary that all of the unit prices for all grades, brands, blends, or mixtures be simultaneously displayed prior to the delivery of the product. This subsection shall not apply to fleet sales, other contract sales, or truck refueling sales (e.g., sales from dispensers used to refuel trucks).

[Statutory Authority: Chapters 19.94, 19.112, 34.05 RCW, and 2010 c 96. 10-18-088, § 16-662-110, filed 9/1/10, effective 10/2/10. Statutory Authority: Chapters 19.94, 19.112, and 34.05 RCW. 09-19-007, § 16-662-110, filed 9/3/09, effective 10/4/09. Statutory Authority: Chapters 19.94 and 34.05 RCW. 07-01-115A, § 16-662-110, filed 12/20/06, effective 1/20/07; 05-10-088, § 16-662-110, filed 5/4/05, effective 6/4/05; 03-08-017, § 16-662-110, filed 3/25/03, effective 4/25/03. Statutory Authority: RCW 19.94.195. 01-16-005, § 16-662-110, filed 7/19/01, effective 8/19/01; 99-07-056, § 16-662-110, filed 3/16/99, effective 4/16/99. Statutory Authority: Chapter 19.94 RCW. 97-12-075, § 16-662-110, filed 6/4/97, effective 7/5/97.]

WAC 16-662-115 Does the WSDA modify NIST Handbook 130? The WSDA adopts the following modifications to the *Uniform Regulation for the Method of Sale of Commodities* requirements published in *NIST Handbook 130*, identified in WAC 16-662-105 (3)(b):

Modified Section:	Modification:
(1) Section 2.20. Gasoline-Oxygenate Blends	Modify section 2.20.1. Method of Retail Sale. Type of Oxygenate must be Disclosed, to read: All automotive gasoline or automotive gasoline-oxygenate blends kept, offered, or exposed for sale, or sold at retail containing at least 1.5 mass percent oxygen shall be identified as "with" or "containing" (or similar wording) the predominant oxygenate in the engine fuel. For

Modified Section:	Modification:
	<p>example, the label may read "contains ethanol." The oxygenate contributing the largest mass percent oxygen to the blend shall be considered the predominant oxygenate. Where mixtures of only ethers are present, the retailer may post the predominant oxygenate followed by the phrase "or other ethers." In addition, gasoline-methanol blend fuels containing more than 0.15 mass percent oxygen from methanol shall be identified as "with" or "containing" methanol. This information shall be posted on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver's position in a type at least 12.7 mm (1/2 in.) in height, 1.5 mm (1/16 in.) stroke (width of type). Methanol at one percent or greater, by volume, in gasoline for use as motor vehicle fuel must be labeled with the maximum percentage of methanol contained in the motor vehicle fuel. Ethanol at no less than one percent and no more than ten percent, by volume, must be labeled "Contains up to 10% Ethanol." Ethanol at greater than ten percent by volume must be labeled with the capital letter E followed by the numerical value volume percent denatured ethanol and ending with the word "ethanol." (Example: E85 Ethanol.)</p> <p>Modify section 2.20.2. Documentation for Dispenser Labeling Purposes, to read: At the time of delivery of the fuel, the retailer shall be provided, on an invoice, bill of lading, shipping paper, or other documentation a declaration of the predominant oxygenate or combination of oxygenates present in concentrations sufficient to yield an oxygen content of at least 1.5 mass percent in the fuel. Where mixtures of only ethers are present, the fuel supplier may identify the predominant oxygenate in the fuel (i.e., the oxygenate contributing the largest mass percent oxygen). In addition, any gasoline containing more than 0.15 mass percent oxygen from methanol shall be identified as "with" or "containing" methanol. This documentation is only for dispenser labeling purposes; it is the responsibility of any potential blender to determine the total oxygen content of the engine fuel before blending. When ethanol and/or methanol is blended at one percent or greater, by volume, in gasoline for use as motor vehicle fuel, documentation must include the volumetric percentage of ethanol and/or methanol.</p>
(2) Section 2.23. Animal Bedding	<p>Add a new subsection which reads: 2.23.1. Sawdust, Barkdust, Decorative Wood Particles, and Similar Products. As used in this subsection, "unit" means a standard volume equal to 200 cubic feet. When advertised, offered for sale, or sold within Washington state, quantity representations for sawdust, barkdust, decorative wood particles, and similar loose bulk materials must be in cubic measures or units and fractions thereof.</p>
(3) Section 2.31.2 Labeling of Retail Dispensers	<p>Add a new subsection which reads: 2.31.2.5. Labeling of Retail Dispensers Containing Not More Than 5% Biodiesel. Each retail dispenser of biodiesel or biodiesel blend containing not more than five percent biodiesel must be labeled "May contain up to 5% Biodiesel."</p> <p>Add a new subsection which reads: 2.31.2.6. Labeling of Retail Dispensers Containing More Than 5% Biodiesel. Each retail dispenser of biodiesel or biodiesel blend containing more than five percent biodiesel must be labeled with the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel and ending with either "biodiesel" or "biodiesel blend" (examples: B100 Biodiesel; B60 Biodiesel Blend).</p>
(4) Section 2.31.4. Exemption	<p>Delete section 2.31.4.</p>

The WSDA adopts the following modifications to the *Uniform Engine Fuels and Automotive Lubricants Regulation* requirements published in *NIST Handbook 130*, identified in WAC 16-662-105 (3)(d):

Modified Section:	Modification:
(1) Section 2.12. Motor Oil	Delete section 2.12.
(2) Section 2.13. Products for Use in Lubricating Manual Transmissions, Gears, or Axles	Delete section 2.13.
(3) Section 2.14. Products for Use in Lubricating Automatic Transmissions	Delete section 2.14.
(4) Section 3.2.6. Method of Retail Sale. Type of Oxygenate must be Disclosed	<p>Modify section 3.2.6 to read: All automotive gasoline or automotive gasoline-oxygenate blends kept, offered, or exposed for sale, or sold at retail containing at least 1.5 mass percent oxygen shall be identified as "with" or "containing" (or similar wording) the predominant oxygenate in the engine fuel. For example, the label may read "contains ethanol." The oxygenate contributing the largest mass percent oxygen to the blend shall be considered the predominant oxygenate. Where mixtures of only ethers are present, the retailer may post the predominant oxygenate followed by the phrase "or other ethers." In addition, gasoline-methanol blend fuels containing more than 0.15 mass percent oxygen from methanol shall be identified</p>

