



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: December 21, 1999

(2) Purpose: This section is a portion of the rules which establish inspection and testing requirements for seed garlic certification. This section (WAC 16-334-040) currently references WAC 16-401-025 and WAC 16-470-910. These sections have been superceded by WAC 16-401-026 and WAC 16-470-911, respectively, and are no longer in effect. The amendment would remedy the erroneous citations.

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

Repealed:
 Amended: WAC 16-334-040
 Suspended:

(4) Statutory authority for adoption: Chapter 15.14 RCW
Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 99-21-082 on October 20, 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:

Permanent Rules
or Expedited Repeal

Emergency Rules

- 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
December 21, 1999

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON

DEC 21 1999

TIME 8:46 AM

WSR 09-01-0148 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	-----	Amended	<u>1</u>	Repealed	-----
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	-----	Amended	<u>1</u>	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	-----	Amended	<u>1</u>	Repealed	-----

AMENDATORY SECTION (Amending WSR 98-11-048, filed 5/18/98, effective 6/18/98)

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~~) chapter 16-401 WAC and laboratory analysis fees as established in (~~WAC 16-470-910~~) chapter 16-470 WAC 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.