

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1861

(1) I, C. Alan Pettibone, director of Washington State Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

APPLE MAGGOT, PLUM CURCULIO, HONEY BEE TRACHEAL MITE AND ONION WHITE ROT QUARANTINE IN CHAPTER WAC 16-470-010.

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

This action is taken pursuant to Notice No. WSR 85-11-086 filed with the code reviser on 5/22/85. These rules shall take effect:

- [x] thirty days after they are filed with the code reviser 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 this 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 the emergency is:

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

(3) Pursuant to the requirements of RCW 34.04.026 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 17.24 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(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.

APPROVED AND ADOPTED July 8, 1985

By [Signature] Deputy Director

CODE REVISER'S OFFICE WSR 85-15-006

JUL 8 1985

FILED

AMENDATORY SECTION (Amending Order 1822, filed 5/1/84, effective 7/1/84)

WAC 16-470-010 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of agriculture of this state, or a duly authorized representative.

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

(3) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated insect life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(4) "Exterior quarantine" means a quarantine established against the movement into Washington state of designated insect life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(5) "Gypsy moth (*Lymantria dispar*)" means a lepidopterous insect of the family *Lymantriidae* which in the larval stage defoliates many species of trees and shrubs.

(6) "Apple maggot (*Rhagoletis pomonella*)" means a dipterous insect((s)) belonging to the family *Tephritidae* which in the larval stage live within fruit of ((their)) its host plants, with potential for causing extensive damage to fruit of certain crops.

(7) "Plum curculio (*Conotrachelus nenuphar*)" means a coleopterous insect of the family *Curculionidae* which in the larval stage lives within the fruit of its host plants with potential for causing extensive damage to fruit of certain crops.

(8) "Commercial orchard" means an orchard in which fruit is grown for commercial purposes and with the use of approved and accepted integrated pest management programs pursuant to statutes, guidelines or rules approved by the agricultural extension service or regulatory officials of the state of origin.

(9) "Commercial fruit" means fruit that is:

(a) Grown in a commercial orchard and commercially packed and labeled;

(b) Fruit grown in a commercial orchard and destined to a commercial processing plant or packing plant.

(10) "Threatened with infestation" means that any life stage of apple maggot or plum curculio has been found within one-half mile of production site including any portion of an orchard outside or beyond the one-half mile boundary if any portion of the orchard is within the one-half mile area.

(11) "Honey bee tracheal mite" means *Acarapis woodi*; an internal tracheal mite of honey bees.

(12) "Honey bee" means bees of the species *Apis mellifera*.

(13) "Colony" means a man-made hive including five or more combs of bees.

(14) "Hive" means a man-made domicile of honey bees including their combs in the various sizes used by the apiculture industry.

(15) "Queen" means the fertile female honey bee, singly, in a shipping cage with attendant honey bees or in plurality with other queens in a shipping cage having common honey bee attendants.

(16) "Nuclei" means a shipping container or hive having five or less combs of bees and a queen.

(17) "Package" means a combless shipping container of bees with or without a queen.

(18) "Apiarist" means any person who owns bees or is a keeper of bees.

(19) "Net(s)" means fabricated material which is designed and utilized to prevent the escape of bees from bee colonies or hives during transit.

(20) "Onion" means any *Allium* spp. including but not limited to onion, garlic, leek, chive, or shallots.