Modified Section:	Modification:
	as "with" or "containing" methanol. This information shall be posted on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver's position in a type at least 12.7 mm (1/2 in.) in height, 1.5 mm (1/16 in.) stroke (width of type). Methanol at one percent or greater, by volume, in gasoline for use as motor vehicle fuel must be labeled with the maximum percentage of methanol contained in the motor vehicle fuel. Ethanol at no less than one percent and no more than ten percent, by volume, must be labeled "Contains up to 10% Ethanol." Ethanol at greater than ten percent by volume must be labeled with the capital letter E followed by the numerical value volume percent denatured ethanol and ending with the word "ethanol" (example: E85 Ethanol).
(5) Section 3.2.7. Documentation for Dispenser Labeling Purposes	Modify section 3.2.7 to read: The retailer shall be provided, at the time of delivery of the fuel, on an invoice, bill of lading, shipping paper, or other documentation, a declaration of the predominant oxygenate or combination of oxygenates present in concentrations sufficient to yield an oxygen content of at least 1.5 mass percent in the fuel. Where mixtures of only ethers are present, the fuel supplier may identify the predominant oxygenate in the fuel (i.e., the oxygenate contributing the largest mass percent oxygen). In addition, any gasoline containing more than 0.15 mass percent oxygen from methanol shall be identified as "with" or "containing" methanol. This documentation is only for dispenser labeling purposes; it is the responsibility of any potential blender to determine the total oxygen content of the engine fuel before blending. When ethanol and/or methanol is blended at one percent or greater, by volume, in gasoline for use as motor vehicle fuel, documentation must include the volumetric percentage of ethanol and/or methanol.
(6) Section 3.8.2. Labeling Requirements	Add a new subsection which reads: (c) Each retail dispenser of greater than ten percent fuel ethanol by volume must be labeled with the capital letter E followed by the numerical value volume percent denatured ethanol and ending with the word "ethanol" (example: E85 Ethanol).
(7) Section 3.9.2. Retail Dispenser Labeling	Add a new subsection which reads: (c) Each retail dispenser of fuel methanol shall be labeled by the capital letter M followed by the numerical value maximum volume percent and ending with the word "methanol." (Example: M85 Methanol.)
(8) Section 3.13. Oil	Delete section 3.13.
(9) Section 3.14. Automatic Transmission Fluid	Delete section 3.14.
(10) Section 3.15.2. Labeling of Retail Dispensers	Add a new subsection which reads: 3.15.2.5. Labeling of Retail Dispensers Containing Not More Than 5% Biodiesel. Each retail dispenser of biodiesel blend containing not more than five percent biodiesel must be labeled "May contain up to 5% Biodiesel." Add a new subsection which reads: 3.15.2.6. Labeling of Retail Dispensers Containing More Than 5% Biodiesel. Each retail dispenser of biodiesel or biodiesel blend containing more than five percent biodiesel must be labeled with the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel and ending with either "biodiesel" or "biodiesel blend" (examples: B100 Biodiesel; B60 Biodiesel blend).
(11) Section 3.15.4. Exemption	Delete section 3.15.4.
(12) Section 7. Test Methods and Reproducibility Limits	Add a new subsection which reads: 7.3. Biodiesel Blends. The test method for determining the percent biodiesel in a blend of biodiesel and diesel fuel shall be EN 14078 "Liquid petroleum products - Determination of fatty methyl esters (FAME) in middle distillates - Infrared spectroscopy method." When ASTM develops a comparable standard test method, the ASTM method will become the standard method for purposes of this rule.

[Statutory Authority: Chapters 19.94, 19.112, 34.05 RCW, and 2010 c 96. 10-18-088, § 16-662-115, filed 9/1/10, effective 10/2/10. Statutory Authority: Chapters 19.94, 19.112, and 34.05 RCW. 09-19-007, § 16-662-115, filed 9/3/09, effective 10/4/09. Statutory Authority: Chapters 19.112 and 34.05 RCW. 07-05-083, § 16-662-115, filed 2/21/07, effective 3/24/07. Statutory Authority: Chapters 19.94 and 34.05 RCW. 05-10-088, § 16-662-115, filed 5/4/05, effective 6/4/05; 03-08-017, § 16-662-115, filed 3/25/03, effective 4/25/03. Statutory Authority: RCW 19.94.195. 98-13-072, § 16-662-115, filed 6/15/98, effective 7/16/98. Statutory Authority: Chapter 19.94 RCW. 97-12-075, § 16-662-115, filed 6/4/97, effective 7/5/97.]

Chapter 16-740 WAC
FOOD ASSISTANCE PROGRAMS

WAC

- 16-740-010 Authority.
- 16-740-020 Purpose.
- 16-740-030 Definitions.
- 16-740-040 Contractor funding allocation and award of contracts.
- 16-740-050 Applicant eligibility criteria.
- 16-740-060 Financial support application process.

WAC 16-740-010 Authority. These rules are adopted under the authority of chapter 68, Laws of 2010, which provides that the director may adopt rules necessary to implement the food assistance programs.

[Statutory Authority: 2010 c 68 and chapter 34.05 RCW. 10-20-061, § 16-740-010, filed 9/27/10, effective 10/28/10.]

WAC 16-740-020 Purpose. The purpose of this chapter is to set forth the conditions and procedures under which state

funding will be made available to assist local emergency food programs.

[Statutory Authority: 2010 c 68 and chapter 34.05 RCW. 10-20-061, § 16-740-020, filed 9/27/10, effective 10/28/10.]

WAC 16-740-030 Definitions. "Administrative costs" means management and general expenses, including membership dues that cannot be readily identified with a particular program or direct services.

"Applicant" means a public or private nonprofit organization, tribe or tribal organization who applies for state emergency food assistance.

"Commodity program" means a program that primarily distributes USDA surplus commodities to clients (TEFAP).

"Contractor" means an applicant who has been awarded state funds under the emergency food assistance program, and who has entered into a contract with the department to provide emergency food assistance to individuals.

"Department" means the Washington state department of agriculture.

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

"Emergency food" means food that is given to clients who do not have the means to acquire that food themselves, so that they will not go hungry.

"Emergency food assistance program" or "EFAP" means the statewide activities of the department to assist local emergency food programs by allocating and awarding state funds.

"Food bank" means an emergency food program that distributes unprepared food without charge to its clients, is open a fixed number of hours and days each week or month, and such hours and days are publicly posted.

"Food distributor" means a food distribution agency that collects, warehouses, and distributes food to emergency food programs and other charities on a county, regional, or statewide basis.

"In-kind" means the value of volunteer services or donated goods such as staff time, rent, food, supplies and transportation.

"Lead agency contractor" means a contractor who may subcontract with one or more local food banks to provide emergency food assistance to individuals, and with food distributors to provide food to food banks.

"Operational expenses" means those costs clearly identifiable with providing direct services to eligible clients, or distribution services to food banks such as staff time, transportation costs, and equipment rental.

"Participating food bank" means a local public or private nonprofit food bank that enters into a subcontract with a lead agency contractor to provide emergency food assistance to individuals.

"Religious service" means any sectarian or nondenominational service, rite, or meeting that involves worship of a higher being.

"Special dietary needs" means funds to purchase food that meets the nutritional needs of a special needs population.

"Tribal food voucher program" means the statewide activities of the department that allocate and award state funds to tribes and tribal organizations that issue food vouchers to clients.

[Statutory Authority: 2010 c 68 and chapter 34.05 RCW. 10-20-061, § 16-740-030, filed 9/27/10, effective 10/28/10.]

WAC 16-740-040 Contractor funding allocation and award of contracts. At least seventy percent of the total allocation appropriated by the legislature shall be contracted to lead agency contractors. These funds shall be for the purpose of funding the activities of food banks and food distributors, the purchase of special dietary needs foods, and providing special dietary needs training. The specific appropriation for timber and salmon dependent communities shall be contracted to food banks in those communities. Of the remainder of the total allocation, not including department administrative costs, allocations shall be contracted to a discretionary program if the department elects to award such contracts, the tribal food voucher program, and additional special dietary needs training. Allocations for each county shall be contracted to lead agency contractors on the following basis:

(1) A formula for distributing the funds in proportion to need shall be established by the department in consultation with a committee appointed by the director or the director's designee. This formula may only be changed at the beginning of a biennial contract period.

