



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Agriculture

- Permanent Rule
- Emergency Rule

(1) Date of adoption: April 24, 1991

(2) Purpose: To revise rules providing for the certification of seed potatoes.

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

- Repealed:
- Amended: Chapter 16-324 WAC
- Suspended:

(4) Authority for adoption:

- Statute: Chapter 15.14 RCW
- Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 91-06-061 on March 1, 1991 (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

- 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

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

APR 28 1991

TIME 8:27
WSR 91-10-029

NAME (TYPE OR PRINT)

C. Alan Pettibone

SIGNATURE

DIRECTOR

DATE 4/24/91

AMENDATORY SECTION (Amending Order 1897, filed 7/17/86)

WAC 16-324-375 CERTIFIED SEED POTATO--APPLICATION AND WITHDRAWAL. (1) Application shall be made on a form provided by the department. Applications for certification shall reach the state department of agriculture, seed branch, Yakima, Washington, on or before June 15 of each year (~~(, or fourteen days after planting, in order to assure eligibility)~~). Late applications, without prior approval, will be assessed a late application fee of twenty dollars per application. Applications shall be accompanied by the appropriate fee, as well as tags, certificates or other evidence of eligibility. An application shall be made for each variety.

(2) Withdrawal of a seed lot from the certification program shall be made on a form provided by the department which shall become part of the permanent public record.

AMENDATORY SECTION (Amending Order 2020, filed 11/16/89, effective 12/17/89)

WAC 16-324-380 CERTIFIED SEED POTATO STOCK--FEES. (1) Potato certification fees shall be twenty-~~(seven)~~ nine dollars per acre.

Applications shall be accompanied by fifty percent of the total charge due and payable on or before June 15 of each year. Applications may be adjusted ten percent on or before July 15.

(2) Final payment of above fee is due and payable November 1 of each year: PROVIDED, That

~~((a))~~ Fees for five acres or less must be paid in full at the time of application.

~~((b)-Fee-for-two-acres-or-less-is-forty-dollars--minimum--to--be-paid-in-full-at-time-of-application.~~

~~(c)--No--fees--may--be--charged;--up-to-five-acres;--for-regularly-enrolled-high-school-4-H-or-FFA-projects.)~~

(3) Refunds of the application fee may be made only if the withdrawal form is received by the department prior to the first field inspection.

(4) Lots rejected before the second inspection shall not be subject to the final one-half payment fee.

Certification fees shall not be refunded after two field inspections have been completed.

(5) Failure to pay fees when due shall result in removing the applicant from this program.

(6) No application for any grower owing the Washington state department of agriculture for previous fees may be considered.

(7) Minimum plot fee - twenty dollars per application. The Washington state department of agriculture may assess an additional fee charged on a time and mileage basis.

AMENDATORY SECTION (Amending Order 2020, filed 11/16/89, effective 12/17/89)

WAC 16-324-605 LIMITED GENERATION CERTIFIED SEED POTATO--REQUIREMENTS FOR PRODUCTION AND ELIGIBILITY OF PRENUCLEAR STOCK. Requirements for production and eligibility of pre-nuclear seed potato stock are as follows:

(1) Basic requirements for plant material increase:

(a) All micropropagation facilities shall be approved by the department.

(b) All material shall be documented as to source of variety and shall be a variety approved by the department.

(c) All tests required shall be conducted by a third party laboratory approved by the department.

(d) Entry level material shall be isolated from all other material and limited to fifty in vitro propagules per line selection. All plant material to be mass micropropagated shall be disease tested.

(2) Testing requirements for mother plants. Yearly testing of one hundred percent of the mother plants for the following pathogens shall be required as follows:

(a) *Corynebacterium sepedonicum* by gram stain ((and)) or immunofluorescent antibody stain ((and)) or Richardsons Media, or other methods approved by the Washington state department of agriculture. The eggplant bioassay may be substituted for Richardsons Media.

(b) *Erwinia* species by crystal violet pectate, or other methods approved by the Washington state department of agriculture.

(c) Potato viruses - X, Y, S, M, A, and leafroll by ELISA(~~radioimmuno--assay--and-nonspecific-viral-assay-by-electron-microscopy or-dsRNA-hybridization~~).

(d) Potato spindle tuber viroid by cDNA, dot hybridization or gel electrophoresis.

(e) All plant material to be mass propagated shall test negative for the pathogens listed above.

(3) Sampling requirements for mass propagated plants or tubers.

(a) Samples shall be taken prior to kill down or shipping plantlets. A minimum of one percent (no less than twenty samples) of the plants or tuber population shall be ((disease)) tested for Potato Virus X, Potato Virus Y, Potato Virus S, Potato Leaf Roll Virus, Erwinia spp. and Corynebacterium sepedonicum in the manner described for testing requirements for mother plants. No more than five plants or tubers shall be bulked per sample.

(b) Prenuclear class stock shall have a zero tolerance for all pathogens listed above.

(4) Private micropropagation labs shall make samples of propagation material available to the department for further testing when requested.

(5) Propagators shall select tubers or mother plants that are true-to-type. Such material shall be derived from more than a single tuber; ten to twenty tubers shall be selected to maximize the genetic base of each line and to avoid selecting a tuber or mother plant that may carry a genetic mutation uncharacteristic of the variety. Micropropagated plants shall not be derived from callus culture due to the possibility of somatic mutations or variants.

(6) Detailed records of the progress of all increases shall be maintained by the agency or private labs engaged in the production of "prenuclear" material. These records shall include:

(a) A numbering code or system used to identify the explants or clones and their origins;

(b) The amount of time this material has been in tissue culture, and the dates and numbers of transfers that have occurred since initiation or selection;

(c) The testing/inspection history of all such material.

(7) Material planted for recertification at a nuclear level shall have been produced either under standard aseptic microbiological techniques (i.e., in vitro micropropagation) or in an insect proofed greenhouse using sterilized potting media, and water known to be free of bacterial potato pathogens. Material shall be produced under phyto-sanitary standards established in this chapter.

(8) The laboratory and/or greenhouses used to produce material to be accepted as prenuclear shall be open to inspection by department personnel on a periodic basis, and contain only material that has satisfied initial testing requirements.

(9) All greenhouse-produced material shall be inspected by the certification agency in the state of origin for disease and off-types during the growing cycle. One inspection shall be performed for transplant material and at least two inspections shall be performed for tuber-producing plants.

(10) The tubers and tuber storage facilities shall be inspected by the certification agency in the state of origin and satisfy the

requirements for sanitation and proper storage as approved by the department.

(11) All lines used in the production of pre-nuclear material shall be field-plot tested on at least an annual basis with particular emphasis on the evaluation of the phenotype (trueness-to-type), yield ability, and freedom from disease symptoms. Such testing shall be the responsibility of the participant and the certification agency in the state of origin.