



# RULE-MAKING ORDER

**JR-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 chapter 16-324 WAC, Rules for the Certification of Seed Potatoes, by requiring compliance with the State National Harmonization Program for seed potatoes (SNHP). Specifically, this includes:

- (1) Requiring generation 1 lots to be sampled and tested under the department's supervision for PVY;
- (2) Requiring a post-harvest test for seed lots that will be recertified;
- (3) Adding Potato Mop Top Virus (PMTV) to the list of diseases that certified seed potatoes must be found free of; and
- (4) Modifying rule language to increase its clarity and readability.

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

Repealed:  
 Amended: WAC 16-324-361, 385, 391, 392, 396, 401, and 409  
 Suspended:

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

**Other authority :**

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

Adopted under notice filed as WSR 07-07-104 on March 19, 2007.  
 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:

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**

May 3, 2007

**NAME (TYPE OR PRINT)**

Valoria H. Loveland

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

STATE OF WASHINGTON  
 CODE REVISER

MAY 3 2007

1112  
 07-11-010

(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 | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
| <b>Federal rules or standards:</b>      | New | <u>0</u> | Amended | <u>7</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> |
|-----|----------|---------|----------|----------|----------|

**The number of sections adopted in the agency's own initiative:**

|     |          |         |          |          |          |
|-----|----------|---------|----------|----------|----------|
| New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
|-----|----------|---------|----------|----------|----------|

**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> |
|-----|----------|---------|----------|----------|----------|

**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>7</u> | Repealed | <u>0</u> |

AMENDATORY SECTION (Amending WSR 02-12-010, filed 5/23/02, effective 6/23/02)

**WAC 16-324-361 Definitions.** (~~(1)~~) "Certification" means that the lot of seed potatoes was inspected and meets the requirements of this chapter.

(~~(2)~~) "Cull" means any lot of potatoes rejected for certification for any reason.

(~~(3)~~) "Department" means the department of agriculture of the state of Washington.

(~~(4)~~) "Director" means the director of the department of agriculture or his/her duly appointed representative.

(~~(5)~~) "Disease tested" means tested for and found free of all of the following diseases: Potato virus A (PVA), potato virus M (PVM), potato virus S (PVS), potato virus X (PVX), potato virus Y (PVY), potato leafroll virus (PLRV), potato mop top virus (PMTV), potato spindle tuber viroid (spindle tuber), *Erwinia carotovora* ssp. *carotovora* (soft rot), *Erwinia carotovora* ssp. *atroseptica* (black leg) and *Clavibacter michiganense* spp. *sependonicum* (ring rot).

(~~(6)~~) "Micropropagated" means potato stock propagated using aseptic laboratory techniques and culture media to promote plant tissue growth.

(~~(7)~~) "Microtubers" means tubers produced in vitro by a micropropagated plant or plantlet.

(~~(8)~~) "Minitubers" means tubers produced under controlled greenhouse conditions.

(~~(9)~~) "Nematode" means plant parasitic nematodes capable of infesting potatoes, including but not limited to the genus *Meloidogyne*.

(~~(10)~~) "Nuclear stock" means plantlets, microtubers, minitubers, or seed potatoes produced from prenuclear stock, and grown in the field for the first time.

(~~(11)~~) "Plot" means a seed potato planting that is 0.25 acre or less in size.

(~~(12)~~) "Powdery scab" means the disease caused by the fungus *Spongospora subterranea*.

(~~(13)~~) "Prenuclear" means micropropagated plants or tubers and plants or minitubers produced in a greenhouse.

(~~(14)~~) "Quarantine pest" means a pest of potential economic importance and not yet present in the state, or present but not widely distributed and being officially controlled.

(~~(15)~~) "Recertification" means the process of certifying a seed lot that was certified the previous year.

(~~(16)~~) "Rogue" means removing diseased or undesirable plants, including all associated plant parts from a seed potato field.

((17)) "Seed lot" means a field, in whole or in part, or a group of fields producing seed potatoes, or the potato tubers harvested from a seed potato field.

((18)) "Seed potatoes" means vegetatively propagated tubers used for potato production.

((19)) "Seed source" means seed potatoes produced by an individual grower within a particular seed production area.

((20)) "Trace" means a barely perceivable indication of plant disease that amounts to less than 0.001 percent of sample.

((21)) "Tolerance" means the maximum acceptable percentage of potato plants or tubers that is diseased, infected by plant pests, defective or off-type based on visual inspection or laboratory testing by the director or other authorized person.

((22)) "Unit method" means a method of planting in which cut seed pieces from one tuber are dropped consecutively in a row, or in which all tubers from one plant are dropped consecutively in a row.

AMENDATORY SECTION (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

**WAC 16-324-385 Production requirements.** (1) A grower is not eligible to produce nuclear, generation 1, or generation 2 seed potatoes, if ring rot has been detected on his or her farm during the previous two years.

(2) Prenuclear class.

(a) Prenuclear seed lots must be derived from disease tested micropropagated plants. All testing methods and laboratories must be approved by the department.

(b) A minimum of one percent (and not less than twenty samples) of prenuclear seed produced in a greenhouse must be tested and found free of potato virus X (PVX), potato virus Y (PVY), potato virus S (PVS), potato leafroll virus (PLRV), *Erwinia carotovora* ssp. *carotovora* (soft rot), *Erwinia carotovora* ssp. *atroseptica* (black leg), and *Clavibacter michiganense* ssp. *sependonicum* (ring rot).