(2) The department shall award the lead agency contract to an eligible contractor, as defined by the department, which is supported by a least two-thirds of the participating food banks in a county.

(3) The department may award the combined allocation for two or more counties to a single applicant.

(4) The department shall award a contract to no more than one lead agency contractor in each county, with the exception of King County, where there may be three lead agency contractors, to administer subcontracts with one or more participating food banks and food distributors.

(5) Federally recognized tribes may apply to the department directly for the food bank program without having to subcontract with the lead agency. They must meet all the same criteria and requirements as lead agencies.

(6) Within each lead agency service area, except for the additional funds specifically allocated for food banks in timber and salmon dependent communities, funds shall be allocated between food distributors, food banks, and special dietary needs foods and training based on a two-thirds vote of all participating food banks and the lead agency.

(7) The additional funds specifically allocated for food banks in timber and salmon dependent communities shall remain in the amounts identified by the legislature.

(8) If participating food banks designate funds for food distribution, they shall elect with a two-thirds vote of the participating food banks and the lead agency, an eligible distributor as defined by the department. They may choose more than one distributor with which to subcontract. The lead agency contractor shall be responsible for subcontracting with the food distributor(s).

(9) A formula for distributing the funds to each tribe and tribal organization participating in the emergency food assistance program in proportion to need shall be established by the department in consultation with a committee consisting of representatives from all tribes participating in the program. This formula may only be changed at the beginning of a biennial contract period.

(10) The department shall pay for services provided under the emergency food assistance program after the contractor submits a monthly report of expenditures incurred and a request for reimbursement.

(11) Tribes may apply for the food bank funds or the food voucher funds or both. Tribes will receive the same amount of funds whether they participate in one or both programs, computed as their share of the allocated EFAP tribal funds. It will be up to the discretion of each participating tribe how it allocates the EFAP funds.

(12) In the event that funds are not claimed by an eligible organization in a county or that a portion of the funds allocated to a county remains unspent, the lead agency contractor may request authorization from the department to reallocate funds, within its service area, to an area of unmet need.

(13) In the event that a portion of the funds allocated to a subcontracting tribe within a tribal contractor's contract remains unspent or unclaimed, the tribal contractor may request authorization from the department to reallocate funds to one of its other subcontracting tribes with unmet needs.

[Statutory Authority: 2010 c 68 and chapter 34.05 RCW. 10-20-061, § 16-740-040, filed 9/27/10, effective 10/28/10.]

WAC 16-740-050 Applicant eligibility criteria. (1)

The applicant must have a certified form from the IRS stating nonprofit status under section 501 (c)(3), or be a public nonprofit agency, be a recognized tribe, a tribal organization with section 501 (c)(3) status, or an unrecognized tribe with section 501 (c)(3) status.

(2) The applicant for funding as lead agency must have been operating as a public nonprofit or private nonprofit with section 501 (c)(3) status for one year prior to the beginning date of the contract.

(3) The applicant for funding as a participating food bank must have been operating as a public nonprofit or private nonprofit with section 501 (c)(3) status food bank for one year prior to the beginning date of the subcontract.

(4) The applicant for funding as a food distributor must have been operating as a public nonprofit or a private nonprofit with section 501 (c)(3) status food distributor for one year prior to the beginning date of the contract.

(5) The applicant for lead agency or tribal contractor may or may not actually provide emergency food program services.

(6) The applicant must practice nondiscrimination in providing services and employment.

(7) The applicant must not require participation in a religious service as a condition of receiving emergency food or a food voucher.

(8) Applicants within a county or multicounty region, or tribes with established parameters for service, may define their service area boundaries for the purpose of equitably allocating resources. The department encourages the provider to serve the client no matter what service areas the client resides in. If appropriate, the provider may then refer the client to the agency servicing the area in which the client resides, or to the tribe which has established jurisdiction over the individual, for further assistance. Providers must practice nondiscrimination when applying their service area policies.

(9) The applicant may not charge for food or food vouchers given to a client.

[Statutory Authority: 2010 c 68 and chapter 34.05 RCW. 10-20-061, § 16-740-050, filed 9/27/10, effective 10/28/10.]

WAC 16-740-060 Financial support application process. (1) Potential applicants will be notified by the department that in order to be considered for state emergency food financial assistance, an application must be submitted to the department.

(2) An applicant must make formal application using forms issued and procedures established by the department. Such application shall be for the period indicated on the contract face sheet. Failure of an applicant to make application in a timely manner, as specified by the department, may result in denial of the funding request.

(3) Department funds may not supplant other existing funding sources.

(4) The department shall notify successful applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the applicant and must be returned to the department prior to the award of any funds under this program.

(5) Applicants that receive food bank or food distribution funds are subject to the following fiscal requirements:

(a) The total funds from the department received by a nontribal lead agency contractor or a food distribution subcontractor must be equally matched by funds from other sources during the fiscal year. No more than fifty percent of that match may be documented in-kind contributions. Nontribal participating food banks receiving funds from the department have two options for matching funds: They may equally match the EFAP funds, with no more than fifty percent being documented in-kind contributions; if they do not have at least one-half of their minimum match as cash, they may match their department funds by at least two hundred percent in in-kind contributions from other sources.

(b) Administrative costs for food bank and food distributor subcontractors under this program are limited to ten percent of their total contract award. Administrative costs for a lead agency contractor who also provides direct emergency food assistance services as a participating food bank and/or services as a food distributor are limited to ten percent of the contractor's allocation for providing direct services, ten percent of the contractor's allocation for providing food distributor services, and ten percent of the total contract award as food bank lead agency; total administrative costs, however, may not exceed fifteen percent of the total contract award. Administrative costs for agencies who are lead agency contractors only are limited to ten percent of their total contract award.

(6) Tribal applicants are subject to the following fiscal requirements:

(a) Tribal contractors and subcontractors must match thirty-five percent of the funds received by the department for the emergency food assistance program. No more than fifty percent of that match may be documented in-kind contributions.

(b) Of a contract award allocated to the tribal food voucher program, tribal contractors may not spend more than ten percent on administrative costs, and five percent on operational expenses. The balance of funds is to be used for food vouchers issued to clients. Of funds allocated to the food

bank program, tribal contractors are subject to the same spending requirements as nontribal food bank contractors under subsection (5)(b) of this section.

[Statutory Authority: 2010 c 68 and chapter 34.05 RCW. 10-20-061, § 16-740-060, filed 9/27/10, effective 10/28/10.]

Chapter 16-750 WAC

STATE NOXIOUS WEED LIST AND SCHEDULE OF MONETARY PENALTIES

WAC

- 16-750-003 Definitions.
- 16-750-011 State noxious weed list—Class B noxious weeds.
- 16-750-015 State noxious weed list—Class C noxious weeds.

