



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Agriculture

- Permanent Rule
 Emergency Rule

(1) Date of adoption: February 28, 1992

(2) Purpose:
To establish new bean seed quarantine sections dealing specifically with seedborne viral diseases.

(3) Citation of existing rules affected by this order:
Repealed:
Amended: WAC 16-494-100 through 16-494-170
Suspended:

(4) Authority for adoption:
Statute: Chapter 15.49 RCW
Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR _____ on _____ (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:

To allow bean seed growers adequate time to test potential seedstock lots for May 1 planting.

(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

FEB 28 1992

TIME: 2:56 PM
WSR: 72-06-049

NAME (TYPE OR PRINT)

C. Alan Pettibone

SIGNATURE

C. Alan Pettibone, Deputy Director

TITLE

Director

DATE

2/28/92

RULES RELATING TO BEAN SEEDBORNE VIRAL DISEASE QUARANTINE

NEW SECTION

WAC 16-494-100 Bean Seedborne Viral Disease Quarantine -- Establishing the Quarantine. The production of dry edible beans and bean seed is an important industry in the state of Washington. The economic well being of that industry is threatened by the introduction of bean seed infected with bean seedborne viral diseases. The director has determined that a quarantine is needed to protect the Washington dry bean industry and to provide the bean growers of this state a source of bean seed for planting purposes that is tested for the presence of these diseases and that bean seedborne viral diseases cannot be effectively regulated under the terms of the existing Bean Seed Quarantine.

NEW SECTION

WAC 16-494-110 Bean Seedborne Viral Disease Quarantine -- Regulated Articles. Seeds of common beans intended for planting purposes, bean plants and parts of plants, and crop residue from the harvest of beans are regulated under the terms of this quarantine.

NEW SECTION

WAC 16-494-120 Bean Seedborne Viral Disease Quarantine -- Regulated Disease. Seedborne viral diseases of beans, such as but not limited to Bean Common Mosaic Virus, and Adzuki Mosaic Virus are regulated under the terms of this quarantine.

NEW SECTION

WAC 16-494-130 Bean Seedborne Viral Disease Quarantine -- Quarantined Area. The entire counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom in the state of Washington and all areas outside the state of Washington are established as a quarantine area.

NEW SECTION

WAC 16-494-140 Bean Seedborne Viral Disease Quarantine -- Regulated Area. The entire counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Walla Walla, Whitman, and Yakima are established as a protected area for bean seedborne viral diseases in Washington.

NEW SECTION

WAC 16-494-150 Bean Seedborne Viral Disease Quarantine -- Requirements for Planting Bean Seed in the Regulated Area.

No bean seed shall be planted, or sold, shipped, or transported for seed purposes, or knowingly received, into the regulated area which are known to be contaminated with bean seedborne viral diseases and which do not comply with the requirements of the Bean Seed Quarantine in WAC 16-494-001 through WAC 16-494-064.

Bean seed, that otherwise qualifies, may be received for planting purposes, planted, sold, shipped, or transported if that seed meets one of the following criteria:

(1) The bean variety (cultivar) is known to be uniform for the dominant I-gene. Documentation of evidence of uniformity must accompany the seed shipment. Undocumented cultivars are subject to serology and/or grow out testing to determine freedom from bean seedborne viral diseases.

(2) The bean seed has been tested by the serology method (ELISA) and has been found to be free from bean seedborne viral diseases.

(3) The bean seed has been tested by the serology method and has been found to be positive for seedborne viral diseases and on a subsequent growout test, the sample is found free from bean seedborne viral diseases.

(4) All serology tests shall be based on an official one pound sample of untreated bean seed for each fifty thousand pounds of bean seed or fraction thereof.

(5) All bean seed from outside the regulated area shall be accompanied by an official certificate documenting compliance with this section.

NEW SECTION

WAC 16-494-160 Bean Seedborne Viral Disease Quarantine -- Identification and Disposition of Diseased Bean Seed. All bean seed that is determined to be contaminated by bean seedborne viral diseases and which does not meet the requirements of WAC 16-494-150 shall be destroyed or diverted to dry edible or other non-seed purposes. For seed that is diverted to dry edible or other non-seed purposes, documentation of disposition of the seed shall be provided to the Department of Agriculture upon request.

(1) Seed fields entered in the Washington state bean seed phyto-sanitary certificate inspection program or the Washington state seed certification inspection program as provided in WAC 16-316-270 and WAC 16-316-327 that display symptoms of bean seedborne viral diseases during the growing season shall be subject to testing provided in WAC 16-494-150 (3) and (4) to determine final disposition.

(2) When the director determines that it is probable, based on visual symptoms and serological analysis, that a seed field may be infected with bean seedborne viral diseases and determines that a threat of infection of other fields exists, the director may

prescribe aphid control or other requirements, through a notice of destruction as provided in WAC 16-494-063, deemed necessary to prevent infection of adjacent properties.

(3) The true identity of bean seedborne viral diseases shall be based on testing methods recommended by the university results of which, when positive, will be evidence to identify the disease as being subject to the department's requirements. The owner of the seed, at owner's expense, may request verification of pathogenicity. Such verification shall be made using accepted scientific and professional techniques.

NEW SECTION

WAC 16-494-170 Bean Seedborne Viral Disease Quarantine -- Penalties. (1) Any bean field planted with seed in violation of the requirements of this quarantine shall be subject to destruction, in full or in part, or quarantined, as determined necessary by the director, to prevent the spread of bean seedborne viral diseases, at the option and the expense of the grower or their responsible agent.

(2) Any grower violating the terms of this quarantine, shall be subject to the criminal and or civil penalties provided in Chapter 17.24 RCW.