



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: May 25, 1999

(2) Purpose: To comply with new grapevine standards developed by the North American Plant Pest Organization (NAPPO), to reflect changes in industry and program practices, and to comply with legislative mandates such as regulatory reform and the use of clear and readable format.

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

Repealed: 16-462-045 and 16-462-060

Amended: 16-462-010, 16-462-015, 16-462-020, 16-462-025, 16-462-030, 16-462-035, 16-462-050, and 16-462-055

Suspended:

(4) Statutory authority for adoption: Chapter 15.14 RCW

Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 99-07-127 on March 24, 1999 (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)

Jim Jesernig

Signature

Title

Director

Date

May 25, 1999

CODE REVISER USE ONLY

CR-103
STATE OF WASHINGTON
FILED

MAY 25 1999

TIME 10:05

WSR 99-12-025

AW
FW

**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	<u>2</u>	Amended	<u>8</u>	Repealed	<u>2</u>
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The number of sections adopted in the agency's own initiative:

New	-----	Amended	-----	Repealed	-----
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>2</u>	Amended	<u>8</u>	Repealed	<u>2</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	<u>2</u>	Amended	<u>8</u>	Repealed	<u>2</u>

Chapter 16-462 WAC

GRAPE ((VINES)) PLANTING STOCK--REGISTRATION AND CERTIFICATION

AMENDATORY SECTION (Amending Order 1883, filed 4/2/86)

WAC 16-462-010 ((Certified)) Grape ((nursery)) planting stock program--General. (1) ~~((Vines may be registered as sources for the propagation of certified grape nursery stock when))~~ Grapevines or parts of grape plants may be designated as registered stock or certified stock, if they and the stock from which they were produced have been inspected, indexed, and tested in accordance with procedures and requirements outlined in rule and found to be ((true to name and apparently free from virus and virus-like diseases)) in compliance with all standards and requirements established in this chapter.

(2) The issuance of a ~~((certified))~~ state of Washington plant tag ~~((or))~~, stamp, or other document under this chapter ~~((affirms solely))~~ means only that the tagged ((or)), stamped ~~((rootstock))~~ or otherwise documented planting stock has been subjected to ~~((certification))~~ standards and procedures ~~((by the department))~~ described in this chapter and determined to be in compliance with its standards and requirements. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

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

(4) Participation in the ~~((certified))~~ grape ~~((nursery))~~ planting stock certification program ~~((shall be))~~ is voluntary.

WAC 16-462-015 Definitions. The definitions ((set forth)) in this section ((shall)) apply throughout this chapter unless the context ((otherwise)) clearly requires otherwise:

(1) (~~"Department" means the department of agriculture of the state of Washington.~~

~~(2) "Director" means the director of the department of agriculture or a duly appointed representative.~~

~~(3) "Virus infected (affected)" means presence of a virus(es) in a plant or plant part.~~

~~(4) "Virus-like" means a disorder of genetic or nontransmissible origin.~~

~~(5) "Off-type" means not true-to-name.~~

~~(6) "Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.~~

~~(7) "Index or indexing" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant; or by any other method.~~

~~(8) "Registered vine" means any vine propagated from the foundation block that has been inspected and indexed virus-free in accordance with recommendations of Washington State University, and is identified by the number assigned to the original vines in the foundation from which it was propagated.~~

~~(9) "Foundation block" means a planting of grape vines established, operated and maintained by Washington State University, that are indexed to be free from viruses and that are true-to-name. Cuttings to establish mother blocks shall be furnished to the applicants by the Washington state department of agriculture. Written requests for foundation material shall be received by the department of agriculture before December 1 of each year.~~

~~(10) "Mother block" means a planting of grape vines for which propagating material originated directly from the Washington State University foundation block or first generation plants originating from such stock. The mother blocks shall be maintained by the nurserymen and provide propagating wood to produce Washington certified grape nursery stock.~~

~~(11) "Washington certified grape nursery stock" means vines, rooted cuttings and cuttings taken or propagated directly from foundation or mother blocks and certified in accordance with the provisions of this chapter. Certified plants grown in a greenhouse may be used for one growing season to propagate additional certified plants.)~~ "Aseptic shoot tip propagation" means aseptically removing a vegetative shoot tip from growth arising from a dormant cutting from a foundation plant or from green growth (i.e., softwood) from a foundation plant during the growing season and aseptically transferring this shoot tip to a suitable vessel containing an appropriate culture medium.

