



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Agriculture

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

(1) Date of adoption: May 16, 1998

(2) Purpose: This subject matter was included in WAC 16-333, Certification of Plants, along with a rule concerning caneberrries. The purpose is to separate the garlic seed certification regulations with a new WAC number, 16-334.

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

- Repealed:
- Amended:
- Suspended:

(4) Statutory authority for adoption: Chapter 15.14 RCW

Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 98-07-109 on March 18, 1998 (date).

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:

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:

Emergency Rules

Permanent Rules
or Expedited Repeal

- 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)
William E. Brookreson

Signature
William E. Brookreson

Title
Assistant Director

Date
May 18, 1998

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAY 18 1998

TIME 4:37

98-11-048

AM
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Federal statute:	New	-----	Amended	-----	Repealed	-----
Federal rules or standards:	New	-----	Amended	-----	Repealed	-----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	<u>8</u>	Amended	-----	Repealed	-----
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>8</u>	Amended	-----	Repealed	-----
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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	<u>8</u>	Amended	-----	Repealed	-----

RULES RELATING TO THE PRODUCTION OF GARLIC SEED
CERTIFICATION

NEW SECTION

WAC 16-334-010 Definitions.

- (1) "Certified block" means a planting of a single variety of garlic established from foundation stock, registered stock or certified stock, which complies with the requirements of this chapter.
- (2) "Certified stock" means garlic which is produced in a certified block and/or which complies with the requirements of this chapter.
- (3) "Department" means the Washington State Department of Agriculture.
- (4) "Director" means the director of the Washington State Department of Agriculture or the director's duly authorized representative.
- (5) "Foundation block" means a garlic planting established from stock subjected to a laboratory disease elimination procedure approved by the director, which complies with the requirements of this chapter.
- (6) "Foundation stock" means garlic which is produced in a foundation block and which complies with the requirements of this chapter.
- (7) "Garlic" means plants, plantlets, cloves, bulbs or any

plant part of *Allium sativum* or related varieties.

(8) "Garlic seed" means vegetatively propagated bulbs or cloves of garlic used for planting purposes.

(9) "Off-type" means appearing different by visual examination from the variety listed on the application or exhibiting symptoms of a genetic or non-transmissible disorder.

(10) "Planting stock" means certified stock, registered stock or foundation stock.

(11) "Registered block" means a planting of a single variety of garlic which is established from foundation stock or registered stock and which complies with the requirements of this chapter.

(12) "Registered stock" means garlic which is produced in a registered block and which complies with the requirements of this chapter.

(13) "Stem and bulb nematode" means *Ditylenchus dipsaci*.

(14) "White rot fungus" means *Sclerotinium cepivorum*.

NEW SECTION

WAC 16-344-020 Garlic seed-general

(1) Issuance of a state of Washington certified plant tag, stamp or other document means only that the tagged, stamped, or otherwise documented plant materials have been subjected to procedures and requirements described in this chapter and

determined to be in compliance with its standards and requirements. The department disclaims all expressed or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials.

(2) The department is not responsible for disease, genetic disorder, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter.

(3) No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding certification.

(4) Participation in the seed garlic certification program is voluntary.

NEW SECTION

WAC 16-334-030 Requirements for participation in the seed garlic certification program.

(1) Participants in the seed garlic certification program must submit an annual two-hundred dollar application fee and all applications for plant propagation and certification by July 1 prior to planting. A separate application form must be used for each variety to be certified.

(2) As a condition of participation in the seed garlic -

certification program, the applicant grower must furnish the department all requested information pertinent to the operation of the program and must give consent to the department to take material for examination and testing.

(3) Garlic seed to be planted into registered or certified blocks must be inspected and tested in compliance with WAC 16-334-030 during the prior growing season by the department or by another certifying agency approved by the department. All such garlic seed must be found to be free of stem and bulb nematode and white rot fungus.

(4) Foundation blocks must be planted with garlic seed that has been through an approved disease elimination process.

(5) Registered blocks must be planted with garlic seed that originates from an approved program as foundation or registered stock.

