

RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)



Agency: Agriculture	<input checked="" type="checkbox"/> Permanent Rule <input type="checkbox"/> Emergency Rule
---------------------	---

(1) Date of adoption: January 23, 1991

(2) Purpose: The amendment adds Kitsap and Pierce counties to the list of counties under interior quarantine for apple maggot in Washington State.

(3) Citation of existing rules affected by this order:
 Repealed:
 Amended: WAC 16-470, Rules Relating to Apple Maggot and Plum Curculio Quarantine
 Suspended:

(4) Authority for adoption:
 Statute: Chapter 17.24 RCW, Insect Pests and Plant Diseases
 Other Authority:

(5.1) **PERMANENT RULE ONLY**
 Pursuant to notice filed as WSR 91-01-045 on December 12, 1990 (date).
 Describe any changes other than editing from proposed to adopted version:

(5.2) **EMERGENCY RULE ONLY**
 Pursuant to 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 **Emergency Rules**
 31 days after filing Immediately
 Other (specify) _____ * 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)
 C. Alan Pettibone
 SIGNATURE

 TITLE DATE
 Director 1/23/91

CODE REVISER USE ONLY
 CODE REVISER'S OFFICE
 STATE OF WASHINGTON
 FILED
 JAN 23 1991
 TIME: 8:56
 WRS: 91-03-115

AMENDATORY SECTION (Amending Order 2064, filed 11/30/90)

**WAC 16-470-100 QUARANTINE--APPLE MAGGOT AND PLUM CURCULIO--
AREA UNDER ORDER.** (1) The following areas are declared by the
director to be under quarantine for apple maggot:

(a) Exterior quarantine. All states or foreign countries
where apple maggot is known to occur including but not limited to
the states of North Dakota, South Dakota, Nebraska, Oklahoma, and
Texas, and all states east thereof including the District of
Columbia, and the states of Idaho, Oregon, Utah, and California,
and any other areas where apple maggot is detected.

(b) Interior quarantine. The entire counties of Clallam,
Clark, Cowlitz, Grays Harbor, Jefferson, King, Kitsap, Klickitat,
Lewis, Mason, Pacific, Pierce, Spokane, Skamania, Thurston and
Wahkiakum, and any other counties where apple maggot is detected.

(c) Regional area quarantine. When mutually agreed upon, and
formally accepted by the directors of the Washington state
department of agriculture and Oregon state department of
agriculture the following shall apply: In Oregon state the
counties of Wasco and Hood River and in Washington state the
counties of Skamania and Klickitat will be considered a single
production area. Commercial fruit produced in these counties may
move freely throughout this production area unless regulatory
measures as prescribed in WAC 16-470-120 are implemented.

(2) The following areas are declared by the director to be
under quarantine for plum curculio: Utah, and, in the eastern
United States, all states and districts east of and including the
states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma,
and Texas, and any other areas where plum curculio is detected.

(3) The following definitions shall apply to WAC 16-470-100
through 16-470-120:

(a) "Apple maggot (*Rhagoletis pomonella*)" means a dipterous
insect belonging to the family Tephritidae which in the larval
stage lives within fruit of its host plants with potential for
causing extensive damage to fruit of certain crops.

(b) "Plum curculio (*Conotrachelus nenuphar*)" means a
coleopterous insect of the family Curculionidae which in the
larval stage lives within the fruit of its host plants with
potential for causing extensive damage to fruit of certain crops.

(c) "Threatened with infestation" means that any life stage
of apple maggot or plum curculio has been found within one-half
mile of production site including any portion of an orchard
outside or beyond the one-half mile boundary if any portion of
the orchard is within the one-half mile area.