

CHAPTER 222.

[S. B. 295.]

AGRICULTURAL, VEGETABLE, WEED SEEDS.

AN ACT relating to agricultural seeds, vegetable seeds, weeds and weed seeds; and amending section 2, chapter 233, Laws of 1955 and RCW 15.48.010; section 5, chapter 233, Laws of 1955 and RCW 15.48.040; section 7, chapter 233, Laws of 1955 and RCW 15.48.060.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Section 2, chapter 233, Laws of 1955 and RCW 15.48.010 are each amended to read as follows:

For the purpose of this chapter:

(1) "Director" means the director of agriculture of the state of Washington and his authorized deputies or agents;

Definitions.
"Director."

(2) "Agricultural seeds" include the seeds of grass, forage, cereal and fiber crops, and any other kind of seeds commonly recognized within this state as agricultural, field, or turf seeds, and mixtures of such seeds;

"Agricultural seeds."

(3) "Vegetable seeds" include seeds of those crops grown in gardens or truck farms and generally known and sold in the state as vegetable seeds;

"Vegetable seeds."

(4) "Certified seeds" include seeds which have been inspected in the field and after harvest, and have been graded and certified by the director as complying with the rules and regulations adopted hereunder;

"Certified seeds."

(5) "Weed seeds" include the seeds of all plants generally recognized as weeds within this state and shall include primary and secondary noxious seeds;

"Weed seeds."

(6) "Primary (prohibited) noxious weed seeds" are seeds of weeds which reproduce by seed or underground roots or stems, and which are highly destructive and difficult to control by ordinary good cultural practices, including, but subject to additions

"Primary (prohibited) noxious weed seeds."

or subtractions by the director as herein provided, the seeds of: bindweed (wild morning glory), (*Convolvulus arvensis* and *C. sepium*), quack grass (*Agropyron repens*), Canada thistle (*Cirsium arvense*), perennial sow thistle (*Sonchus arvensis*), white-top (hoary cress) (*Cardaria* spp.), perennial peppergrass (*Lepidium latifolium*), Russian knapweed (*Centaurea repens*, *C. picris*), leafy spurge (*Euphorbia esula*), white horse nettle (silver-leaf nightshade) (*Solanum elaeagnifolium*), camel thorn (*Alhagi camelorum*), Austrian field cress (*Roripa austriaca*), blue flowering lettuce (*Lactuca pulchella*), common barberry bushes (rust-susceptible species of barberry and Mahonia) (*Berberis* spp., *Mahonia* spp.), yellow toadflax (butter and eggs) (*Linaria vulgaris*) and Johnson grass (*Sorghum Halepense*);

"Secondary (restricted) noxious weed seeds."

(7) "Secondary (restricted), noxious weed seeds" are seeds of weeds which are very objectionable in fields, lawns, or gardens but which can be controlled by good cultural practices including, but subject to additions or subtractions by the director as herein prescribed, the seeds of: Dodder (*Cuscuta* spp.), perennial rag weed (*Ambrosia psilostachya*), poverty weed (deathweed) (*Iva axillaris*), alkali mallow (*Sida hederacea*), corn cockle (*Agrostemma githago*), docks (*Rumex* spp.), sheep sorrel (red sorrel) (*Rumex acetosella*), charlock (wild mustard) (*Brassica kaber*), plantains (*Plantago* spp.), perennial ground cherry (*Physalis longifolia* and *P. subglabrata*), fanweed (*Thlaspi arvense*), yellow starthistle (*Centaurea solstitialis*), perennial nutgrass (nut sedge) (*Cyperus rotundus*), puncturevine (*Tribulus terrestris*), wild garlic (wild onion) (*Allium vineale*), and St. Johnswort (Klamath weed) (*hypericum perforatum*);

"Advertisement."

(8) "Advertisement" means all representations, other than those on the label, disseminated in any

manner or by any means relating to seed within the scope of this chapter;

(9) "Label" includes labels, tags, invoices and other written, printed or graphic representations in any form whatsoever accompanying and pertaining to seeds whether in bulk or containers; "Label."

(10) "Seed grower" means one engaged in agricultural or horticultural pursuits who, at the time of signing a petition for a seed control area or at the time of voting on any proposition in connection therewith, is growing vegetable seed crops or has grown them within one year prior thereto; "Seed grower."

(11) "Seed contractor" means a person licensed by the state to contract the growing of vegetable seeds; "Seed contractor."

(12) "Seed families" means any seed crops which will cross-pollinate; "Seed families."

(13) "Person" includes any individual, firm, corporation, trust, association, co-operative, copartnership, society or other organization of individuals, in any other business unit, device, or arrangement; "Person."

