

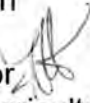


MEMORANDUM

Date: January 23, 2002

To: Dennis W. Cooper, Code Reviser
Mary Brown, OFM Director
Rules Review Committee

Agency Rule Coordinators:
Department of Ecology
Department of Fish and Wildlife
Department of Health
Department of Labor and Industries
Department of Natural Resources
Washington State Parks and Recreation Commission
Department of Transportation

From: George Huffman, Rules Coordinator 
Washington State Department of Agriculture
P. O. Box 42560
Olympia, WA 98504-2560
Phone: 902-1802

Re: **Semi-Annual Rules Development Agenda**
(January 1, 2002 to June 30, 2002)

Attached is the Department of Agriculture's semi-annual rules development agenda, which is being sent to you in compliance with RCW 34.05.314.

If you have any questions, please call me at (360) 902-1802 or e-mail me at ghuffman@agr.wa.gov

Attachment

CLERK OF SUPERIOR COURT STATE OF WASHINGTON FILED	
JAN 23 2002	
TIME	9:44 AM
WSR	02-03-126 PM

Washington State Department of Agriculture
Semi-Annual Rules Development Agenda, January 1, 2002 – June 30, 2002
P.O. Box 42560, Olympia, WA 98504-2560

WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rulemaking
Laboratory Services Division Chapter 16-321 WAC	Grass Sod – Certification Standards	Mary Toohey, Assistant Director Lab Services Division Phone: 360-902-1907	2-27-01	3-20-02	5-31-02	Update sod certification program rules to reflect current industry and program practices, scientific knowledge and statutory requirements. Also, rules will be rewritten in clear language and an easier to read format.
Chapter 16-324 WAC	Rules for the Certification of Seed Potatoes	Mary Toohey, Assistant Director Lab Services Division Phone: 360-902-1907	1-23-02	3-20-02	5-31-02	To offset the affects of inflation and maintain the level of service desired by the program and expected by industry, fee increases limited to the amount allowed by the OFM fiscal growth rate factor will be proposed.
Chapter 16-325 WAC	Seed Potato Isolation District	Mary Toohey, Assistant Director Lab Services Division Phone: 360-902-1907	10-3-01	To Be Determined	To Be Determined	Because of increased competition for suitable seed potato ground within the current isolation district in Whatcom County, the rules will be amended to expand current district boundaries giving growers access to additional ground on which to grow certified seed potatoes. The rules will be updated to reflect current industry practices and rewritten in a clear and readable format.

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WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rulemaking
Laboratory Services Division (continued) WAC 16-470-400 through 440	Chestnut Pest Quarantine	Mary Toohey, Assistant Director Lab Services Division Phone: 360-902-1907	8-23-00	To Be Determined	To Be Determined	These rule sections will be updated to reflect statutory changes, current industry conditions, new scientific knowledge and current program practices. Also, they will be rewritten in a clear and readable format.
Chapter 16-484 WAC	Potato Virus Y-N Quarantine	Mary Toohey, Assistant Director Lab Services Division Phone: 360-902-1907	12-19-01	To Be Determined	To Be Determined	In response to industry requests, WSDA is evaluating whether Washington state should amend existing rules to participate in the USA/Canada PVY management plan. Under this plan, samples from lower-generation seed potato lots would be tested for PVY each year. WSDA would also prohibit the importation of seed potatoes from nonparticipating states.
Chapter 16-695 WAC	Rules Related to Ginseng Management	Mary A. Martin Toohey, Assistant Director Laboratory Services Division Phone: 360-902-1907	10-3-01	To Be Determined	To Be Determined	To offset the affects of inflation and maintain the level of service desired by the program and expected by industry, fee increases limited to the amount allowed by the OFM fiscal growth rate factor will be proposed.

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WAC Number	Rule Title	Agency Contact	Tentative Timeline			Subject of Rulemaking
			CR-101	CR-102	CR-103	
Laboratory Services Division (continued) NEW	Blueberry planting stock certification	Mary Toohey, Assistant Director Lab Services Division Phone: 360-902-1907	1-23-01	3-20-02	5-31-02	Rules regulating the certification of blueberry planting stock are needed to enable the industry to combat the spread of plant pests and export planting stock overseas.
Pesticide Management Division WAC 16-228-1231	State restricted use pesticides for distribution by licensed pesticide dealers and for use by certified applicators only	Ann Wick, Program Manager Pesticide Management Division Phone: 360-902-2051		11-9-01 Expedited Rule Making		Corrects an inaccurate citation in WAC 16-228-1231(3) and a typographical error in WAC 16-228-1231(2).
WAC 16-228-2000 through 2040	Wood Destroying Organisms	Cliff Weed, Program Manager Pesticide Compliance Phone: 360-902-2036	2-27-01	5-02	To Be Determined	Amend rules related to wood destroying organism inspections to provide greater clarity to the regulated industry and greater protection to consumers.
WAC 16-229-010	Definitions	Cliff Weed, Program Manager Pesticide Compliance Phone: 360-902-2036	8-22-01	5-02	To Be Determined	Amend the current definition of pesticide temporary field storage containers to allow containers of more than 2,500 gallons.
NEW	Clopyralid	Cliff Weed, Program Manager Pesticide Compliance Phone: 360-902-2036	9-26-01	3-02	To Be Determined	New rules may be proposed placing special restrictions on pesticides containing the active ingredient Clopyralid. The restrictions may apply to both agricultural and non-agricultural pesticides containing Clopyralid.

