



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: May 26, 2004

(2) Purpose: This rulemaking order amends chapter 16-324 WAC (Rules for the certification of seed potatoes) by: (1) allowing multiple varieties on field plot applications, (2) reducing two land use restrictions, (3) changing the pest and disease tolerances, and (4) repealing the plant pathology laboratory fee schedule.

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

- Repealed: WAC 16-324-720, 16-324-730, 16-324-740, and 16-324-750
- Amended: WAC 16-324-375, 16-324-393, and 16-324-398
- Suspended:

(4) Statutory authority for adoption: Chapters 15.13 and 15.14 RCW  
Other Authority: Chapter 34.05 RCW

### PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 04-07-170 on March 24, 2004.  
Describe any changes other than editing from proposed to adopted version:

### 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:

(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

- 31 days after filing
- Other (specify) \_\_\_\_\_\*

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

#### Emergency Rules

- Immediately
- Later (specify) \_\_\_\_\_

#### CODE REVISER USE ONLY

SEARCHED \_\_\_\_\_ INDEXED \_\_\_\_\_

FILED \_\_\_\_\_

MAY 26 2004

TIME 11:40 AM

WSR 04-12-026 PM

Name (Type or Print)  
Valoria H. Loveland

Signature  
*Valoria H. Loveland*

Title: Director  
Date: May 26, 2004

(COMPLETE REVERSE SIDE)

**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:**

<b>Federal statute:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

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

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in the agency's own initiative:**

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

	New	<u>0</u>	Amended	<u>3</u>	Repealed	<u>4</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>0</u>	Amended	<u>3</u>	Repealed	<u>4</u>

AMENDATORY SECTION (Amending WSR 02-12-010, filed 5/23/02, effective 6/23/02)

**WAC 16-324-375 Application and withdrawal.** (1) To apply for certification, applicants must use the form provided by the department and furnish all information requested, including the date, name, signature and address of the applicant, lot number, seed source identification number, variety, class planted, acres, date planted, seed spacing at planting, average length of rows, year the field was last cropped to potatoes, along with their variety and lot number, and a map of the field location. Applications for certification must reach the department on or before June 15 of each year, accompanied by the appropriate fee, field location maps and evidence of eligibility such as tags or certificates. A North American Certified Seed Potato Health Certificate is required for evidence of eligibility for seed lots originating in other states or Canada, and must be submitted with the application. Unless prior approval has been granted, late applications will be assessed a late fee of twenty dollars per application. The department will not accept applications after July 10.

(2) Separate applications are required for each variety, seed source, and seed lot except as described in subsection (5) of this section.

(3) Separate applications are required for each field location that is separated by more than one hundred feet.

(4) Growers may withdraw a seed potato lot from certification for any reason by notifying the department in writing.

(5) Growers may use a single application for multiple varieties planted in a field plot totaling 1/8 acre or less. The application must contain the information required in subsection (1) of this section for each variety. Growers shall use one identification number for the field plot with a separate letter designation for each variety in the field plot.

AMENDATORY SECTION (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

**WAC 16-324-393 Land requirements.** (1) The department will not accept any field infested with nematodes.

(2) Detection of ring rot in a field will make that field ineligible for production of certified seed potatoes for three years. Presence of volunteer potato plants in a field with ring

rot history will disqualify the current field crop for certification. Plants outside of the defined row are considered volunteers.

(3) Nuclear class seed potatoes must be produced in a field that has not been planted with potatoes for at least (~~six~~) four years. (New ground is preferred.)

(4) Generation 1 class seed potatoes must be produced in a field that has not been planted with potatoes for at least (~~four~~) three years.

(5) Generation 2, 3, 4, and 5 class seed potatoes must be produced in a field that has not been planted with potatoes during the previous year unless the prior potato crop was certified seed potatoes of an earlier class of the same variety. Volunteer plants from a previously planted seed potato crop will cause the class designation of the current crop to be changed to the appropriate generation of the volunteer plants.