(2) "Certified grape planting stock" means vines, rooted cuttings, cuttings or grafted plants taken or propagated directly from foundation vines, registered vines or certified plants grown

in a green house for one year and certified in compliance with the provisions of this chapter.

(3) "Department" means the department of agriculture of the state of Washington.

(4) "Director" means the director of the department of agriculture or the director's designee.

(5) "Foundation block" means a planting of grapevines established, operated and maintained by Washington State University, that are indexed and found free from viruses designated in this chapter and that are not off-type.

(6) "Index" means determining whether a virus infection is present by means of inoculation from the plant to be tested to an indicator plant or by any other testing method approved by the department.

(7) "Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.

(8) "Off-type" means appearing under visual examination to be different from the variety listed on the application for registration or certification, or exhibiting symptoms of a genetic or nontransmissible disorder.

(9) "Registered block" means a planting of registered grapevines maintained by a nursery and used as a source of propagation material for certified grapevines.

(10) "Registered vine" means any vine propagated from the foundation block, identified by the number assigned to the original vine in the foundation block from which it was propagated, and registered with the Washington state department of agriculture, in compliance with provisions of this chapter.

(11) "Virus-like" means a graft-transmissible disorder with symptoms resembling a characterized virus disease, including, but not limited to, disorders caused by viroids and phytoplasmas.

AMENDATORY SECTION (Amending Order 1883, filed 4/2/86)

WAC 16-462-020 (~~(Certified grape nursery stock)~~)

Requirements for participation in the grape planting stock program.

~~(1) (Applicant.~~

~~(a)) The applicant shall be responsible, subject to the approval of the department, for the selection of the location and the proper maintenance of (~~(mother)~~) registered blocks and (~~(nursery)~~) planting stock.~~

~~(2) The applicant (~~(shall be responsible for maintaining)~~) must maintain the identity of (~~(all nursery stocks and mother block vines, and for keeping all plants in a thrifty growing condition and free of plant pests)~~) registered vines. The applicant must maintain records identifying the source of certified planting stock.~~

~~(~~(b)~~) (3) The applicant shall take suitable precautions in~~

cultivation, irrigation, movement and use of equipment, and in other farming practices, to guard against spread of soil-borne pests to planting ~~((s))~~ stock entered ~~((under))~~ in this program. The applicant shall keep all ~~((areas))~~ registered blocks and certified planting stock clean cultivated except for cover crops.

~~((c))~~ (4) Following notification by the department the applicant shall remove and destroy immediately~~((, following notification by the department,))~~ any registered vine or ~~((nursery plant))~~ certified planting stock found to be off-type or affected by a virus or virus-like ~~((disease or is off-type))~~ disease or a quarantined pest.

~~((d))~~ The applicant agrees to make available to commercial grape growers, following the establishment of a mother block, at least seventy-five percent of certified cuttings or plants of each variety available each year.

~~(2) Location.)~~ (5) The foundation block, ~~((all mother))~~ registered blocks and ~~((nursery))~~ certified planting stock ~~((shall))~~ must be located at least one hundred feet from any land on which noncertified or nonregistered grape vines have been grown within the past ten years.

~~((3) General.~~

~~(a)~~ Plants of different varieties in the mother blocks shall be separated by a minimum of twelve feet in the row. The distance between rows of different varieties shall be a minimum of eight feet.

~~(b)~~ Cuttings from each mother block variety and selection number shall be identified and kept separate during the growing season.

~~(c)~~ Treatment to eliminate soil-borne pests may be required.

~~(d)~~ All nursery stock other than greenhouse grown plants shall comply with the grades and standards for Washington certified grape nursery stock as listed in the section for grades and standards.

