



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: February 16, 2000

(2) Purpose: To protect the state's grape and grape related industries from establishment of plant virus diseases commonly found in stock from other areas of the nation. This revision of an existing rule converts it to clear and readable form and incorporates updated terminology.

(3) Citation of existing rules affected by this order:

- Repealed: WAC 16-483-060
- Amended: WAC 16-483-001, 16-483-005, 16-483-010, 16-483-020, 16-483-030, 16-483-040, 16-483-050
- Suspended:

(4) Statutory authority for adoption: Chapter 17.24 RCW

Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 00-04-066 on January 31, 2000 (date).

Describe any changes other than editing from proposed to adopted version: As per testimony, proposed removal of stem pitting from the existing rule was not adopted. Only proposal to convert to clear and readable form was adopted.

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

- Yes
 - No
- If Yes, explain:

(6) Effective date of rule:

Permanent Rules
or Expedited Repeal

Emergency Rules

- 31 days after filing
- Other (specify) _____*
- Immediately
- Later (specify)

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)

Jim Jesernig

Signature

Title

Director

Date

February 16, 2000

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

FEB 16 2000

TIME 10:43 AM

WSR 00-08-105 PM

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	Amended	Repealed
Federal rules or standards:	New	Amended	Repealed
Recently enacted state statutes:	New	Amended	Repealed

The number of sections adopted at the request of nongovernmental entity:

New	Amended	Repealed
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The number of sections adopted in the agency's own initiative:

New	Amended	<u>7</u>	Repealed	<u>1</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	Amended	<u>7</u>	Repealed	<u>1</u>
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The number of sections adopted using:

Negotiated rule making:	New	Amended	Repealed		
Pilot rule making:	New	Amended	Repealed		
Other alternative rule making:	New	Amended	<u>7</u>	Repealed	<u>1</u>

AMENDATORY SECTION (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

WAC 16-483-001 Grape virus quarantine--Establishing quarantine. The production of wine grapes, ~~((table))~~ juice grapes, and grape ~~((plant nursery))~~ planting stock are important industries in the state of Washington. The director has determined that these industries are threatened by the introduction and establishment of the virus diseases known as leafroll, fanleaf, corky bark, and stem pitting that are not ~~((established))~~ known to occur in the state of Washington. The presence of these virus diseases cannot be determined by the most rigorous visual examination of dormant grape ~~((plants or propagative parts of grape plants. Introductions))~~ planting stock. The introduction and establishment of these virus diseases would entail great economic loss to the ~~((horticultural))~~ grape industries of the state. To ~~((prevent))~~ minimize this ~~((harm))~~ risk, the director, under the authority provided in chapter 17.24 RCW, has established a quarantine setting forth rules for the importation of grape planting stock into the state of Washington.

AMENDATORY SECTION (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

WAC 16-483-005 Grape virus quarantine--Definitions. ~~((1))~~
"Department" means the Washington state department of agriculture.
~~((2))~~ "Director" means the director of the Washington state department of agriculture or the director's authorized representative.
~~((3))~~ "Grape ~~((plants and propagative parts))~~ planting stock" means live plants, hardwood cuttings, softwood cuttings, rootstocks, and any other parts of the grape plant (vitis species), except fruit, capable of propagation.
~~((4))~~ "Official certificate" means a document issued by an official ~~((inspection agency))~~ plant protection organization including but not limited to phytosanitary certificates, inspection certificates, or other letters, tags, stamps, or similar documents certifying plant quality or condition.

AMENDATORY SECTION (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

WAC 16-483-010 Grape virus quarantine--Quarantine area. Areas under quarantine (~~((for grape virus))~~) include all states and territories of the United States outside of the territorial borders of the state of Washington.

AMENDATORY SECTION (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

WAC 16-483-020 Grape virus quarantine--Regulated articles. All (~~((plants and plant parts capable of propagation (except fruit) of grapes are))~~) grape planting stock is regulated under the terms of ((the grape virus)) this quarantine.

AMENDATORY SECTION (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

WAC 16-483-030 Grape virus quarantine--Regulations. Grape (~~((plants and propagative parts))~~) planting stock will be admitted into the state of Washington provided the following provisions are complied with:

(1) The grape (~~((plants or propagative parts have))~~) planting stock has been certified in accordance with the regulations of an official ((state agency, which)) grapevine certification program that includes inspection and testing by ((indexing on suitable indicator hosts)) methods approved by the director for fanleaf, leafroll, stem pitting, and corky bark virus diseases. ((All shipments of such grape cuttings shall be accompanied by a certificate issued by an agency of the state of origin certifying that the grape plants or cuttings were produced under official certification regulations and meet official certification standards as to freedom from fanleaf, leafroll, stem pitting, and corky bark virus diseases.)) An official certificate issued by the plant protection organization of the state of origin certifying that the grapevines meet the requirements of this chapter must accompany the grape planting stock into the state.

(2) All shipments of grape (~~((nursery))~~) planting stock ((shall)) must be plainly marked with the contents on the outside of the package or container.

(3) Persons shipping or transporting (~~((regulated articles, identified in WAC 16-483-020,))~~) grape planting stock into this state from areas under quarantine shall notify the (~~((department's~~

~~plant protection branch by United States))~~ department by mail or ((telefax)) telefacsimile prior to shipment ((of)). The notification must include the nature ((and)) of the grape planting stock (such as live plants, hardwood cuttings, softwood cuttings, rootstocks, or other similar categories), the quantity ((of)) in each shipment, the expected date of arrival ((at destination)), the name of the intended receiver and the destination. The person to whom the articles are shipped shall hold the ((same)) articles until ((they are)) the grape planting stock is inspected and/or released by the department.

AMENDATORY SECTION (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

WAC 16-483-040 Grape virus quarantine--Disposition of material shipped in violation. ~~((All grape plants or parts thereof arriving in the state of Washington in violation of the provisions of the grape virus quarantine, shall be refused admittance into the state of Washington, or shall be immediately sent out of the state or destroyed at the option and expense of the owner or owners, or their responsible agents.))~~ The department will refuse admittance into the state grape planting stock not meeting the requirements of this chapter. For grape planting stock shipped into the state in violation of this chapter, the department will give the owner or the owner's responsible agent the option of destroying the material or immediately sending it out of the state.

AMENDATORY SECTION (Amending WSR 91-21-042, filed 10/11/91, effective 11/11/91)

WAC 16-483-050 Grape virus quarantine--Exemption. The restrictions on the movement of regulated articles set forth in this chapter ~~((shall))~~ do not apply to grape ~~((plants or propagative parts))~~ planting stock imported for experimental or trial purposes by the United States Department of Agriculture ~~((and the state experiment stations in the state of Washington))~~ or Washington State University; Provided, ~~((That a permit to import is issued by the director of agriculture))~~ a permit issued by the director is obtained.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-483-060

Grape virus quarantine--Violation and penalty.