(6) Certified blocks must be planted with garlic seed that originates from an approved program as foundation stock, registered stock or certified stock. The department may accept other garlic seed as certified stock, if the garlic seed has been inspected, tested, and found free of stem and bulb nematode and white rot fungi, as specified in subsection (3) above, for the previous two growing seasons.

(7) Planting sites for foundation, registered and certified blocks must be inspected and approved by the department at least 30 days prior to planting. At a minimum, planting

sites must comply with all of the following criteria:

- (a) The site has been out of *Allium spp.* production for at least five years;
- (b) The site is found free of stem and bulb nematode based on an official laboratory test;
- (c) The site is not infested with white rot fungus;
- (d) The site is not likely to become infested with stem and bulb nematode or white rot fungus by drainage, flooding or irrigation;
- (e) The site is separated from all other certified, registered, or foundation blocks by a minimum of six feet, unless the department approves alternative precautions to preserve identity;
- (f) The site is a minimum of five hundred feet from any planting of non-certified *Allium spp.*

NEW SECTION

WAC 16-334-040 Inspection and testing requirements for certification.

- (1) The department shall conduct the following inspections for white rot fungus:
 - (a) One growing season inspection for all field plantings;
 - (b) One inspection at harvest or during storage;
- (2) The department shall collect samples and conduct laboratory analysis for stem and bulb nematode on the

following:

(a) Soil from all sites prior to planting;

(b) Plants from foundation and registered blocks, collected at approximately 20 foot intervals and composited on a one acre basis;

(c) Plants from certified blocks equal to or greater than one quarter acre intended to be planted back for recertification, collected at approximately 20 foot intervals and composited on a one acre basis;

(d) Plants from certified blocks of less than a quarter acre intended for recertification, comprising a reasonable sample of not more than five percent of the total plants.

(3) The department may require additional inspections or tests as needed.

(4) Inspection fees as established in WAC 16-401-025 and laboratory analysis fees as established in WAC 16-470-910 are applicable to this program.

(5) Payment is due upon completion of each inspection or test. Billing may be arranged subject to department policies and processes.

NEW SECTION

WAC 16-334-050 Conditions under which certification may be refused.

Any plant that appears to be growing abnormally or with -

abnormal appearing bulbs will be collected and examined for the presence of pests or disease. The department may refuse to certify a planting or the harvested bulbs of garlic if:

- (1) The garlic is found to be infested with stem and bulb nematode or infected with white rot fungi; or
- (2) The garlic is infected with any other pest that the department determines cannot be eliminated by treatment or roguing; or
- (3) A plant or plants are off-type, unless the block is rogued to the satisfaction of the department; or
- (4) The participant has failed to pay in a timely manner any fees applicable to this program; or
- (5) The participant has failed to comply with any requirements in this chapter.

NEW SECTION

WAC 16-334-060 Responsibilities of the grower. In addition to other requirements specified in this chapter, a grower participating in this program must perform all of the following:

- (1) Conduct an active program of garlic pest control;
- (2) Use precautions when cultivating, irrigating and moving equipment to prevent the spread of soil-borne pests or diseases;
- (3) Comply with the white rot quarantine regulations in WAC

16-470-300;

(4) Maintain the identity of each lot.

NEW SECTION

WAC 16-334-070 Storage requirements for registered and certified garlic seed.

(1) Harvested seed garlic shall be stored in:

(a) Clean bins or containers that have not been used to store non-certified *Allium spp.*; and

(b) Clean storage areas approved by the department where onions are not stored.

(2) Harvested planting stock must be held in one of the following:

(a) New bags;

(b) Bags that have been only used to store certified garlic seed; or

(c) Bags that have been used to store crops other than onions and have been sanitized prior to use for garlic.

NEW SECTION

WAC 16-344-080 Movement of garlic planting stock—Permit required. In order to move planting stock out of Washington for cracking or other treatment, the participant must comply with all of the following requirements:

(1) The identity of each lot must be maintained at all

times;

(2) The participant must obtain a permit from the department prior to movement of the planting stock out of Washington;

(3) The number specified on its permit shall be used to identify each lot;

(4) The permit must accompany the shipping container at all times; and

(5) The permit must accompany certified seed garlic re-entering the state.