~~(e)~~ Certified stock shall remain in the nursery no more than two growing seasons.

~~(f)~~ An inspection tag shall be attached by the plant grower. Certification is based solely on visual inspections of sample plants of this lot which were found to meet tolerances prescribed in the section on tolerances. Certification of this lot does not represent the freedom from disease or quality of any other lot of grape planting stock. Inspection reports of all lots of grape planting stock entered for certification can be inspected at the Department of Agriculture, Seed Branch, 2015 South 1st Street, Yakima, Washington.)

NEW SECTION

WAC 16-462-021 Requirements for registered blocks. (1) All registered grapevines must be identified by the number assigned to

the original grapevine in the foundation block from which they were taken.

(2) With the exception of practices allowed in subsections (3) and (4) of this section, registered plants must be propagated directly from cuttings taken from the foundation block.

(3) Plants propagated from the foundation block by aseptic shoot tip propagation and grown entirely under greenhouse conditions may serve as a source of softwood cuttings or shoot tip culture used to establish a registered block or registered grapevines.

(4) Registered grapevines may be propagated from other registered grapevines within the same registered block for the purpose of increasing the size of the registered block or for replacement grape vines.

(5) Grapevines of different varieties in registered blocks must be separated by a minimum of twelve feet within the row. The distance between rows of different varieties must be a minimum of eight feet.

NEW SECTION

WAC 16-462-022 Requirements for certified planting stock.

(1) Certified planting stock must be propagated from cuttings taken from registered or foundation grapevines.

(2) Cuttings from registered blocks must be sorted and kept separate by variety and selection number or clone.

(3) Treatment to control soil-borne pests may be required at any time by the department.

(4) All certified planting stock other than greenhouse grown plants must comply with the grades and standards for Washington certified grape planting stock as listed in WAC 16-462-055.

(5) Certification is based solely on visual inspection of grape planting stock that is found to meet requirements prescribed in WAC 16-462-050 and other requirements of this chapter.

AMENDATORY SECTION (Amending Order 1883, filed 4/2/86)

WAC 16-462-025 Foundation, registered, and certified grape ((nursery)) planting stock--Inspections. ~~((The))~~ (1) Inspections ~~((shall))~~ of foundation, registered and certified planting stock ~~will be ((made)) performed by the department ((and shall be conducted in a manner and))~~ at times ~~((determined as))~~ it determines to be suitable for the detection of virus and virus-like disease symptoms.

(2) The foundation block and registered blocks must be indexed and reindexed periodically, as required to comply with the North American Plant Protection Organization (NAPPO) standards for phytosanitary measures - requirements for the importation of grapevines into a NAPPO member country.

~~((1) Foundation block.~~

~~((a)) (3) Two inspections (~~shall be made~~) of foundation and registered planting stock must be performed by the department during each growing season.~~

~~((b)) (4) Except for varieties to be used solely as rootstock, foundation and registered grape vines (~~shall~~) used for the production of certified planting stock must be pruned to allow some fruiting.~~

~~((2) Mother block.~~

~~(a) Two inspections shall be made during each growing season.~~

~~(b) Mother block vines shall be pruned to allow some fruiting.~~

~~(3) Nursery stock.~~

~~(a) Two inspections shall be made during each growing season.~~

~~(b) The stock shall also be inspected during or after digging and grading and shall be apparently free of rootknot nematode, crown gall and other visible diseases and serious pest injury.)~~

(5) Certified planting stock must be inspected three times per growing season by the department, twice during the growing season and once during or after harvest.

(6) Certification or registration will be refused or withdrawn for any planting stock which is infested or infected with any quarantine pest.

