



# RULE-MAKING ORDER

## CR-103 (June 2004) (Implements RCW 34.05.360)

Agency: Dept. of Agriculture

- Permanent Rule  
 Emergency Rule

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.  
 Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** This rulemaking order amends WAC 16-350-035 by: (1) requiring that rootstock from out-of-state certification programs be propagated directly from mother plants that were tested and found free of all known virus and virus-like diseases; (2) requiring that all prunus seed, except peach seed, used in the propagation of certified fruit trees originate from registered seed trees (peach seed originating from commercial sources may be used if the seed is tested and found to contain no more than 5% seed-borne viruses); and (3) clarifying existing language so that it is easier to read and understand.

**Citation of existing rules affected by this order:**

Repealed:  
 Amended: WAC 16-350-035  
 Suspended:

**Statutory authority for adoption:** Chapter 15.14 and 34.05 RCW

**Other authority :**

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

Adopted under notice filed as WSR 04-24-090 on December 1, 2004.  
 Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: N/A

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
 Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
 e-mail \_\_\_\_\_

**EMERGENCY RULE ONLY**

- Under RCW 34.05.350 the agency for good cause finds:
- 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.
  - 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:

**DATE ADOPTED**

January 11, 2005

**NAME (TYPE OR PRINT)**

Valoria H. Loveland

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

Stamp: SUPERVISOR'S SIGNATURE

Stamp: JAN 11 2005

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Stamp: TIME WSR

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**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	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

**The number of sections adopted at the request of a nongovernmental entity:**

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in the agency's own initiative:**

	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>

**WAC 16-350-035 Requirements for certified nursery planting stock.** (1) All nursery stock being grown for certification must be propagated on certified rootstock. Certified rootstock (~~may be any~~) must comply with at least one of the following conditions:

(a) Rootstock (~~originating~~) propagated directly from registered trees.

(b) Rootstock originating from other approved certification programs, if the rootstock was propagated directly from mother plants that have been tested and found free of all known virus and virus-like diseases.

(c) *Prunus persica* seedlings grown from commercial seed, if the seed lot has been tested for transmissible virus content, and not more than five percent of the seed tested positive for transmissible virus content.

(d) Pome fruit seedlings.

(2) Growers must keep records identifying the scion, rootstock, and interstock sources for all Washington certified stock. Upon request, these records must be made available to the department.

(3) Seed may be designated as Washington certified seed only if both of the following conditions are complied with:

(a) The seed was produced on registered seed trees; and

(b) The seed lot has been tested for transmissible virus content, and not more than five percent of the seed tested positive for transmissible viruses.

(4) Washington certified nursery stock must be identified by a blue certification tag.

(5) When it is offered for sale, Washington certified nursery stock must be identified as to variety, interstock and rootstock.