WAC 16-750-003 Definitions. (1) The definitions in this section shall apply throughout this chapter, unless the context plainly requires otherwise:

- (a) "Action" means the transaction of the official business of the Washington state noxious weed control board including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, and final actions.
- (b) "Board" means the Washington state noxious weed control board, or a duly authorized representative.
- (c) "Director" means the director of the department of agriculture, or the director's appointed representative.
- (d) "Executive secretary" means the executive secretary of the Washington state noxious weed control board.
- (e) "Department" means the department of agriculture of this state.
- (f) "Final action" means a collective positive or negative decision, or an actual vote by a majority of board members when sitting as a body or entity, upon a motion, proposal, resolution, or order.
- (g) "Meeting" means meetings at which action is taken.

(h) "Regular meetings" means recurring meetings held in accordance with a periodic schedule in compliance with applicable statute or rule.

(2) The definitions in this subsection apply throughout this chapter, chapter 17.10 RCW, and any rules adopted thereunder unless the context plainly requires otherwise:

- (a) "Control" of noxious weeds means to prevent all seed production and to prevent the dispersal of all propagative parts capable of forming new plants.
- (b) "Contain" means to confine a noxious weed and its propagules to an identified area of infestation.
- (c) "Eradicate" means to eliminate a noxious weed within an area of infestation.
- (d) "Prevent the spread of noxious weeds" means to contain noxious weeds.
- (e) Class A noxious weeds are those noxious weeds not native to the state that are of limited distribution or are unrecorded in the state and that pose a serious threat to the state.
- (f) Class B noxious weeds are those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to that region.
- (g) "Class B designate" means those Class B noxious weeds whose populations in a region or area are such that all seed production can be prevented within a calendar year.
- (h) Class C are any other noxious weeds.
- (3) Any county noxious weed control board may enhance the clarity of any definition contained in subsection (2) of this section, making that definition more specific, but shall not change its general meaning.

[Statutory Authority: Chapters 17.10 and 34.05 RCW. 10-03-046, § 16-750-003, filed 1/14/10, effective 2/14/10. Statutory Authority: Chapter 17.10 RCW. 99-24-029, § 16-750-003, filed 11/23/99, effective 1/3/00; 97-06-108, § 16-750-003, filed 3/5/97, effective 4/5/97; 93-01-004, § 16-750-003, filed 12/2/92, effective 1/2/93; 91-24-072, § 16-750-003, filed 12/2/91, effective 1/2/92; 91-01-016, § 16-750-003, filed 12/7/90, effective 1/7/91; 90-01-004, § 16-750-003, filed 12/7/89, effective 1/7/90; 88-18-001 (Order 24, Resolution No. 24), § 16-750-003, filed 8/25/88.]

WAC 16-750-011 State noxious weed list—Class B noxious weeds.

Name	Will be a "Class B designate" in all lands lying within:
(1) alyssum, hoary <i>Berteroa incana</i>	(a) regions 1, 2, 5, 6, 8, 9, 10 (b) region 3, except Okanogan County (c) Okanogan County, of region 3, except Ranges 29 through 31 East of Townships 37 through 40 North (d) Ferry County of region 4 south of Hwy 20 (e) Adams and Whitman counties of region 7.
(2) archangel, yellow <i>Lamiastrum galeobdolon</i>	(a) Clallam County of region 1 (b) San Juan County of region 2 (c) Cowlitz and Skamania counties of region 8.
(3) arrowhead, grass-leaved <i>Sagittaria graminea</i>	(a) regions 1, 3, 4, 6, 7, 8, 9, 10 (b) region 2 except Lake Roesiger, Lake Serene, Lake Loma and Echo Lake in Snohomish County (c) region 5 except Mason Lake in Mason County.
(4) blackgrass <i>Alopecurus myosuroides</i>	(a) regions 1, 2, 3, 5, 6, 8, 9, 10 (b) Ferry, Stevens, Pend Oreille counties of region 4 (c) Adams County of region 7.
(5) blueweed <i>Echium vulgare</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10 (b) region 7 except for an area starting at the Stevens County line on SR 291 south to the SR 291 bridge over the Little Spokane River, thence upstream along the Little Spokane River to the

Name	Will be a "Class B designate" in all lands lying within:
(6) broom, Scotch <i>Cytisus scoparius</i>	(a) first Rutter Parkway Bridge; thence south along the Rutter Parkway to the intersection of Rutter Parkway and Indian Trail Road; thence southerly along Indian Trail Road to a point three miles south (on section line between sections 22 and 27, T-26N, R-42E); thence due west to a point intersecting the line between Ranges 41 and 42; thence north along this line to a point 1/4 mile south of Charles Road; thence northwesterly parallel to Charles Road to a point 1/4 miles south of the intersection of Charles Road and West Shore Road; thence northerly along West Shore Road to the Spokane River (Long Lake); thence southeasterly along the Spokane River to the point of beginning. regions 3, 4, 6, 7, 9, 10.
(7) bryony, white <i>Bryonia alba</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9 (b) region 7 except Whitman County (c) Franklin and Asotin counties of region 10.
(8) bugloss, common <i>Anchusa officinalis</i>	(a) regions 1, 2, 3, 5, 6, 8, 9, 10 (b) region 4 except Stevens and Spokane counties (c) Lincoln, Adams, and Whitman counties of region 7.
(9) bugloss, annual <i>Anchusa arvensis</i>	(a) regions 1, 2, 3, 4, 5, 6, 8, 9 (b) Lincoln and Adams counties (c) Whitman County except ranges 43 through 46 East of Townships 16 through 20 North (d) Asotin County of region 10.
(10) butterfly bush <i>Buddleja davidii</i>	(a) Pend Oreille County of region 4 (b) Grays Harbor County, and that portion of Thurston County lying below the ordinary high-water mark of the Nisqually River in region 5 (c) Kittitas County of region 6 (d) Lincoln County of region 7.
(11) camelthorn <i>Alhagi maurorum</i>	(a) regions 1, 2, 3, 4, 5, 7, 8, 9 (b) region 6 except those portions of Sections 23, 24, 25, and 29 through 36, T16N, R27E, W.M. lying outside Intercounty Weed District No. 52 and except Sections 1 through 12, T15N, R27E, W.M. in Grant County and except the area west of Highway 17 and north of Highway 26 in Adams County (c) Franklin, Columbia, Garfield, and Asotin counties of region 10 (d) an area beginning at the Washington—Oregon border at the southwest portion of section 5, R32E, T6N, then north to the northwest corner of section 3, R32E, T7N, then east to the northeast corner of section 3, R36E, T7N, then south to southeast portion of section 15, R36E, T6N, at the Washington—Oregon border, then west along the Washington—Oregon border to the point of beginning.
(12) carrot, wild <i>Daucus carota</i>	(a) regions 3, 7 (except where intentionally cultivated) (b) Spokane and Ferry counties of region 4 (except where intentionally cultivated) (c) region 6, except Yakima County (except where intentionally cultivated) (d) region 9, except Yakima County (except where intentionally cultivated) (e) region 10, except Walla Walla County (except where intentionally cultivated).
(13) catsear, common <i>Hypochaeris radicata</i>	(a) regions 3, 4, 6, 7, 10 (b) region 9 except Klickitat County.
(14) chervil, wild <i>Anthriscus sylvestris</i>	(a) regions 1, 3, 4, 5, 6, 7, 9, 10 (b) region 2 except Guemes Island in Skagit County

