

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture
(agency name)

Administrative Order No. 1626

(1) I, Bob J. Mickelson, director of Department of Agriculture

do promulgate and adopt at Olympia, WA (place)

the annexed rules relating to:

Phyto-sanitary certificate in WAC 16-316-315, WAC 16-316-326, WAC 16-316-327, WAC 16-316-300, WAC 16-316-305 and WAC 16-316-325.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. WSR 79-03-080 filed with the code reviser on March 6, 1979. Such rules shall take effect:

- [X] pursuant to RCW 34.04.040(2).
[] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04. (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

[X] (a) This rule is promulgated pursuant to RCW 15.49 and is intended to administratively implement that statute.

[] (b) This rule is promulgated pursuant to RCW which directs that the

(agency) has authority to implement the provisions of

(name of act or RCW citation)

[] (c) This rule is promulgated under the general rule-making authority of the (agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON APPROVED AND ADOPTED April 30 1979 FILED

APR 30 1979

By [Signature] Deputy Director

Title

AMENDATORY SECTION (Amending Order 1559, filed 3/1/78)

WAC 16-316-315 FEES AND CHARGES. (1) Fee for area and field inspection:

(a) Field Inspection (Payable with application). For each required inspection (per acre or fraction thereof)..... \$ 2.00
(with minimum fee of \$10.00 per field per inspection).
"Field inspection fee" includes only one phyto-sanitary certificate per field. Additional certificates \$10.00 each. An additional charge of 50¢ per acre shall be charged for each disease requested in excess of two.

(b) Area Inspection (per 100 lbs)..... \$ 0.05
Billed at time certificate is issued with a minimum of \$10.00 and a maximum of \$100.00 per certificate.

(2) Late Application Penalty Fee..... \$10.00
This additional fee shall be charged for each application received after due date.

(3) Sampling fee when sampling is required:

(a) Beans, peas, lentils, cereal grains (per 100 lbs)..... \$ 0.03

(b) Other crops (per 100 lbs)..... \$ 0.15

(4) ~~((Tagging-fee-when-phyto-sanitary-tag-is-requested:~~

~~(a)-Beans,-peas,-lentils,-cereal-grains-(per-100-lbs)-\$-0,-15~~

~~(b)-Other-crops-(per-100-lbs)-\$-0,-25~~

~~(5)) Serology test:~~

Fee to be established by the state of Idaho. An official 5 pound

sample is required from each 10,000 pounds or portion thereof. Officially drawn samples will be submitted to: State Plant Pathologist, Idaho Department of Agriculture, P.O. Box 410, Twin Falls, Idaho 83301.

~~((6))~~ (5) Fees for services not listed in this order shall be set on the basis of the actual cost to the department of agriculture or the most appropriate fee established will be used.

~~((7))~~ (6) Nursery grow-out plots, etc: Per hour..... \$12.50

Applicant will also be billed ~~((at-the-rate-of-13¢-per-mile))~~ mileage fee as set by statute, plus \$8.25 per hour travel time when additional travel is required. Attempts will be made to combine work assignments keeping additional travel to a minimum.

~~((8))~~ (7) Laboratory analysis of plant material: An additional fee of \$10.00 per field shall be charged when necessary to examine plant material in the laboratory to verify disease.

AMENDATORY SECTION (Amending Order 1559, filed 3/1/78)

WAC 16-316-326 PHYTO-SANITARY CERTIFICATE FOR PEAS. (1) Specific diseases of peas for which phyto-sanitary certificate will be issued:

(a) Pseudomonas pisi (Sackett)

(b) Pea Seed-borne Mosaic Virus - based on two field inspections.

(2) Pea seed to be eligible for a phyto-sanitary certificate stating freedom from Pseudomonas pisi (Sackett):

(a) Based on area inspection must be free of the disease in question as determined by area inspection of at least 10% of the acreage and not less than 200 acres in each specified inspection area. The department of agriculture will also conduct a survey of county extension agents, extension pathologists, and plant pathologists at experiment stations and Washington State University. Each company desiring his production eligible must make inspections of the fields throughout the growing season. If symptoms of said disease are found, it must be reported to the Seed Branch, Department of Agriculture, 2015 South 1st Street, Yakima, Washington 98903, immediately. At the end of the growing season, and not later than September 1, each applicant must file a report with the Seed Branch, Department of Agriculture, based

on company pathologist inspections and what other information he may have if the disease in question was or was not observed.

