

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1906

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

do promulgate and adopt at Olympia, WA (place)

the annexed rules relating to:

Chapter WAC 16-488 BLUEBERRY QUARANTINE

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

This action is taken pursuant to Notice No. 86-14-023 and 86-17-049 filed with the code reviser on 6/24/86 & 8/18/86. 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 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 STATE OF WASHINGTON FILED

September 5 19 86

By C. Alan Pettibone

Director

Title

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

SEP 5 1986

CODE REVISER'S OFFICE

WSR 86-19-002

NEW SECTION

WAC 16-488-002 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 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 plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.
- (5) "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.
- (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.

NEW SECTION

WAC 16-488-006 BLUEBERRY MAGGOT--ESTABLISHING QUARANTINE. Blueberry maggot (*Rhagoletis mendax*) is known to infest blueberries in various states situated in the eastern part of the United States, and blueberries produced in this state are susceptible to infestation by blueberry maggot (*Rhagoletis mendax*); therefore, a quarantine is established to prevent shipments or receipt of blueberries from such eastern states which may constitute a direct threat or hazard to blueberry production in Washington state.

AMENDATORY SECTION (Amending Order 1327, filed 10/10/73)

WAC 16-488-010 BLUEBERRY QUARANTINE--COMMODITY COVERED. The movement or shipment into Washington state of all fresh fruit of blueberry from areas under quarantine (see WAC 16-488-015) shall be prohibited except as provided for in WAC 16-488-025.

AMENDATORY SECTION (Amending Order 1327, filed 10/10/73)

WAC 16-488-015 BLUEBERRY QUARANTINE--AREAS UNDER QUARANTINE. The following areas are declared by the director to be under quarantine for blueberry maggot: All states and districts of the United States east of and including the states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas.

AMENDATORY SECTION (Amending Order 1327, filed 10/10/73)

WAC 16-488-025 BLUEBERRY QUARANTINE EXEMPTIONS. Fresh fruit of blueberry may be moved or shipped from quarantined areas into Washington state under the following conditions:

(1) No restrictions are placed by this ((~~regulation~~)) section on the entry into this state of fruits which upon arrival are frozen solid and which are under refrigeration to assure their solid frozen state.

(2) Commodities covered which are held in cold storage for a continuous period of forty days or more, during which period the temperature within the storage room is maintained at thirty-two degrees Fahrenheit or less, may be admitted ((~~provided~~)): PROVIDED, That a lot or shipment is accompanied by ((~~an official~~)) a certificate issued by an official governmental agency from the state of origin evidencing compliance with the minimum requirements of this section.

AMENDATORY SECTION (Amending Order 1327, filed 10/10/73)

WAC 16-488-030 BLUEBERRY QUARANTINE DISPOSITION OF MATERIAL SHIPPED IN VIOLATION OF THIS QUARANTINE. ((~~Regulated-commodities~~)) All fresh fruit of blueberry not meeting the requirements of this ((~~quarantine~~)) chapter shall be returned to the point of origin, or destroyed at the option and expense of the owner(s) or ((~~owners,--his or-their~~)) the owner(s) responsible agent(s) ((~~or-agents~~)).

NEW SECTION

WAC 16-488-990 PERMITS. The director may issue special permits admitting commodities under quarantine not otherwise eligible for entry from the area under quarantine, subject to conditions and provisions which the director may prescribe to prevent introduction, escape, or spread of the quarantined pests.

NEW SECTION

WAC 16-488-995 PENALTY AND VIOLATION. All violations of this chapter shall be dealt with according to the provisions of RCW 17.24.100.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-488-001 PROMULGATION. ESTABLISHING QUARANTINE.  
 WAC 16-488-005 PEST.  
 WAC 16-488-020 AREAS NOT INFESTED.  
 WAC 16-488-035 VIOLATION AND PENALTY.  
 WAC 16-488-040 EFFECTIVE DATE.