(c) The department will inspect all facilities used in the production of prenuclear class seed potatoes on a periodic basis. Department approval is necessary in order to utilize these facilities.

(3) Nuclear class.

(a) Nuclear class seed potatoes must be propagated entirely from prenuclear plants.

(b) Each nuclear class seed lot must be distinctly separated in storage and in the field.

(c) If a ground rig is used for spraying, wide enough spacing between rows must be left, so that tires will not touch plants during the growing season.

(d) Growers must plant cut seed and single drop seed separately, with single drop seed identified.

(4) Generations 1, 2, 3, 4 and 5.

(a) Growers must leave a distinct separation of at least six feet unplanted or planted to some other crop between lots of seed potatoes from different classes. A similar separation must be left between different varieties, unless the varieties are readily distinguishable by visual observation.

(b) When more than one lot of seed potatoes is planted in the same field, growers must stake or mark the identity of each lot.

(c) All generation 1 lots must be sampled and tested under the department's supervision for PVY at a rate of four hundred plants for every ten lots. For farms with fewer than ten generation 1 lots, a minimum of four hundred plants must be sampled and tested.

AMENDATORY SECTION (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

**WAC 16-324-391 Eligibility requirements.** (1) Only seed potatoes derived from plants that have been disease tested and certified by an official certification agency are eligible for certification.

(2) Only seed lots that meet or exceed the minimum requirements as established in this chapter are eligible for certification. A seed lot that has more than a trace amount of virus disease noted during any field inspection is not eligible for recertification, unless it has been post-harvest tested and meets the minimum standards established in WAC 16-324-420.

(3) A post-harvest test is required for seed lots that will be recertified, except when planted back on the same farm.

(4) In order to be eligible for certification in Washington state, seed lots from other states or countries must be eligible for recertification in the state or country of origin and must meet the requirements of this chapter.

~~((+4))~~ (5) A seed lot blended from two or more different sources of seed is not eligible for recertification.

~~((+5))~~ (6) A seed lot infected with powdery scab is not eligible for recertification.

~~((+6))~~ (7) Generation 5 (G5) seed lots are not eligible for recertification.

AMENDATORY SECTION (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

**WAC 16-324-392 Isolation requirements.** (1) The department must approve all nuclear and generation 1 field locations.

(2) Generation 2 through generation 5 must be isolated by at least three hundred fifty feet from all noncertified potatoes.

(3) When ring rot is found in a field planted with more than one lot of seed potatoes, the department will reject the entire field unless at least six feet between lots has been left unplanted or planted to some other crop.

AMENDATORY SECTION (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

**WAC 16-324-396 Sanitation requirements.** (1) Chemicals used in the sanitation of equipment should be those recommended by the *Pacific Northwest Plant Disease Control Handbook*. Vector control must be maintained throughout the growing season as recommended by the *Pacific Northwest Plant Disease Control Handbook*.

(2) Seed stocks entered for certification must be planted and harvested prior to handling any other seed stock. The earliest generation must be handled prior to (~~lower classes~~) later generations within the program.

(3) Only department-approved containers shall be used during the digging, storage, and packing process.

AMENDATORY SECTION (Amending WSR 02-12-010, filed 5/23/02, effective 6/23/02)

**WAC 16-324-401 Latent virus testing requirements.** (1) PVX testing is required for nuclear and generation 1 class seed potatoes. PVX testing is optional for all other classes.

(2) Growers must submit petiole samples for latent virus testing to a laboratory approved by the department. The applicant is responsible for laboratory testing fees.

(3) The minimum number of plants per seed lot to be sampled for PVX testing is one hundred. For nuclear class, a minimum of one percent of the total number of plants per lot must be sampled. For generation 1, a minimum of two hundred (~~leaves~~) plants per acre must be sampled. For generation 2, a minimum of fifty (~~leaves~~) plants per acre must be sampled. Generation 3, 4 and 5 seed lots should be sampled at a rate of twenty (~~leaves~~) plants per acre. The department may require additional testing.

AMENDATORY SECTION (Amending WSR 00-20-070, filed 10/3/00, effective 11/3/00)

**WAC 16-324-409 Post-harvest test requirements.** (1) Post-harvest testing of all seed classes is optional, except as required in WAC 16-324-391 and 16-324-399. Seed lots which fail the minimum requirements of the field inspection standards are not eligible for post-harvest testing.

(2) A minimum of four hundred tubers must be submitted for each seed lot entered for post-harvest testing. Seed lots less than one acre in size must submit a minimum of four tubers per total hundred weight with a minimum of fifty tubers.

(3) The applicant is responsible for the cost of post-harvest testing.

(4) Seed lots in the post-harvest test which fail to comply with the disease tolerance requirements set forth in WAC 16-324-420 are not eligible for recertification.

(a) The applicant must notify in writing all receivers of any seed lot that failed to comply with post-harvest tolerances set forth in WAC 16-324-420.

(b) Acceptance of a seed lot that fails to comply with the tolerances set forth in WAC 16-324-420 must be based on a written buyer/seller agreement. The grower must provide the department with a copy of the written agreement within thirty days of receiving the post-harvest results.