(b) Based on field inspection must be free of said disease as determined by one field inspection made during growing stage most optimum for detecting of said disease.

(3) Pea seed to be eligible for certificate stating freedom from Pea Seed-borne Mosaic Virus must be free of said disease as determined by one inspection at 2 to 4 weeks after seedling emergence, and second inspection 1 to 2 weeks before dry pod stage.

(a) It is recommended that breeding nurseries, isolation nurseries, and/or small seed-increase plots be entered for inspection.

(b) Phyto-sanitary certificates for ((1975-crop-and-older)) carryover seed lots may be obtained by planting a representative one pound sample in isolated grow-out plots. Certificate issued will indicate the basis is on grow-out test.

AMENDATORY SECTION (Amending Order 1455, filed 5/13/76)

WAC 16-316-327 PHYTO-SANITARY CERTIFICATE FOR BEANS. (1) Specific bacterial diseases of beans for which phyto-sanitary certificates will be issued are:

(a) Halo Blight - *Pseudomonas* ((*medicaginis--var.;*)) *phaseolicola* (Burk.) Dows.

(b) Common Bean Blight - *Xanthomonas phaseoli* (E.F. Sm.) Dows.

(c) Fuscous Blight - *Xanthomonas phaseoli* var. *fuscans* (Burk.)

(d) Bean Bacterial Wilt - *Corynebacterium flaccumfaciens* (Hedges) Dows.

(e) Or any varieties or new strains of these diseases.

(2) Common bean seed to be eligible for a phyto-sanitary certificate covering the bacterial diseases listed above, must be free of the diseases in question as determined by field inspection during the growing season and by a windrow inspection. (Serology test and greenhouse test may be accepted in lieu of windrow inspection at the discretion of the department of agriculture.)

(3) Snap beans((*r--small--white*)) and kidney beans grown under sprinkler irrigation will not be eligible for phyto-sanitary certificates covering bacterial diseases.

(4) To be eligible for phyto-sanitary certificate, field planted must be free of halo blight the previous two years.

(5) To be eligible for phyto-sanitary certificate, field must be 1320 feet from an incident of diseases listed in paragraph (1) of this section. It is recommended that equipment be disinfected between fields.

(6) Field inspection requirements:

((*a*)) At least two field inspections are required for beans being inspected for the bacterial diseases listed above:

((*i*)) (a) The first inspection is required when ((the-plants are-at-the-third-leaf-stage-or-when-the--plants--are--grown)) factors effecting diseases are most evident.

((*ii*)) (b) The second inspection is required when the plants are in the windrow.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 16-316-300 DISEASES FOR WHICH PHYTO-SANITARY CERTIFICATES WILL BE ISSUED.

- (2) WAC 16-316-305 PHYTO-SANITARY ELIGIBILITY.
- (3) WAC 16-316-325 INSPECTION REQUIREMENTS.



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

For the purpose of legislative review of agency rules, the following statement is submitted:

- (a) This rule relates to the seed regulations in Washington state (statutory authority RCW 15.49).
- (b) Revision of regulations concerning production, certification and distribution of seed. These changes include a 15 percent increase in seed testing fees; amendments in seed certification, quarantine, phytosanitary, noxious weed seed programs, clover, alfalfa, grass, bean, pea, lentil, soybean, small grain, tree seed, sod quality, blending, the O.E.C.D. program; and, amendments to restricted noxious weed seed list.
- (c) Department of Agriculture
Grain and Chemical Division
Art G. Losey
406 General Admin. Bldg.
Olympia, WA 98504
753-5062
- Robert Eschbach
2015 So. 1st Street
Yakima, WA 98903
575-2750
- (d) Proponents:
- Department of Agriculture
Ted Dion
Les Clemmons
Jack McGillis
- Duward Massey
Bob Johnson
- Opponents: None
- (e) None