		Will be a "Class B designate" in all lands lying within:	
Name			
(15)	cinquefoil, sulfur <i>Potentilla recta</i>	(c)	region 8 except Clark County.
		(a)	regions 1, 3, 8, 10
		(b)	region 2 except Skagit County
		(c)	region 4 except Stevens, Ferry, and Pend Oreille counties
		(d)	region 5 except Thurston County
		(e)	region 6 except Yakima County
		(f)	region 7 except Spokane County
		(g)	region 8 except Lewis County
(16)	daisy, oxeye <i>Leucanthemum vulgare</i>	(h)	region 9 except Klickitat County.
		(a)	regions 7, 10
		(b)	region 9 except those areas lying within Klickitat and Yakima counties west of Range 13 East
		(c)	region 6 except those areas lying within Yakima and Kittitas counties west of Range 13 E.
(17)	elodea, Brazilian <i>Egeria densa</i>	(a)	regions 3, 4, 6, 7, 9, 10
		(b)	Lewis County of region 8
		(c)	Clallam County of region 1
		(d)	King County of region 5, except lakes Washington, Sammamish, Union and Fenwick.
(18)	fanwort <i>Cabomba caroliniana</i>	(a)	regions 1, 2, 3, 4, 5, 6, 7, 9, 10
(19)	fennel, common <i>Foeniculum vulgare</i> (except var. <i>azoricum</i>)	(b)	region 8 except T8N, R3W of Cowlitz County.
		(a)	regions 3, 4, 6, 7, 8, 9, 10
		(b)	region 1 except the incorporated areas of Port Townsend
(20)	fieldcress, Austrian <i>Rorippa austriaca</i>	(c)	region 2 except the incorporated areas of Anacortes and Mount Vernon
		(d)	region 5 except King and Kitsap counties.
		(a)	regions 1, 2, 3, 4, 5, 6, 8, 9
(21)	floating heart, yellow <i>Nymphoides peltata</i>	(b)	regions 7 and 10 except within the Palouse River Canyon from Big Palouse Falls to the Snake River.
		(a)	regions 1, 2, 3, 5, 6, 7, 8, 9, 10
(22)	gorse <i>Ulex europaeus</i>	(b)	region 4 except the Spokane River between Long Lake Dam and Nine Mile Dam.
		(a)	regions 1, 3, 4, 6, 7, 9, 10
		(b)	Skagit, Island, and Whatcom counties of region 2
		(c)	Thurston, Kitsap, Pierce, and King counties of region 5
(23)	hawkweed, mouseear <i>Hieracium pilosella</i>	(d)	Wahkiakum, Clark, Skamania, Cowlitz, and Lewis counties of region 8.
		(a)	regions 1, 2, 3, 4, 6, 7, 8, 9, 10
		(b)	region 5 except Thurston County
(24)	hawkweed, orange <i>Hieracium aurantiacum</i>	(c)	Thurston County lying within T17N, R1W, S31; T16N, R2W, S30 W1/2; T16N, R3W, S25, SE1/4; T16N, R3W, S36, N1/2; T16N, R2W, S31, NW1/4.
		(a)	regions 1, 3, 6, 9, 10
		(b)	Skagit County of region 2
		(c)	Ferry County of region 4
		(d)	Pierce, Thurston and King counties of region 5
		(e)	Lincoln and Adams counties of region 7
(25)	hawkweed, polar <i>Hieracium atratum</i>	(f)	Lewis County of region 8.
		(a)	regions 1, 2, 3, 4, 6, 7, 8, 9, 10
(26)	hawkweed, queen-devil <i>Hieracium glomeratum</i>	(b)	region 5 outside the boundaries of Mt. Rainier National Park.
		(a)	regions 1, 2, 3, 5, 6, 7, 8, 9, 10
(27)	hawkweed, smooth <i>Hieracium laevigatum</i>	(b)	Ferry County of region 4.
		(a)	regions 1, 3, 4, 5, 6, 7, 8, 9, 10
(28)	hawkweed, yellow <i>Hieracium caespitosum</i>	(b)	San Juan, Island, and Skagit counties of region 2.
		(a)	regions 1, 2, 3, 5, 6, 7, 8, 10
		(b)	region 4 except Stevens and Pend Oreille counties
		(c)	region 9 except sections 32, 33 and 34 of T6N, R12E, and sections 4, 5, 6, and 7 of T5N, R12E, and section 12 of T5N, R11E, of Klickitat County.

		Will be a "Class B designate" in all lands lying within:	
(29)	helmet, policeman's Impatiens glandulifera	(a)	regions 1, 3, 4, 6, 7, 8, 9, 10
		(b)	region 2 except Whatcom County
		(c)	region 5 except Thurston County.
(30)	herb-Robert <i>Geranium robertia-</i> <i>num</i>	(a)	regions 3, 4, 6, 7, 9, 10
(31)	houndstongue <i>Cynoglossum</i> <i>officinale</i>	(a)	Kittitas County of region 6
		(b)	region 5
		(c)	Douglas and Chelan counties of regions 3 and 6.
(32)	indigobush <i>Amorpha fruticosa</i>	(a)	regions 1, 2, 3, 4, 5, 6
		(b)	regions 7 and 10 except within 200 feet of the Snake River from Central Ferry downstream
		(c)	regions 8, 9, and 10 except within 200 feet of the Columbia River.
(33)	knapweed, black <i>Centaurea</i> <i>nigra</i>	(a)	regions 1, 2, 3, 4, 7, 9, 10
		(b)	region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties
		(c)	region 6 except Kittitas County
		(d)	region 8 except Clark County.
(34)	knapweed, brown <i>Centaurea</i> <i>jacea</i>	(a)	regions 1, 2, 3, 4, 7, 9, 10
		(b)	region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties
		(c)	region 6 except Kittitas County
		(d)	region 8 except Clark County.
(35)	knapweed, diffuse <i>Centaurea</i> <i>diffusa</i>	(a)	regions 1, 2, 5, 8
		(b)	Grant County lying in Townships 13 through 16 North, Ranges 25 through 27 East; Townships 17 and 18 N., Ranges 25 through 30 East; Townships 19 and 20 North, Ranges 29 and 30 East; T21N, R23E, Sections 1 through 30; T21N, R26E., Sections 5, 6, 7, 8, 17, and 18; East 1/2 Township 21N, Range 27E.; T21N, Ranges 28 through 30 E; those portions of Townships 22 through 28N, Ranges 28 through 30 E.; those portions of Township 22 through 28N., Ranges 23 through 30E. lying in Grant County; all W.M.
		(c)	Adams County except those areas within T15N, R36E, Section 36; T15N, R37E, Sections 22, 26, 27, 28, 31, 32, 33 and 34; T15N, R37E, western half of Sections 23, 24 and 25; T15N, R38E, Sections 2, 10, 11, 14, 15, 19 and 20; T16N, R38E, Sections 34 and 35; T17N, R37E, Sections 5 and 6
		(d)	Franklin County of regions 9 and 10.
(36)	knapweed, meadow <i>Centaurea</i> <i>jacea x nigra</i>	(a)	regions 1, 2, 3, 4, 7, 9, 10
		(b)	region 5 except that area below the ordinary highwater mark of the Nisqually River, beginning at Alder Dam and downstream to the mouth of the Nisqually River in Pierce and Thurston counties
		(c)	region 6 except Kittitas County
		(d)	region 8 except Clark County.
(37)	knapweed, Russian <i>Acroptilon</i> <i>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
		(c)	Adams County of region 6 except for the area west of Highway 17 and North of Highway 26
		(d)	Intercounty Weed District No. 52
		(e)	region 10 except Franklin County.
(38)	knapweed, spotted <i>Centaurea</i> <i>stoebe</i>	(a)	regions 1, 2, 3, 5, 6, 9
		(b)	Ferry County of region 4