AMENDATORY SECTION (Amending WSR 02-12-010, filed 5/23/02, effective 6/23/02)

**WAC 16-324-398 Field inspection disease tolerance. (1)**

Compliance with a 0.0% tolerance is not intended, nor should it be construed, to mean that the lot inspected is free from the disease.

It means that the disease was not detected during visual inspections of the seed lot.

(2) First and second field inspection tolerances, expressed as percentages.

Factor	Nuclear		G 1		G 2		G 3		G 4		G 5	
	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd
Varietal mixture	0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00 0-02))</del> 0.01	<del>((0-25))</del> 0.25	<del>((0-25))</del> 0.25	<del>((0-25))</del> 0.25	<del>((0-25))</del> 0.25	<del>((0-25))</del> 0.25	<del>((0-25))</del> 0.25	<del>((0-25))</del> 0.25	<del>((0-25))</del> 0.25
Mosaic	0.00	<del>((0-00))</del> 0.10	<del>((0-10 0-20))</del> 0.20	<del>((0-50))</del> 0.50	<del>((1-00))</del> 1.00	<del>((2-00 1-00))</del> 2.00	<del>((2-00 1-00))</del> 2.00	<del>((2-00 1-00))</del> 2.00	<del>((2-00 1-00))</del> 2.00	<del>((2-00 1-00))</del> 2.00	<del>((2-00 1-00))</del> 2.00	<del>((2-00 1-00))</del> 2.00
Leafroll	0.00	<del>((0-00))</del> 0.05	<del>((0-05 0-10))</del> 0.10	<del>((0-25))</del> 0.25	<del>((0-25))</del> 0.25	<del>((0-25))</del> 0.25	<del>((0-25))</del> 0.25	<del>((0-25))</del> 0.25	<del>((0-40))</del> 0.25	<del>((0-40))</del> 0.25	<del>((0-40))</del> 0.25	<del>((0-40))</del> 0.25
Total visible virus	0.00	<del>((0-00))</del> 0.10	<del>((0-00 0-50 0-50))</del> 0.30	<del>((0-75))</del> 0.75	<del>((1-25))</del> 1.25	<del>((2-40 1-25))</del> 2.25	<del>((2-40 1-25))</del> 2.25	<del>((2-40 1-25))</del> 2.25	<del>((2-40 1-25))</del> 2.25	<del>((2-40 1-25))</del> 2.25	<del>((2-40 1-25))</del> 2.25	<del>((2-40 1-25))</del> 2.25
Phytoplasmas	0.00	<del>((0-00))</del> 0.00	<del>((0-00 0-10))</del> 0.10	<del>((0-20))</del> 0.20	<del>((0-50))</del> 0.50	<del>((1-00))</del> 1.00	<del>((2-00))</del> 2.00	<del>((2-00))</del> 2.00	<del>((4-00))</del> 4.00	<del>((4-00))</del> 4.00	<del>((4-00))</del> 4.00	<del>((4-00))</del> 4.00
Black leg	0.00	<del>((0-00))</del> 0.10	<del>((0-10 0-50))</del> 0.50	<del>((1-00))</del> 1.00	<del>((2-00))</del> 2.00	<del>((2-00))</del> 2.00	<del>((2-00))</del> 2.00	<del>((2-00))</del> 2.00	<del>((2-00))</del> 2.00	<del>((2-00))</del> 2.00	<del>((2-00))</del> 2.00	<del>((2-00))</del> 2.00
Ring rot	0.00	<del>((0-00))</del> 0.00	<del>((0-00 0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00
Nematode	0.00	<del>((0-00))</del> 0.00	<del>((0-00 0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00
Spindle tuber viroid and other quarantined pests	0.00	<del>((0-00))</del> 0.00	<del>((0-00 0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00	<del>((0-00))</del> 0.00

\*Tolerance for black leg does not apply to G5.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-324-720

Laboratory testing--Fees.

WAC 16-324-730

ELISA testing for the presence of bacteria--Fees.

WAC 16-324-740

Entry level primary test--Fees.

WAC 16-324-750

Tests for bacterial ring rot--Fees.