AMENDATORY SECTION (Amending Order 5001, filed 8/11/93, effective 9/11/93)

WAC 16-462-030 Certified grape nursery stock--Application and fees. (1) ~~((Application.~~

~~((a)) The applicant shall furnish all information requested on the application form and shall give ~~((his))~~ consent to the department to take plants or plant parts from any planting stock enrolled in the program as registered for inspection ~~((or testing purposes))~~ or indexing.~~

~~((b)) (2) Application for inspection shall be filed with the department by January 1 of each year accompanied by a one hundred seventy-five dollar application fee.~~

~~((c)) (3) Inspection, phytosanitary certification, indexing and testing fees ~~((established shall be payable upon completion of the work to be done and shall be for the sole purpose of defraying expenses incurred in the inspection, approval, registration, and certification procedures provided.~~~~

~~((d) Payment for inspection of mother blocks and nursery stock for registration and certification shall be made upon completion of~~

~~the inspection. Billing to the applicant to be made by the chemical and plant division, seed branch.~~

~~(2) Inspection fees.~~

~~(a) The inspection tags shall be furnished by the department of agriculture) are due upon completion of services.~~

~~((b) The mother block and nursery stock)) (4) Fees for inspection ((fee)), phytosanitary certification, and testing shall be ((twenty five dollars per hour, and)) assessed at the appropriate rate established in WAC 16-401-025 and 16-470-910. Mileage for inspections and other on-site services shall be charged at a rate established by the state office of financial management.~~

AMENDATORY SECTION (Amending Order 1883, filed 4/2/86)

WAC 16-462-035 Certified grape nursery stock--Tagging and identity.

(1) ~~((Tagging. The department requires the use of official))~~ Certification tags ~~((for the identification of nursery stock such as rooted))~~ issued by the department must be securely attached by the grower to each certified planting stock, including rooted cuttings ~~((and))~~, cuttings ~~((that meet the requirements of this chapter))~~ and grafted plants.

(2) ~~((Identity.))~~ Any person selling Washington certified grape nursery stock ~~((shall be))~~ is responsible for the identity of such nursery stock. Persons issued tags authorized by this chapter ~~((shall))~~ must account by variety for stock produced and sold ~~((and))~~. They must keep ~~((such other))~~ and allow the department to inspect and copy records ~~((as may be))~~ necessary to verify this.

AMENDATORY SECTION (Amending Order 1883, filed 4/2/86)

WAC 16-462-050 Certified grape ((nursery)) planting stock--((Tolerances)) Requirements.

Specific requirements for grape ~~((nursery))~~ planting stock ~~((inspection tolerances))~~ are based solely on visual inspections ~~((of sample plants))~~ conducted according to WAC 16-462-025~~((+))~~. Certified plants must be apparently free of grape fanleaf virus, grape leafroll virus, grape corky bark virus, rupestris stem pitting virus, grape phylloxera, rootknot nematode, crown gall and other visible diseases or serious pest injuries.

Pest and diseases	((Percentage tolerance for: Registered mother blocks	
	First Inspection	Second Inspection
Fanleaf virus	0%	0%

AMENDATORY SECTION (Amending Order 1883, filed 4/2/86)

WAC 16-462-055 Certified grape ((nursery)) planting stock--
Grades and standards. All certified stock offered for sale ((shall)) must be bundled in accordance with commercial practice and ((shall be)) correctly identified by one or more legible printed labels.

(1) Grades for rooted cuttings((~~-~~)) are as follows:

(a) Grade No. 1 ((shall)) must have one live cane at least nine inches long and ((shall)) must be well rooted.

(b) Grade No. 2 ((shall)) must have one live cane at least six inches long and ((shall)) must be well rooted.

(2) Cuttings ((shall)) must have at least three buds and ((shall not)) be ((less than)) at least nine inches long ((and at least one-fourth inch caliper at top end)). ((Top bud shall not be more than two inches from tip of cutting.)) The basal bud ((shall)) must be within one-((fourth)) half inch ((from)) of the basal end.

(3) Two year plants shall meet the same standard as rooted cutting Grade No. 1.

(4) Tolerances. In order to allow for variations incident to proper grading and packing, not more than a combined total of five percent by count, of the plants or cuttings in any lot ((shall)) may fail to meet the requirements of the ((above)) grades set forth in this section.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-462-045

Effective date.

WAC 16-462-060

Certified grape nursery stock--
Aseptic shoot tip propagation.