

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture
(agency name)

Administrative Order No. 1978

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

do promulgate and adopt at Olympia (place)

the annexed rules relating to:

Varroa mite quarantine in chapter 16-470 WAC.

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

This action is taken pursuant to Notice No. filed with the code reviser on. These rules shall take effect: [ ] 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, C. Alan Pettibone, 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:

This action is necessary to prevent the introduction or movement of Varroa mite. Varroa mite is an external mite that infests bees which can be detrimental to the apiculture industry of Washington State

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 15.60 and 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 June 1 19 88

STATE OF WASHINGTON

FILED

JUN 1 1988

By [Signature]

Director

Title

CODE REVISER'S OFFICE

WSR 88-12-082

**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 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.

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

(8) "Colony" means ~~((a man-made hive including five or more combs of bees))~~ any natural group of bees having a queen.

(9) "Hive" means ~~((a man-made domicile of honey bees including their combs in the various sizes used by the apiculture industry))~~ any receptacle or container made or prepared for the use of bees, or box or other container taken possession of by bees, including movable frames, combs, or substances deposited into the hive by bees.

(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.

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

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

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

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

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

**WAC 16-470-015 Penalties.** Any person who violates or fails to comply with any rule adopted under RCW 17.24.020 through 17.24.100 shall be guilty of a misdemeanor, and for a second and each subsequent violation of the same rule, shall be punished by imprisonment in the county jail for not less than thirty days or more than one year, or by a fine of not less than one hundred dollars, or more than one thousand dollars, or by both fine and imprisonment.

NEW SECTION

**WAC 16-470-600 Quarantine--Varroa mite.** (1) The department of agriculture with the cooperation of the United States Department of Agriculture, APHIS, PPQ, surveyed Washington state honey bee colonies in 1986 and 1987 for Varroa mite and all results were negative. The director finds that Varroa mite is detrimental to the welfare of the apiculture industry of Washington state and a quarantine is hereby established to prevent the introduction into or movement through Washington state.

(2) The following definition shall apply to WAC 16-470-605 through 16-470-635: "Varroa mite" means a parasite of honey bees, the arachnid scientifically identified as Varroa jacobsonii (Oudemans), commonly called the Varroa mite and also known as the "Asian mite."

NEW SECTION

**WAC 16-470-605 Varroa mite--Regulated articles.** The following are regulated articles:

- (1) Varroa mites.
- (2) All honey bees, live and dead.
- (3) Hives and the hive equipment, shipping and storage containers (cages), and vehicles used at apiaries.
- (4) Combs with brood cells.
- (5) Pollen for bee food.
- (6) Any article or means of conveyance not listed in subsections (1), (2), (3), (4), or (5) of this section, that presents a risk of spreading the Varroa mite, when the person in possession of the article or means of conveyance is notified that it is subject to this section.

NEW SECTION

**WAC 16-470-610 Varroa mite--Area under quarantine--Exterior.** (1) The following are designated quarantined areas:

(a) The states of Florida, Illinois, Maine, Michigan, Mississippi, Nebraska, New York, Ohio, Pennsylvania, South Carolina, South Dakota, and Wisconsin; and

(b) Any other state where Varroa mite has been found or evidence indicates that Varroa mite may exist in that state; and

(c) Any state that has not conducted a biologically sound Varroa mite survey of at least two percent of all known resident colonies.

(2) Less than an entire state may be accepted as a quarantined area if the Director determines that:

(a) The state has adopted and is enforcing restrictions on interstate and intrastate movement of regulated articles that are equivalent to or exceed the restrictions on the movement of regulated articles as herein described; and

(b) The quarantine of less than an entire state will prevent the interstate and intrastate spread of the Varroa mite; and

(c) The state has conducted a biologically sound Varroa mite survey of at least five percent of all known resident colonies to determine the statewide presence or absence of Varroa mite; and

(d) The state has an ongoing, biologically sound Varroa mite survey.

(3) Any state that has eradicated a known infestation and a subsequent survey indicates varroa mite is not known to occur in the state, that state may be removed from the quarantine area.

#### NEW SECTION

#### **WAC 16-470-615 Varroa mite--Conditions governing the movement of regulated articles into Washinton state.**

(1) Any regulated article may be moved from a non-quarantined area into Washington state only if moved under the following conditions:

(a) An origin state inspector shall issue a certificate for the movement of a regulated article into Washington state, stating that the regulated article originated in an area where Varroa mite does not occur; and

(b) The point of origin of the regulated article is indicated on the accompanying waybill; and

(c) If the regulated article is moved through a quarantined area, it shall be moved either in an enclosed vehicle or netted, with no stops except those necessary under normal driving conditions, such as traffic lights, rest stops, and stop signs: PROVIDED, That if mechanical failure prolongs the stop by more than one day, the department shall be contacted (206-872-6480) by the vehicle operator.

(2) Any regulated article may be moved from a quarantined area into Washington state only under the following conditions:

(a) An origin state inspector shall issue a certificate for the movement of a regulated article into Washington state upon determining that the regulated article has been treated as provided in WAC 16-470-625 under the supervision of a state inspector, who shall be present during treatment; and



(b) The certificate shall specify the destination address, the responsible party or parties within Washington state, and the handling, utilization or processing of the regulated article; and

(c) The regulated article shall be moved as provided for in subsection (1)(b) and (c) of this section.