Name	Will be a "Class B designate" in all lands lying within:
(39) knotweed, Bohemian <i>Polygonum bohemicum</i>	(c) Adams and Whitman counties of region 7 (d) region 8, except that portion of Lewis County below the ordinary high watermark of the Tilton River from Hwy. 508 to Lake Mayfield (e) region 10 except Garfield County.
(40) knotweed, giant <i>Polygonum sachalinense</i>	(a) Kittitas County of region 6 (b) Chelan and Douglas counties of regions 3 and 6 (c) Pend Oreille County of region 4 (d) Asotin County of region 10.
(41) knotweed, Himalayan <i>Polygonum polystachyum</i>	(a) Kittitas County of region 6 (b) Pend Oreille County of region 4 (c) Asotin County of region 10.
(42) knotweed, Japanese <i>Polygonum cuspidatum</i>	(a) Kittitas County of region 6 (b) Chelan and Douglas counties of regions 3 and 6 (c) Pend Oreille County of region 4 (d) Asotin County of region 10.
(43) kochia <i>Kochia scoparia</i>	(a) Regions 1, 2, 5, 8 (b) Pend Oreille County of region 4 (c) Kittitas County of region 6.
(44) laurel, spurge <i>Daphne laureola</i>	(a) regions 3, 4, 6, 7, 8, 9, 10 (b) San Juan, Snohomish and Skagit counties of region 2 (c) Grays Harbor and Mason counties of region 5.
(45) lawnweed <i>Soliva sessilis</i>	(a) regions 1, 2, 3, 4, 6, 7, 8, 9, 10 (b) region 5 except King and Thurston counties.
(46) lepyrodielis <i>Lepyrodielis holosteoides</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.
(47) loosestrife, garden <i>Lysimachia vulgaris</i>	(a) regions 1, 2, 3, 4, 6, 7, 8, 9, 10 (b) region 5 except King County (c) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line.
(48) loosestrife, purple <i>Lythrum salicaria</i>	(a) regions 1, 4, 7, 8 (b) region 2 except Snohomish County (c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside (d) Grays Harbor, Mason, Kitsap, and Thurston counties of region 5 (e) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line (f) Pierce County, except those areas lying within T2D, 21, 22N, R1W and R1E, all sections (g) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed (h) region 9 except Benton County (i) region 10 except Walla Walla County

Name	Will be a "Class B designate" in all lands lying within:
(49)	loosestrife, wand <i>Lythrum virgatum</i>
	<ul style="list-style-type: none"> (j) Intercounty Weed Districts No. 51 and No. 52. (a) regions 1, 4, 7, 8 (b) region 2 except Snohomish County (c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside (d) region 5 except King County (e) Those portions of King County lying north of I-90 and east of the line extending from SR522 to SR202 to E. Lake Sammamish Parkway; west of I-5 including Vashon Island; south of I-90 and east and south of I-405 to the county line (f) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed
(50)	nutsedge, yellow <i>Cyperus esculentus</i>
	<ul style="list-style-type: none"> (g) region 9 except Benton County (h) region 10 except Walla Walla County (i) Intercounty Weed Districts No. 51 and No. 52. (a) regions 1, 2, 3, 4, 5, 7, 8 (b) region 6 except those areas lying between State Highway 26 and State Highway 28, and westerly of Dodson Road in Grant County, and except S 1/2, Sec. 2, T20N, R25E., W.M. (c) region 9 except: <ul style="list-style-type: none"> (i) except those areas lying within the following boundary description within Yakima County: Beginning at the intersection of Highway 12 and Parker Heights Road and continuing easterly to Konnowac Pass Road follow said road north to the intersection of Konnowac Pass Road and Nightingale Road. The northern boundary shall be the Roza Canal, continuing from the established point at Nightingale Road. The boundaries will follow the Roza Canal easterly to the County Line Road. The east boundaries will be the Yakima/Benton County Line from a point beginning at the County Line and Highway 22 (near Byron) continuing westerly along Highway 22 (to near the city of Mabton) to the intersection of Highway 22 and the Reservation Boundary (Division Road) and continuing north to the Yakima River. Then it will follow the river northwest to the Wapato-Donald Road continuing north along said road to Highway 12 then Highway 12 to Parker Heights Road. (ii) an area lying southerly of State Route 14 and within T2N, Ranges 13 and 14 E of Klickitat County
(51)	oxtongue, hawkweed <i>Picris hieracioides</i>
	<ul style="list-style-type: none"> (d) region 10 except Walla Walla County. (a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10 (b) region 8 except Skamania County.
(52)	parrotfeather <i>Myriophyllum aquaticum</i>
	<ul style="list-style-type: none"> (a) regions 1, 2, 3, 4, 5, 6, 7, 9, 10 (b) region 8 except Clark, Cowlitz, and Wahkiakum counties.
(53)	pepperweed, perennial <i>Lepidium latifolium</i>
	<ul style="list-style-type: none"> (a) regions 1, 2, 3, 4, 5, 7, 8, 10 (b) Intercounty Weed Districts No. 51 and 52 (c) Kittitas County of region 6 (d) Adams County of region 6 except for the area west of Highway 17 and north of Highway 26.
(54)	poison-hemlock <i>Conium maculatum</i>
	<ul style="list-style-type: none"> (a) Clallam County and that area lying within Port Townsend city limits in Jefferson County of region 1