(14) "Pure live seed" means the measure of quality of any given quantity of seed which is determined by adding percentage of germination ability and the percentage of hard seed, multiplying that sum by the percentage of pure seed, and dividing the resulting figure by one hundred; and "Pure live seed."

(15) "Treated" means that the seed has received an application of a substance or has been subjected to a process, which substance or process is designed to reduce, control, or repel certain disease organisms, insects, or other pests attacking such seeds or the seedlings emerging therefrom. "Treated."

SEC. 2. Section 5, chapter 233, Laws of 1955 and RCW 15.48.040 are each amended to read as follows: RCW 15.48.040 amended.

Labels for agricultural seeds shall give:

(1) Commonly accepted name of (a) kind, or (b) kind and variety, or (c) kind and type of each

Contents of
agricultural
seed labels.

agricultural seed component in excess of five percent of the whole, and the percentage by weight of each in the order of its predominance. Where more than one component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label;

(2) Lot number or other lot identification;

(3) Origin, if known, of alfalfa, red clover, and field corn (except hybrid corn). If the origin is unknown, that fact shall be stated;

(4) Percentage by weight of all weed seeds. Rye shall be considered a weed when found in other cereal crop seeds;

(5) The name and approximate number of each kind of secondary (restricted) noxious weed seed, per pound, in groups (a), (b) and (c) of this subsection, when present singly or collectively in excess of:

(a) One seed or bulblet in each ten grams of *Argrostis* spp., *Poa* spp., Bermuda grass, timothy, orchard grass, fescues (except tall fescue), alsike and white clover, reed canary grass, and other agricultural seeds of similar size and weight, or mixtures within this group;

(b) One seed or bulblet in each twenty-five grams of ryegrass, tall fescue, millet, alfalfa, red clover, sweet clover, lespedezas, smooth brome, crimson clover, *Brassica* spp., flax, *Agropyron* spp., and other agricultural seeds of similar size and weight, or mixtures within this group, or of this group with (a); or

(c) One seed or bulblet in each one hundred grams of wheat, oats, rye, barley, buckwheat, sorghums, vetches, and other agricultural seeds of a size and weight similar to or greater than those within this group, or any mixtures within this group. All determinations of noxious weed seeds are subject to tolerances and methods of determination prescribed

in the rules and regulations issued under the authority of this chapter.

(6) Percentage by weight of agricultural seeds other than those required to be named on the label;

(7) Percentage by weight of inert matter;

(8) For each named agricultural seed (a) percentage of germination, exclusive of hard seed, (b) percentage of hard seed, if present, and (c) the calendar month and year the test was completed to determine such percentages. Following (a) and (b) the additional statement "total germination and hard seed" may be stated as such, if desired;

(9) Name and address of the person who labeled said seed, or who sells, offers or exposes for sale said seed within this state;

(10) If the seed has been treated, a word or statement so indicating with the commonly accepted chemical or abbreviated chemical (generic) name of the applied substance;

(11) If the substance with which a seed is treated is harmful to human beings or other vertebrate animals in the amount present by application, a statement of caution, such as "do not use for food, feed or oil purposes" must appear. The statement of caution for mercurials and other similarly toxic substances shall be a statement or a symbol indicating that the applied substance is poisonous;

(12) A separate label may be used to show the statements required in subsection (10) and (11), where applicable. However, the requirements in subsections (10) and (11) shall not apply to uncertified wheat, oats, or barley seed sold in bulk.

SEC. 3. Section 7, chapter 233, Laws of 1955 and RCW 15.48.060 are each amended to read as follows:

It shall be unlawful to sell, offer or expose for sale any agricultural or vegetable seed for seeding purposes within this state:

(1) Unless the test to determine the percentage

RCW 15.48.060
amended.

Unlawful sale,
etc. of seeds.

Unlawful sale,
etc. of seeds.

of germination shall have been completed within eighteen months, exclusive of the calendar month in which the test was completed, prior to the sale, offering for sale, or exposure for sale;

(2) Not labeled as required herein, or having a false or misleading label;

(3) Pertaining to which there has been a false or misleading advertisement;

(4) Containing primary (prohibited) noxious weed seeds in excess of the tolerance permitted under the rules and regulations; or

(5) Containing a total of all weed seeds in excess of two percent of the whole by weight: *Provided*, That three percent of cheat, chess or downy brome shall be allowed in grass seed in which these weeds are found;

(6) Containing in any given unit, less than twenty-five percent pure live seed, as defined in RCW 15.48.010 (14) of this amendatory act of 1959. However, this subsection shall not apply to uncertified wheat, oats, or barley seed.

Passed the Senate March 9, 1959.

Passed the House March 9, 1959.

Approved by the Governor March 20, 1959.