

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1881

(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, Gypsy Moth, Honey Bee Trachael Mite and Onion White Rot Quarantines in Chapter 16-470.

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

This action is taken pursuant to Notice No. WSR 86-03-075 filed with the code reviser on 1/22/86. 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 RCW 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 March 7 1986

STATE OF WASHINGTON FILED

By [Signature]

Deputy Director Title

MAR 12 1986

[Form CR-7: Rev. 7/23/82]

CODE REVISER'S OFFICE WSR 86-07-026

AMENDATORY SECTION (Amending Order 1861, filed 7/8/85)

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)) plant pests, 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)) plant pests, 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-belonging-to-the-family-Tephritidae-which-in-the--larval--stage live--within--fruit--of--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)) {6} "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)) {8} "Colony" means a man-made hive including five or more combs of bees.

((14)) {9} "Hive" means a man-made domicile of honey bees including their combs in the various sizes used by the apiculture industry.

((15)) {10} "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)) {11} "Nuclei" means a shipping container or hive having five or less combs of bees and a queen.

((17)) {12} "Package" means a combless shipping container of bees with or without a queen.

((18)) {13} "Apiarist" means any person who owns bees or is a keeper of bees.

((19)) {14} "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:))

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

WAC 16-470-020 QUARANTINE--GYPSY MOTH--AREA UNDER ORDER. (1) Interior quarantine. Real and personal properties within Washington state and adjacent properties where the department has identified multiple gypsy moth life stages and where occupants and/or owners of those properties have been notified by the department of the gypsy moth infestation and to the effect that the subject property is under quarantine pursuant to chapter 16-470 WAC rules and requirements.

(2) Exterior quarantine. All areas of the United States and Canada that are declared high risk by the United States Department of Agriculture, animal, plant, health inspection service, plant protection and quarantine.

(3) The following definition shall apply to WAC 16-470-020 through 16-470-060: "Gypsy moth (Lymantria dispar)" means a lepidopterous insect of the family Lymandriidae which in the larval stage defoliates many species of trees and shrubs.

AMENDATORY SECTION (Amending Order 1862, filed 7/8/85)

WAC 16-470-100 QUARANTINE--APPLE MAGGOT AND PLUM CURCULIO--AREA UNDER ORDER. (1) The following areas are declared by the director to be under quarantine for apple maggot:

(a) Exterior quarantine. All states or foreign countries where apple maggot is known to occur including but not limited to the states of North Dakota, South Dakota, Nebraska, Oklahoma, and Texas, and all states east thereof including the District of Columbia, and the states of Idaho, Oregon, Utah, and California, and any other areas where apple maggot is detected.

(b) Interior quarantine. All counties west of the crest of the Cascade mountain range, and Spokane, Skamania, and Klickitat counties within the state of Washington, and any other counties where apple maggot is detected.

(c) Regional area quarantine. When mutually agreed upon, and formally accepted by the directors of the Washington state department of agriculture and Oregon state department of agriculture the following shall apply: In Oregon state the counties of Wasco and Hood River and in Washington state the counties of Skamania and Klickitat will be considered a single production area. Commercial fruit produced in these counties may move freely throughout this production area unless regulatory measures as prescribed in WAC 16-470-120 are implemented.

(2) The following areas are declared by the director to be under quarantine for plum curculio: Utah, and, in the eastern United States, all states and districts east of and including the states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and any other areas where plum curculio is detected.

(3) The following definitions shall apply to WAC 16-470-100 through 16-470-120:

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

(b) "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.

(c) "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.

AMENDATORY SECTION (Amending Order 1863, filed 7/8/85)

WAC 16-470-200 QUARANTINE--HONEY BEE TRACHEAL MITE. (1) The director finds that honey bee tracheal mite is detrimental to the welfare of the apiculture industry of Washington state and a quarantine is established to prevent the introduction of the tracheal mite into Washington state.

(2) The following definition shall apply to WAC 16-470-200 through 16-470-230: "Honey bee tracheal mite" means Acarapis woodi; an internal tracheal mite of honey bees.

AMENDATORY SECTION (Amending Order 1873, filed 9/25/85)

WAC 16-470-300 QUARANTINE--ONION WHITE ROT DISEASE. (1) The director finds that onion white rot disease is detrimental to the onion industry of Washington state and a quarantine is established to prevent the spread and introduction of onion white rot disease caused by Schlerotium cepivorum, a fungus, within noninfested areas of Washington state.

(2) The following definition shall apply to WAC 16-470-300 through 16-470-340: "Onion" means any Allium spp. including but not limited to onion, garlic, leek, chive, or shallots.