Name		Will be a "Class B designate" in all lands lying within:	
		(b)	Snohomish and San Juan counties of region 2
		(c)	Pend Oreille County of region 4
		(d)	Kitsap and Thurston counties of region 5
		(e)	Kittitas County of region 6
		(f)	Lincoln County of region 7
		(g)	Clark County of region 8.
(55)	primrose, water <i>Ludwigia hexa-petala</i>	(a)	regions 1, 2, 3, 4, 5, 6, 7, 9, 10
(56)	puncturevine <i>Tribulus terrestris</i>	(b)	region 8 except T8N, R3W, S14 of Cowlitz County.
		(a)	Skagit County of region 2
		(b)	Kittitas County of region 6
		(c)	Adams County
		(d)	Clallam County of region 1.
(57)	ragwort, tansy <i>Senecio jacobaea</i>	(a)	regions 3, 4, 6, 7, 9, 10
		(b)	region 5, that portion of Pierce County lying south or east of a boundary beginning at the White River and State Highway 410, then west along State Highway 410 to intersection with State Highway 162 (Orting) to intersection with Orville Road, then south along Orville Road to intersection with Kapowsin Highway (304th Street East), then west following Kapowsin Highway to intersection with State Route 7, then south along State Route 7 to intersection with State Route 702, then west along State Route 702 to intersection with State Route 507, then southwest along State Route 507 to intersection with the Nisqually River.
(58)	reed, common, nonnative geno types <i>Phragmites australis</i>	(a)	region 1
		(b)	Island, San Juan and Snohomish counties of region 2
		(c)	Okanogan County of region 3
		(d)	Pend Oreille and Stevens counties of region 4
		(e)	region 5 except Grays Harbor and Pierce counties
		(f)	Kittitas County of region 6
		(g)	Yakima County of regions 6 and 9
		(h)	Lincoln County of region 7
		(i)	Clark and Lewis counties of region 8
		(j)	Klickitat County of region 9
		(k)	Asotin County of region 10.
(59)	Saltcedar <i>Tamarix ramosissima</i>	(a)	regions 1, 2, 3, 4, 5, 7, 8, unless intentionally established prior to 2004
		(b)	region 6 except Grant County, unless intentionally established prior to 2004
		(c)	region 9 except Benton and Franklin counties, unless intentionally established prior to 2004
		(d)	region 10 except Franklin County, unless intentionally established prior to 2004.
(60)	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
		(d)	Kittitas County of region 6
		(e)	Asotin County of region 10.
(61)	skeletonweed, rush <i>Chondrilla juncea</i>	(a)	regions 1, 2, 3, 5, 8
		(b)	Franklin County except T13N, R36E; and T14N, R36E
		(c)	Adams County except those areas lying east of a line running north from Franklin County along the western boundary of Range 36 East to State Highway 26 then north on Sage Road until it intersects Lee Road, then due north until intersection with Providence Road, then east to State Highway 261, then north along State Highway 261 to its intersection with Interstate 90, henceforth on a due north line to intersection with

Name	Will be a "Class B designate" in all lands lying within:
	<p>Bauman Road, then north along Bauman Road to its terminus, then due north to the Lincoln County line.</p> <p>(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 I Northwest</p> <p>(e) Stevens County north of Township 33 North of region 4</p> <p>(f) Ferry and Pend Oreille counties of region 4</p> <p>(g) region 9 except the Dallesport area in Klickitat County lying within Township 2N, Ranges 13 and 14</p> <p>(h) Asotin County of region 10</p> <p>(i) Garfield County south of Highway 12</p> <p>(j) Columbia County from the Walla Walla County line on Highway 12, all areas south of Turner Road; at Turner Road to the Garfield county line, all areas south and east of Turner Road</p> <p>(k) Whitman County lying in Ranges 43 through 46 East of Townships 15 through 20 North; T14N, Ranges 44 through 46 East; and T13N, Ranges 45 and 46 East.</p>
(62) sowthistle, perennial <i>Sonchus arvensis ssp. arvensis</i>	<p>(a) regions 1, 2, 3, 4, 7, 8, 9, 10</p> <p>(b) Adams County of region 6</p> <p>(c) region 5 except for sections 28, 29, 30, 31, 32, and 33 in T19N, R1E of Thurston and Pierce counties.</p>
(63) spurge, leafy <i>Euphorbia esula</i>	<p>(a) regions 1, 2, 3, 4, 5, 6, 8, 9, 10</p> <p>(b) region 7 except as follows:</p> <p>(i) T27N, R37E, Sections 34, 35, 36; T27N, R38E, Sections 31, 32, 33; T26N, R37E, Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 26; T26N, R38E, Sections 5, 6, 7, 8 of Lincoln County</p> <p>(ii) T24N, R43E, Section 12, Qtr. Section 3, Parcel No. 9068 of Spokane County.</p>
(64) spurge, myrtle <i>Euphorbia myrsinites L</i>	<p>(a) Pend Oreille County of region 4</p> <p>(b) Along the Asotin, Grande Ronde, and Snake rivers and in all other areas that are not an actively cultivated garden in Asotin County of region 10.</p>
(65) starthistle, yellow <i>Centaurea solstitialis</i>	<p>(a) regions 1, 2, 3, 5, 6, 8</p> <p>(b) region 4 except those areas within Stevens County bounded by a line beginning at the intersection of State Highway 20 and State Highway 25, then north to intersection with Pinkston Creek Road, then east along Pinkston Creek Road to intersection with Highland Loop Road, then south along Highland Loop Road to intersection with State Highway 20, then west along State Highway 20 to intersection with State Highway 25</p> <p>(c) region 7 except those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border</p> <p>(d) Franklin County</p> <p>(e) region 9 except Klickitat County</p> <p>(f) lands west of Shumaker Grade and south of Mill Road in Asotin County.</p>
(66) Swainsonpea <i>Sphaerophysa sal-sula</i>	<p>(a) regions 1, 2, 3, 4, 5, 7, 8</p> <p>(b) Columbia, Garfield, Asotin, and Franklin counties</p> <p>(c) an area beginning at the Washington—Oregon border at the southwest portion of Section 15, R32E, T6N, then north to the northwest corner of Section 3, R32E, T7N, then east to the northeast corner of Section 3, R36E, T7N, then south to</p>

Name		Will be a "Class B designate" in all lands lying within:
		the southeast portion of Section 15, R36E, T6N, at the Washington—Oregon border, then west along the Washington—Oregon border to the point of beginning
		(d) Weed District No. 3 of Grant County
		(e) Adams County of region 6.
(67)	thistle, musk <i>Carduus nutans</i>	(a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10
		(b) Spokane and Pend Oreille counties.
(68)	thistle, plumeless <i>Carduus acanthoides</i>	(a) regions 1, 2, 3, 5, 6, 7, 8, 9, 10
		(b) region 4 except those areas within Stevens County lying north of State Highway 20.
(69)	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.
(70)	toadflax, Dalmatian <i>Linaria dalmatica ssp. dalmatica</i>	(a) regions 1, 2, 5, 8, 10
		(b) Douglas County of region 3 lying south of T25N and west of R25E
		(c) Okanogan County lying within T 33, 34, 35N, R19, 20, 21, 22E, except the southwest, southeast, and northeast quarters of the northeast quarter of section 27, T35N, R21E; and the northeast quarter of the southeast quarter of section 27, T35N, R21E
		(d) Kittitas, Chelan, Douglas, and Adams counties of region 6
		(e) Intercounty Weed District No. 51
		(f) Weed District No. 3 of Grant County
		(g) Lincoln and Adams counties
		(h) The western two miles of Spokane County of region 7
		(i) 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.
(71)	watermilfoil, Eurasian <i>Myriophyllum spicatum</i>	(a) regions 1, 9, 10
		(b) Okanogan and Chelan counties of region 3
		(c) in all water bodies of public access, except the Pend Oreille River, in Pend Oreille County of region 4
		(d) Chelan and Adams counties of region 6
		(e) region 7 except Spokane County
		(f) region 8 except within 200 feet of the Columbia River.
(72)	willow-herb, hairy <i>Epilobium hirsutum</i>	(a) regions 1, 3, 4
		(b) region 2 except Whatcom and Island counties
		(c) region 5 except Thurston County
		(d) region 6 except Grant County
		(e) region 7 except Whitman County
		(f) region 8 except Skamania County
		(g) Yakima County of region 9
		(h) region 10 except Franklin County.