(3) Any regulated article may be moved without a certificate if moved:

(a) By the United States Department of Agriculture for scientific or experimental purposes with a United States Department of Agriculture permit; and

(b) Under the conditions specified on the United States Department of Agriculture permit; and

(c) With a tag or label, attached to the outside of the regulated article's container, or if not in a container, attached to the regulated article, bearing the United States Department of Agriculture permit number issued for the regulated article; or

(d) As otherwise provided by the department.

(4) All regulated articles shall be moved in compliance with any additional emergency conditions that the United States Department of Agriculture may impose under 7 U.S.C. 150dd to prevent the spread of Varroa mite.

(5) The conditions, certificates and permits required in this section are in addition to those set forth in chapter 15.60 RCW, Apiaries.

#### NEW SECTION

**WAC 16-470-620 Varroa mite--Attachment and disposition of certificates.** (1) The certificate required for the movement of regulated articles into Washington state shall be attached to the outside of the regulated article's container, or if not in a container, attached to the regulated article at all times during interstate movement; or the certificate may be attached to the consignee's copy of the accompanying waybill: PROVIDED, That the description of the regulated article on the waybill is sufficient to identify the regulated article.

(2) The carrier, shipper or handler shall furnish to the department a copy of the certificate authorizing the movement of the regulated article into Washington state. The copy of the certificate shall arrive at 1313 West Meeker, Suite 111, Kent, WA 98031 at least forty-eight hours before the regulated article arrives in Washington state.

(3) The consignee shall keep the waybill and certificate available for inspection by the department for a minimum of one year.

#### NEW SECTION

**WAC 16-470-625 Varroa mite--Treatment.** Regulated articles shall be treated as provided for in this section unless otherwise required by the product label:

- (1) Queen honey bee cages shall be treated as follows:
  - (a) Place a one inch by one-half inch, one percent fluvalinate strip in the bottom of the empty cage;
  - (b) Record the starting date of treatment on the back of the cage;
  - (c) Place the queen and the attendants into the cage;
  - (d) Remove the fluvalinate strip seventy-two hours (three days) after placing the queen and her attendants into the cage;
  - (e) Protect the queen cage from reinfestation through contact with untreated regulated articles, and ship within forty-eight hours of the fluvalinate strip's removal.
- (2) Packaged honey bees (two- to three-pound packages) shall be treated as follows: PROVIDED, That any queen cage which included in any package shall be treated in accordance with subsection (1) of this section:
  - (a) Using a wire or staple, suspend a five inch by one inch, two and one-half percent fluvalinate strip in an empty shipping cage and position the strip near the feeder;
  - (b) Record the starting date of treatment on the back of the cage;
  - (c) Place the honey bees into the cage;
  - (d) Remove the fluvalinate strip one hundred and twenty hours (five days) after placing the honey bees into the cage;
  - (e) Protect the packaged honey bees from reinfestation through contact with untreated regulated article, and ship within forty-eight hours of the fluvalinate strip's removal.
- (3) Hives shall be treated as follows:
  - (a) Remove supers;
  - (b) Remove the cover of the hive;
  - (c) Using a nail, suspend one ten inch by one and three-sixteenths inch, ten percent fluvalinate strip for each five frames covered with bees so that the strip or strips can hang between frames approximately two inches inside the outer edge of the bee cluster;
  - (d) Close the hive;
  - (e) Remove the fluvalinate strips five hundred and four hours (twenty-one days) after the insertion into the hive;
  - (f) Protect the treated hive from reinfestation through contact with untreated regulated articles and ship within forty-eight hours of the fluvalinate strip's removal.
- (4) Any other regulated article shall be treated as follows:
  - (a) Hold and protect from reinfestation through contact with untreated regulated articles for seven days; or
  - (b) Apply steam to all surface areas of the regulated article in such a manner so as to remove all debris from the article; protect from reinfestation through contact with untreated regulated articles; and ship within forty-eight hours of treatment.

NEW SECTION

**WAC 16-470-630 Varroa mite--Area under quarantine--Interior.**

A quarantine area for Varroa mite containing approximately sixty-one square miles within Klickitat county is hereby established, and shall be that area of land lying between state Highway 97 on the west, Goldendale-Goodnoe Road on the north, Goodnoe Station Road on the east, and the Columbia River on the south. This described site is bordered by dry scab rock hills and mountains on the north, east and west, and the Columbia River to the south; and is determined to be a reasonable location for a quarantine area; and other locations in the county suitable to beekeeping are isolated at a reasonable distance to protect bees from contamination by the department quarantine bee yard sites; and historically and today, Klickitat county contains very few resident bees or apiculture operations and very little bee pasture.

NEW SECTION

**WAC 16-470-635 Varroa mite--Restrictions--Interior.** (1) To protect the national migratory beekeeping industry, all colonies leaving the state may be required to be certified as apparently free from Varroa mite prior to movement.

(2) Any apiculture operation located in the designated quarantine area of Klickitat county or honey bee colonies located therein shall not be removed therefrom until treated by the department as specified by the department and found free of Varroa mite.

(3) No colonies presently outside of the designated quarantine area boundaries in Klickitat county shall be moved into that designated quarantine area without the express permission of the department: PROVIDED, That colonies of bees shall be permitted to transit through the designated area as specified by the department to and from other locations.

(4) Any colonies found to be in Washington state without a Varroa mite-free certification as specified by the department may be required to be moved to the quarantine area of Klickitat county pending survey by the department, or as otherwise specified by the department.

(5) All colonies found with Varroa mite upon survey by the department may be required to be moved to the quarantine area of Klickitat county pending disposition procedures.