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WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline	CR-102	CR-103	Subject of Rulemaking
Food Safety, Animal Health and Consumer Services Division	Chapter 16-89 WAC	Sheep and Goat Scrapie Disease Control	Robert W. Mead, DVM Food Safety, Animal Health and Consumer Services Phone: 360-902-1881	12-19-01	To Be Determined	To Be Determined	In order for Washington state to maintain its status as a complaint state, the state scrapie rules must be amended by January 1, 2003 to remain in compliance with recently adopted federal rules.
Chapter 16-101X WAC	Dairy Penalty Matrix	Claudia Coles, Program Manager Food Safety, Animal Health and Consumer Services Phone: 360-902-1905	3-21-00	To Be Determined	To Be Determined	To Be Determined	Amend the chapter to include the assessment of civil penalties as an equivalent penalty action to degrades (lowering in grade from A to C) for violations of chapter 15.36 RCW. The proposed amendments will encourage compliance with dairy regulations, streamline the penalty process, bring WSDA enforcement strategies in line with interstate requirements, and reduce the burden on the dairy industry when milk must be rerouted and often disposed as a result of the degrade action.

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Food Safety, Animal Health and Consumer Services Division (continued) Chapter 16-154 WAC	Organic Crop Production Standards	Miles McEvoy, Organic Food Program Manager Food Safety, Animal Health and Consumer Services Phone: 360-902-1924	6-28-01	1-23-02	To Be Determined	WSDA is revising the organic standards and certification procedures in order to comply with the national organic program, which became effective 4-21-01. All organic producers and handlers must meet the requirements of the national organic program by 10-21-02. WSDA is planning on adopting the national organic program in Washington state. In part, the department will accomplish this by repealing chapters 154, 156, 158, 162 and 164 WAC and combining their requirements into a new chapter 16-157 WAC.
Chapter 16-156 WAC	Organic Producer and Transition to Organic Producer Certification					
Chapter 16-158 WAC	Standards for the Certification of Processors of Organic Food					
Chapter 16-162 WAC	Animal Production Standards for Organic Meat and Dairy Products					
Chapter 16-164 WAC	Standards for the Handlers of Organic Food					
Chapter 16-157 WAC	Organic Food Standards and Certification	Miles McEvoy, Organic Food Program Manager Food Safety, Animal Health and Consumer Services Phone: 360-902-1924	6-28-01	1-23-02	To Be Determined	A new WAC chapter combining the requirements of chapters 16-154, 156, 158, 162 and 164 WAC and amending those requirements to comply with national organic program requirements.

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WAC Number	Rule Title	Agency Contact	Tentative Timeline	Subject of Rulemaking
Food Safety, Animal Health and Consumer Services Division (continued) Chapter 16-160 WAC	Registration of Materials for Organic Food Production	Miles McEvoy, Organic Food Program Manager Food Safety, Animal Health and Consumer Services Phone: 360-902-1924	6-28-01 To Be Determined	To Be Determined The department is planning on adopting the national organic program in Washington state and chapter 16-160 WAC needs to be amended to comply with the national program.
Commodity Inspection Division WAC 16-403-141	Red Delicious, Delicious, Golden Delicious- Minimum soluble solids	Jim Quigley, Program Manager Commodity Inspection Division Phone: 360-902-1883	10-3-01 To Be Determined	To Be Determined Amend the section to increase soluble solids for Red Delicious and Delicious varieties of apples from 10 to 11 percent.
WAC 16-403-142	Red Delicious, Delicious, Golden Delicious- Minimum firmness	Jim Quigley, Program Manager Commodity Inspection Division Phone: 360-902-1883	10-3-01 To Be Determined	To Be Determined Amend section to establish firmness standards of 11 pounds for Gala and Jonagold apples.
Chapter 16-449 WAC	Washington Controlled Atmosphere Storage Requirements for Winter Pears	Jim Quigley, Program Manager Commodity Inspection Division Phone: 360-902-1883	7-10-00 To Be Determined	To Be Determined Combine the three chapters into one chapter containing the controlled atmosphere requirements for fruits and vegetables.
Chapter 16-459 WAC	Controlled Atmosphere Storage			
Chapter 16-690 WAC	Fruit Storage			

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Commodity Inspection Division (continued) WAC 16-303-340	Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum, and small grains	Graydon Robinson WSDA Seed Program Phone: 509-225-2630	10-24-01	12-19-01	2-20-02		To offset the affects of inflation and maintain the level of service desired by the program and expected by industry, fee increases limited to the amount allowed by the OFM fiscal growth rate factor will be proposed.
WAC 16-319-041	Application for certification of forest reproductive material	Graydon Robinson WSDA Seed Program Phone: 509-225-2630	10-24-01	12-19-01	2-20-02		To offset the affects of inflation and maintain the level of service desired by the program and expected by industry, fee increases limited to the amount allowed by the OFM fiscal growth rate factor will be proposed.
Chapter 16-303 WAC	Seed Assessment, Fees for Seed Services and Seed Certification	Graydon Robinson WSDA Seed Program Phone: 509-225-2630	1-23-02	4-3-02	6-30-02		To offset the affects of inflation and maintain the level of service desired by the program and expected by industry, fee increases limited to the amount allowed by the OFM fiscal growth rate factor will be proposed.

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WAC Number	Rule Title	Agency Contact	Tentative Timeline	Subject of Rulemaking	
Chapter 16-303 WAC	Seed Assessment, Fees for Seed Services and Seed Certification	Graydon Robinson WSDA Seed Program Phone: 509-225-2630	1-23-02 4-3-02	7-1-02 CR-101 CR-102 CR-103	To offset the affects of inflation & maintain the level of service desired by the program and expected by industry, fee increases limited to the amount allowed by the OFM fiscal growth rate factor will be proposed.



 George Huffman, Rules Coordinator