



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Department of Agriculture	<input checked="" type="checkbox"/> Permanent Rule
(1) Date of adoption: May 23, 2002	<input type="checkbox"/> Emergency Rule
	<input type="checkbox"/> Expedited Adoption
	<input type="checkbox"/> Expedited Repeal

(2) Purpose: To amend existing rules, enabling Washington to participate in the USA/Canada PVYn Management Plan, particularly by prohibiting importation of seed potatoes from non-participating states. Other modifications were necessary to acknowledge developments in industry practices and international requirements.

(3) Citation of existing rules affected by this order: 16-484  
 Repealed:  
 Amended: WAC 16-484-210, 16-484-220, 16-484-230, 16-484-240, 16-484-250, 16-484-260  
 Suspended:

(4) Statutory authority for adoption: RCW 17.24  
 Other Authority:

**PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)**  
 Adopted under notice filed as WSR 02-08-086 on April 3, 2002 (date).  
 Describe any changes other than editing from proposed to adopted version: none

**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
<input checked="" type="checkbox"/> 31 days after filing	<input type="checkbox"/> Immediately
<input type="checkbox"/> Other (specify) _____*	<input type="checkbox"/> 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. Brookresen

Signature

Title: Acting Director Date: May 23, 2002

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
 STATE OF WASHINGTON  
 FILED

MAY 23 2002

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TIME \_\_\_\_\_ AM/PM

WSR 02-12-009

**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:**

<b>Federal statute:</b>	New	Amended	Repealed
<b>Federal rules or standards:</b>	New	Amended	Repealed
<b>Recently enacted state statutes:</b>	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>6</u>	Repealed
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	Amended	<u>3</u>	Repealed
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	Amended	Repealed	
<b>Pilot rule making:</b>	New	Amended	Repealed	
<b>Other alternative rule making:</b>	New	Amended	<u>6</u>	Repealed

AMENDATORY SECTION (Amending Order 2087, filed 6/11/91, effective 6/12/91)

**WAC 16-484-210 Quarantine--(~~(Potato virus Y necrotic strain)~~) PVY<sup>n</sup>.** A quarantine is established under this chapter against the ~~((disease known as potato virus Y necrotic strain (PVY-N))~~) PVY<sup>n</sup>. ~~((PVY-N))~~ PVY<sup>n</sup> is a serious viral disease of certain species of the family Solanaceae, and is ~~((not known to occur in the United States))~~ designated as a regulated pest in the North American Plant Protection Organization (NAPPO) standards for phytosanitary measures.

AMENDATORY SECTION (Amending Order 2087, filed 6/11/91, effective 6/12/91)

**WAC 16-484-220 Area under quarantine.** The following areas are declared to be under quarantine for ~~((PVY-N))~~ PVY<sup>n</sup>:

- (1) Exterior quarantine. All states and districts of the United States; and
- (2) Interior quarantine. All counties in the state of Washington.

AMENDATORY SECTION (Amending Order 2087, filed 6/11/91, effective 6/12/91)

**WAC 16-484-230 Regulated articles.** ~~((1) The following are hereby declared to be hosts or possible carriers of PVY-N and are prohibited entry into the state from any area under exterior quarantine either directly, indirectly, diverted, or reconsigned except as provided in WAC 16-484-240:~~

- ~~(a) All seed potatoes originating in the Province of Prince Edward Island, Canada, potato inspection districts 1 through 4, and~~
- ~~(b) All seed potatoes of the Atlantic variety originating in the Province of Prince Edward Island, Canada, potato inspection districts 5 and 6, and~~
- ~~(c) All seed potatoes originating in the Province of New Brunswick, Canada, that are progeny of potatoes of the Atlantic variety that originated in Prince Edward Island in 1989 or 1990, and~~

~~(d) All other seed potatoes grown on farms where potatoes identified in (b) and (c) of this subsection have been grown, and (e) All seed potatoes originating in any other location within Canada, except the Province of Newfoundland and the Land District of South Saanich of Vancouver Island of British Columbia that are the progeny of potatoes of the Atlantic variety that originated in Prince Edward Island in 1989 or 1990.~~

~~(2) It is prohibited to cut for seed, plant, move, sell, or transport any regulated article identified in subsection (1)(a) through (e) of this section which arrived in the state of Washington prior to the effective date of this quarantine until inspected and released by the department.)~~ Regulated articles include all seed potatoes to be used for commercial planting or for seed potato production.

AMENDATORY SECTION (Amending Order 2087, filed 6/11/91, effective 6/12/91)

**WAC 16-484-240 Conditions governing the movement of regulated articles into Washington state.** (1) ~~((Each shipment of a regulated article shall be accompanied by a certificate issued by the state of origin that clearly identifies each seed lot and shall contain an additional declaration stating that the seed potatoes were tested and found free of PVY-N utilizing a method prescribed by the director.~~

~~(2) Persons shipping regulated articles into this state from areas under exterior quarantine shall notify the department's plant protection branch prior to arrival of the nature and quantity of each shipment, its expected date of arrival at destination, the name of the intended receiver, and the destination. The person to whom the regulated articles are shipped shall hold the same until they are inspected and released by the department.)~~ Except as provided in WAC 16-484-250, all seed potatoes planted for commercial or seed potato production within the state of Washington must:

(a) Originate from a state or district that participates in the Canada/USA PVY<sup>n</sup> Management Plan; or

(b) Be tested by and found free of PVY<sup>n</sup> by the plant protection organization in the state of origin.

(2) The department may sample and test any lot of seed potatoes or conduct field inspections of commercial potatoes for the purpose of testing and verifying compliance with this chapter.

(3) All growers of commercial potatoes or seed potatoes must obtain documents certifying compliance with the Canada/USA PVY<sup>n</sup> Management Plan and must provide those documents to the director upon request.

AMENDATORY SECTION. (Amending Order 2087, filed 6/11/91, effective 6/12/91)

**WAC 16-484-250 Special permits and compliance agreements.**  
The director may issue special permits or enter into compliance agreements allowing the movement of regulated articles covered in WAC 16-484-230 not otherwise eligible for movement from the area under quarantine, subject to conditions and provisions which the director may prescribe to prevent the escape or spread of ((~~PVY-N~~) PVY<sup>n</sup>).

AMENDATORY SECTION (Amending Order 2087, filed 6/11/91, effective 6/12/91)

**WAC 16-484-260 Disposition of regulated articles entering in violation or found infected with ((~~PVY-N~~) PVY<sup>n</sup>.** Any regulated article (1) entering the state in violation of this quarantine; or (2) entering the state prior to the effective date of this quarantine which is or may be infected with ((~~PVY-N~~) PVY<sup>n</sup>; shall be disposed of in a manner prescribed by the director, returned out-of-state, or destroyed at the option and expense of the owner or the owner's agent.