



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: June 19, 2002

(2) Purpose: To establish a rule relating to the exclusion and regulation of host material for blueberry scorch virus, a serious economic pest of blueberries.

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

Repealed:

Amended:

Suspended:

(4) Statutory authority for adoption: RCW 17.24, RCW 15.13

Other Authority:

### PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 02-10-123 on May 1, 2002.

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:

(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

- 31 days after filing
- Other (specify) \_\_\_\_\_\*

\*If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required

#### Emergency Rules

- Immediately
- Later (specify) \_\_\_\_\_

Name (Type or Print)  
Valoria H. Loveland

Signature  
*Valoria H. Loveland*

Title: Director  
Date: June 19, 2002

#### CODE REVISER USE ONLY

STATE OF WASHINGTON  
FILED

JUN 19 2002

TIME 10:31 AM

WSR 02-13-125 PM

(COMPLETE REVERSE SIDE)

**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	New	Amended	Repealed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	New	Amended	Repealed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	New	Amended	Repealed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 a nongovernmental entity:**

New	<u>7</u>	Amended	Repealed
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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		Amended	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	<u>7</u>	Amended	Repealed

## Chapter 16-489 WAC

### BLUEBERRY SCORCH VIRUS QUARANTINE

#### NEW SECTION

**WAC 16-489-010 Blueberry scorch virus.** Blueberry scorch virus is an aphid-borne virus that causes necrosis of leaves and flowers in susceptible blueberry varieties, leading to a decline in productivity. A strain of blueberry scorch virus benign to varieties commonly grown in the Pacific Northwest has been historically present in Washington. Now a more virulent strain of blueberry scorch virus has been identified in western North America. If this virulent strain is introduced into the state, it will have a severe economic impact on Washington's blueberry industry. The strains of blueberry scorch virus cannot be readily distinguished by standard laboratory testing methods, making it necessary to eliminate all strains of this virus from Washington. A quarantine is established under authority of chapters 17.24 and 15.13 RCW, in order to prevent introduction and spread of all strains of blueberry scorch virus.

#### NEW SECTION

**WAC 16-489-020 Blueberry scorch virus--Definitions.** The following definitions apply to chapter 16-489 WAC.

(1) "Blueberry plants" means all plants and plant parts of *Vaccinium corymbosum*, except fruit that is free of leaf tissue.

(2) "Blueberry scorch virus" means any and all strains of blueberry scorch carlavirus.

(3) "Pest free area" means an area where no strain of blueberry scorch virus occurs, as demonstrated by scientific evidence, and in which, where appropriate, this blueberry scorch virus free condition is being officially maintained.

(4) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

(5) "Micropropagated plants" means plants propagated using aseptic laboratory techniques and an artificial culture medium.

NEW SECTION

**WAC 16-489-030 Blueberry scorch virus--Area under quarantine.**

All states and territories of the United States and all counties within the state of Washington.

NEW SECTION

**WAC 16-489-040 Blueberry scorch virus--Regulated articles.**

All blueberry plants and plants of other *Vaccinium* species shown to be hosts for blueberry scorch virus are regulated articles. Blueberry fruit that is free of leaf tissue is not regulated under this chapter; however, please note that blueberry fruit may be regulated for other pests under provisions of chapter 16-488 WAC.

NEW SECTION

**WAC 16-489-050 Blueberry scorch virus--Restrictions.**

(1) All regulated articles planted, sold, offered for sale or transported within the state must be demonstrated free of blueberry scorch virus by meeting at least one of the following conditions:

(a) They must originate from a pest free area;

(b) They are certified in accordance with the regulations of an official certification program in the state of origin that includes testing and inspection for blueberry viruses and is approved by the director;

(c) They are shown to be free of blueberry scorch virus, based on an official laboratory test using a protocol approved by the director; or

(d) They are micropropagated and/or grown in an insect-proof greenhouse or screenhouse and originate from mother plants that have been tested and found free of blueberry scorch virus.

(2) Persons importing regulated articles into the state must obtain a phytosanitary certificate from the plant protection organization of the place of origin verifying that one of the conditions in subsection (1) of this section has been met. A copy of the phytosanitary certificate must accompany the shipment.

NEW SECTION

**WAC 16-489-060 Blueberry scorch virus--Recordkeeping.** (1)

All persons planting or growing regulated articles in the state are required to retain records as specified in subsection (2) of this section for a period of not less than one calendar year from acquisition of the plants.

(2) These records shall contain the number and variety of plants, the name and address of the propagator, and applicable phytosanitary certificates, certification tags or documentation, and laboratory testing reports.

(3) The grower must provide a copy of the records to the plant services program of the state department of agriculture upon request of the director.

NEW SECTION

**WAC 16-489-070 Blueberry scorch virus--Exceptions.** The

director may issue special permits to allow blueberry plants otherwise prohibited in this chapter to be planted, sold, offered for sale, or transported. Such special permits must be in writing and must be obtained prior to planting, sale, and/or transportation.