[Statutory Authority: Chapters 17.10 and 34.05 RCW. 10-24-037, § 16-750-011, filed 11/22/10, effective 12/23/10; 09-01-071, § 16-750-011, filed 12/15/08, effective 1/16/09; 07-24-023, § 16-750-011, filed 11/28/07, effective 1/1/08; 06-24-056, § 16-750-011, filed 12/4/06, effective 1/4/07; 05-24-026, § 16-750-011, filed 11/30/05, effective 12/31/05; 05-01-012, § 16-750-011, filed 12/2/04, effective 1/2/05. Statutory Authority: Chapter 17.10 RCW. 04-13-014, § 16-750-011, filed 6/4/04, effective 7/5/04. Statutory Authority: Chapters 17.10 and 34.05 RCW. 03-24-012, § 16-750-011, filed 11/20/03, effective 12/21/03; 03-04-001, § 16-750-011, filed 1/22/03, effective 2/22/03. Statutory Authority: Chapter 17.10 RCW. 01-24-035, § 16-750-011, filed 11/28/01, effective 12/29/01; 00-24-017, § 16-750-011, filed 11/28/00, effective 1/2/01; 99-24-029, § 16-750-011, filed 11/23/99, effective 1/3/00; 98-24-026, § 16-750-011, filed 11/23/98, effective 1/2/99; 97-24-051, § 16-750-011, filed 11/26/97, effective 1/2/98; 97-06-108, § 16-750-011, filed 3/5/97, effective 4/5/97. Statutory Authority: RCW 17.10.080. 96-06-030, § 16-750-011, filed 2/29/96, effective 3/31/96. Statutory Authority: Chapter 17.10 RCW. 95-06-002, § 16-750-011, filed 2/16/95, effective 3/19/95; 94-01-076, § 16-750-011, filed 12/10/93, effective 1/10/94; 93-01-004, § 16-750-011, filed 12/2/92, effective 1/2/93; 91-24-072, § 16-750-011, filed 12/2/91, effective 1/2/92; 91-01-016, § 16-750-011, filed 12/7/90, effective 1/7/91; 90-01-004, § 16-750-011, filed 12/7/89, effective 1/7/90; 88-24-002 (Order 26, Resolution No. 26), § 16-750-011, filed 11/29/88; 88-18-001 (Order 24, Resolution No. 24), § 16-750-011, filed 8/25/88. Statutory Authority: RCW 17.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-011, filed 3/7/88.]

WAC 16-750-015 State noxious weed list—Class C noxious weeds.

Common Name	Scientific Name
babysbreath	<i>Gypsophila paniculata</i>
beard, old man's	<i>Clematis vitalba</i>
bindweed, field	<i>Convolvulus arvensis</i>
blackberry, evergreen	<i>Rubus laciniatus</i>
blackberry, Himalayan	<i>Rubus armeniacus</i>
canarygrass, reed	<i>Phalaris arundinacea</i>
cockle, white	<i>Silene latifolia ssp. alba</i>
cocklebur, spiny	<i>Xanthium spinosum</i>
cress, hoary	<i>Cardaria draba</i>
dodder, smoothseed alfalfa	<i>Cuscuta approximata</i>
goatgrass, jointed	<i>Aegilops cylindrica</i>
groundsel, common	<i>Senecio vulgaris</i>
hawkweed, common	<i>Hieracium lachenalii</i>
hawkweed, other nonnative species	<i>Hieracium sp.</i> , except species designated in the note in the left-hand column

Note:

This listing includes all species of *Hieracium*, except the following:

- Species designated as Class A noxious weeds in WAC 16-750-005;
- Species designated as Class B noxious weeds in WAC 16-750-011;
- Native species designated below:
 - Canada hawkweed (*H. canadense*)
 - houndstongue hawkweed (*H. cynoglossoides*)
 - long-beaked hawkweed (*H. longiberbe*)
 - narrow-leaved hawkweed (*H. umbellatum*)
 - slender hawkweed (*H. gracile*)
 - western hawkweed (*H. albertinum*)
 - white-flowered hawkweed (*H. albiflorum*)
 - woolley-weed (*H. scouleri*)

henbane, black	<i>Hyoscyamus niger</i>
iris, yellow flag	<i>Iris pseudacorus</i>
ivy, English, 4 cultivars only:	<i>Hedera hibernica</i> 'Hibernica'
	<i>Hedera helix</i> 'Baltica'
	<i>Hedera helix</i> 'Pittsburgh'
	<i>Hedera helix</i> 'Star'
mayweed, scentless	<i>Matricaria perforata</i>
pondweed, curly-leaf	<i>Potamogeton crispus</i>
rye, cereal	<i>Secale cereale</i>
spikeweed	<i>Hemizonia pungens</i>
St. Johnswort, common	<i>Hypericum perforatum</i>
tansy, common	<i>Tanacetum vulgare</i>
thistle, bull	<i>Cirsium vulgare</i>
thistle, Canada	<i>Cirsium arvense</i>
toadflax, yellow	<i>Linaria vulgaris</i>
water lily, fragrant	<i>Nymphaea odorata</i>
whiteweed, hairy	<i>Cardaria pubescens</i>
wormwood, absinth	<i>Artemisia absinthium</i>

effective 3/31/96. Statutory Authority: Chapter 17.10 RCW. 95-06-002, § 16-750-015, filed 2/16/95, effective 3/19/95; 94-01-076, § 16-750-015, filed 12/10/93, effective 1/10/94; 93-01-004, § 16-750-015, filed 12/2/92, effective 1/2/93; 91-24-072, § 16-750-015, filed 12/2/91, effective 1/2/92; 91-01-016, § 16-750-015, filed 12/7/90, effective 1/7/91; 90-01-004, § 16-750-015, filed 12/7/89, effective 1/7/90; 88-24-002 (Order 26, Resolution No. 26), § 16-750-015, filed 11/29/88. Statutory Authority: RCW 17.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-015, filed 3/7/88.]

[Statutory Authority: Chapters 17.10 and 34.05 RCW. 10-24-037, § 16-750-015, filed 11/22/10, effective 12/23/10; 09-01-071, § 16-750-015, filed 12/15/08, effective 1/16/09; 07-24-023, § 16-750-015, filed 11/28/07, effective 1/1/08; 06-24-056, § 16-750-015, filed 12/4/06, effective 1/4/07; 05-01-012, § 16-750-015, filed 12/2/04, effective 1/2/05. Statutory Authority: Chapter 17.10 RCW. 04-13-014, § 16-750-015, filed 6/4/04, effective 7/5/04. Statutory Authority: Chapters 17.10 and 34.05 RCW. 03-24-012, § 16-750-015, filed 11/20/03, effective 12/21/03; 03-04-001, § 16-750-015, filed 1/22/03, effective 2/22/03. Statutory Authority: Chapter 17.10 RCW. 01-24-035, § 16-750-015, filed 11/28/01, effective 12/29/01; 00-24-017, § 16-750-015, filed 11/28/00, effective 1/2/01; 99-24-029, § 16-750-015, filed 11/23/99, effective 1/3/00; 98-24-026, § 16-750-015, filed 11/23/98, effective 1/2/99; 97-06-108, § 16-750-015, filed 3/5/97, effective 4/5/97. Statutory Authority: RCW 17.10.080. 96-06-030, § 16-750-015, filed 2/29/96,