



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Agriculture

- Permanent Rule
- Emergency Rule

(1) Date of adoption: March 13, 1991

(2) Purpose:  
The amendments revise rules regarding requirements for certified seed to be used in the commercial production of potatoes.

(3) Citation of existing rules affected by this order:  
Repealed:  
Amended: Chapter 16-482 WAC, Rules Relating to Seed Potato Quarantine  
Suspended:

(4) Authority for adoption:  
Statute: Chapter 17.24 RCW, Insect Pests and Plant Diseases  
Other Authority:

(5.1) PERMANENT RULE ONLY  
Pursuant to notice filed as WSR 91-03-105 on January 22, 1991 (date).  
Describe any changes other than editing from proposed to adopted version:

(5.2) EMERGENCY RULE ONLY  
Pursuant to RCW 34.05.350 the agency for good cause finds:  
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.  
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.  
  
Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?  
 Yes  No If yes, explain:

(6) Effective date of rule:  
**Permanent Rules**  
 31 days after filing  
 Other (specify) \_\_\_\_\_ \*  
\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)  
**Emergency Rules**  
 Immediately  
 Later (specify) \_\_\_\_\_

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

MAR 13 1991

TIME 3:31 *PH*

WSR 91-07-016

NAME (TYPE OR PRINT)  
C. Alan Pettibone  
SIGNATURE  
*C. Alan Pettibone, Deputy Director*  
TITLE  
Director  
DATE  
3-13-91

AMENDATORY SECTION (Amending Order 1126, filed 10/9/69, effective 11/10/69)

WAC 16-482-001 PROMULGATION--ESTABLISHING QUARANTINE. (({+)

~~Whereas, the production of commercial potatoes in the state of Washington is one of the larger agricultural industries in the state, and~~

~~(2) Whereas, this will best serve to protect the health and welfare of the people in the state of Washington, and~~

~~(3) Whereas, the most important function to protect the commercial potato industry is securing seed potatoes that are free from injurious pests and disease and of good quality.~~

~~(4) Now, therefore, I, Donald W. Moe, director of the department of agriculture of the state of Washington, by virtue of the authority vested in me by chapter 17.24 RCW relating to insect pests and plant diseases, after public hearing held in Moses Lake, Washington, on September 23, 1969, pursuant to chapters 34.04 and 42.32 RCW, do hereby proclaim and establish a quarantine to become effective November 10, 1969, setting forth the rules for the importation and planting of seed potatoes for commercial or seed potato production.)~~ The commercial production of potatoes both for food and for seed in the state of Washington is one of the major agricultural industries. The introduction and spread of serious bacterial, fungal, viral and nematode diseases of potatoes represents a serious economic threat to the industry. A quarantine is established under this chapter requiring the planting of certified seed potatoes in commercial potato production areas to mitigate this threat.

NEW SECTION

WAC 16-482-005 REGULATED ARTICLES. All potatoes used for commercial plantings in excess of one acre or for seed potato production.

NEW SECTION

WAC 16-482-006 QUARANTINE AREA. All states and territories of the United States and all counties within the state of Washington.

NEW SECTION

WAC 16-482-007 REGULATED AREA. There is established a regulated area within the state of Washington consisting of the entire counties of Adams, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Grays Harbor, King, Kittitas, Klickitat, Lincoln, Mason, Pend Oreille, Skagit, Snohomish, Spokane, Stevens, Thurston, Walla Walla, Whatcom, Whitman, and Yakima.

AMENDATORY SECTION (Amending Order 1126, filed 10/9/69, effective 11/10/69)

WAC 16-482-010 REGULATIONS--CERTIFIED SEED REQUIREMENT. (1) ((All--seed--potatoes--must--have--been--produced--as--a--part--of--a--certified seed--potato--program--in--the--state--or--country--of--origin--and--accepted--and certified--by--that--program.

(2) Shippers of seed potatoes into the state of Washington shall give notice prior to shipment to the State Department of Agriculture, P.O. Box 310, Moses Lake, Washington 98837, telephone 509-RO5-9121.

(3) Receivers of seed potatoes in the state of Washington are required to notify the state department of agriculture through the area inspection office.

(4) Quality and condition inspection required prior to shipment of seed potatoes into the state of Washington.

(5) Shippers contemplating bulk seed shipments into the state of Washington must file advance notice with the state which would include verification of seed potatoes being shipped in bulk as being part of a certified seed program in the state of origin and accepted and certified by that program, and further indicate how the bulk shipments will be identified and sealed for proper delivery.

(6) The department will retain a sample, at no cost to it, of each lot of certified seed produced or received in this state for seed or commercial production. Such samples will be retained for entry in Washington seed lot trials.) Except as provided in WAC 16-482-015, all seed potatoes propagated for commercial or for seed production within the regulated area shall be from certified seed, produced as a part of a certified seed potato program in the state or country of origin and accepted and certified by that program.

(2) The department may sample and test any lot of seed potatoes or conduct field inspections for the purpose of testing and verification of compliance with this chapter.

#### NEW SECTION

WAC 16-482-015 REGULATIONS--CERTIFIED SEED--EXCEPTIONS. The certified seed requirement shall not be applicable to:

(1) Potatoes planted for personal use or other noncommercial purposes;

(2) Commercial production, other than for production of seed potatoes, of not more than one acre;

(3) Experimental or seed trial plots as provided in WAC 16-482-016.

#### NEW SECTION

WAC 16-482-016 EXCEPTIONS--PERMIT REQUIREMENT. The director may allow planting of seed potatoes, otherwise prohibited, by special permit. Such permit shall specify the conditions under which planting is allowed and shall be obtained prior to planting.

#### NEW SECTION

WAC 16-482-017 RECORDKEEPING REQUIREMENT. All commercial potato growers within the regulated area shall be responsible for obtaining

certification documents or tags to verify that all seed potatoes used for propagation purposes comply with the terms of this chapter. Such documents shall be retained by the grower for a period of one calendar year and a copy provided to the department of agriculture, plant services division, upon written request to the grower. Such documents shall include the total weight of certified seed potatoes and shall be issued by an official certifying agency in the state or country of origin. Falsification of seed potato documents shall subject the grower to penalties provided in law.

AMENDATORY SECTION (Amending Order 1126, filed 10/9/69, effective 11/10/69)

WAC 16-482-020 DISPOSITION OF MATERIAL SHIPPED IN VIOLATION OF THIS QUARANTINE. (~~Regulated commodities not meeting the requirements of this quarantine shall be returned to the point of origin, or destroyed at the option and expense of the owner or owners, his or their responsible agent or agents.~~) (1) Seed potatoes shipped in violation of this quarantine may be returned to the point of origin, diverted to nonseed use, or destroyed at the option and expense of the owner or owners or their responsible agents.

(2) Seed potatoes planted and growing in violation of the terms of this quarantine may be destroyed or placed under quarantine, with terms and conditions for that quarantine specified by the director, at the option and expense of the grower or owners or their responsible agents. Potatoes, placed under quarantine for violation of the terms of this chapter and found to be infested or infected with a viral, fungal, bacterial or nematode disease by subsequent inspection or testing shall be destroyed at the expense of the grower, without compensation.

(3) In addition to the actions specified in subsections (1) and (2) of this section, any grower violating the terms of this quarantine shall be subject to civil and/or criminal penalties provided by laws.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-482-030 VIOLATION AND PENALTY.  
WAC 16-482-040 EFFECTIVE DATE.