



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: April 20, 1998

(2) Purpose: To adopt rules that establish a seed potato isolation district in Whatcom County, limiting commercial potato production within the boundaries to that enrolled in the seed potato certification program.

(3) Citation of existing rules affected by this order:

Repealed: 0
 Amended: 0
 Suspended: 0

(4) Statutory authority for adoption: Chapter 15.15 RCW
Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 98-05-106 on 2/18/98 (date).
Describe any changes other than editing from proposed to adopted version:

EMERGENCY RULE ONLY

Under 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:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(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
or Expedited Repeal | Emergency Rules |
| <input checked="" type="checkbox"/> 31 days after filing | <input type="checkbox"/> Immediately |
| <input type="checkbox"/> Other (specify) _____* | <input type="checkbox"/> Later (specify) _____ |

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)
James M. Jesernig

Signature
James M. Jesernig

Title: Director Date: April 20, 1998

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON

APR 20

TIME: 12:25

ASR: 98-09-071

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	-----	Repealed	-----
Federal rules or standards:	New	<u>0</u>	Amended	-----	Repealed	-----
Recently enacted state statutes:	New	<u>0</u>	Amended	-----	Repealed	-----

The number of sections adopted at the request of nongovernmental entity:

	New	<u>0</u>	Amended	-----	Repealed	-----
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The number of sections adopted in the agency's own initiative:

	New	<u>5</u>	Amended	-----	Repealed	-----
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	<u>0</u>	Amended	-----	Repealed	-----
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The number of sections adopted using:

Negotiated rule making:	New	-----	Amended	-----	Repealed	-----
Pilot rule making:	New	-----	Amended	-----	Repealed	-----
Other alternative rule making:	New	<u>5</u>	Amended	-----	Repealed	-----

Chapter 16-325 WAC

SEED POTATO ISOLATION DISTRICT

NEW SECTION

WAC 16-325-005 Promulgation-- Establishing an Isolation District. The production of high quality seed potatoes within the state requires conditions that are as free as possible from insect pests and plant diseases. The production of other potatoes intermixed with or in close proximity to a concentrated seed potato production area poses an increased risk of introduction of insect pests and plant diseases. To mitigate this problem this chapter establishes a seed potato isolation district requiring commercial potato production within the boundaries to be enrolled in the seed potato certification program.

NEW SECTION

WAC 16-325-010 Definitions. The definitions in this section shall apply throughout this chapter.

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department of agriculture or a duly appointed representative.
- (3) "Potato" means plants or plant parts of *Solanum tuberosum*.
- (4) "Seed potatoes" means vegetatively propagated tubers of *Solanum tuberosum* used for propagation or production.
- (5) "Seed potato certification program" means the program in which certified seed potatoes are produced, as set forth in Chapter 16-324 WAC.

NEW SECTION

WAC 16-325-015 Regulated area. The seed potato isolation district consists of that area of Whatcom County lying within the following boundaries:

On the West the boundary follows Interstate 5 from its intersection with Smith Rd., northwesterly to the intersection with Loomis Rd., then from the intersection of Loomis Road and Interstate 5 north along Giles Rd. to its end, continuing north through the center of Range 1 East to the Canadian border.

On the North the boundary follows the Canadian border from its intersection with the center of Range 1 East easterly to South Pass Road.

On the East the boundary follows South Pass Rd. southwesterly to the point where the eastern edge of Range 4 East intersects South Pass Road, then south along the eastern boundary of Range 4 East to the Nooksack River (south of the town of Deming).

On the South the boundary follows the Nooksack River northwesterly to the City of Everson, south from Everson on Mission Road to Smith Road then westerly on Smith Rd to Interstate 5.

NEW SECTION

WAC 16-325-020 Regulations for potato production within the seed potato isolation district. All potato plantings in excess of one acre must be enrolled in the seed potato certification program described in Chapter 16-324 WAC. Affected growers shall be responsible for all associated fees as required in Chapter 16-324.

NEW SECTION

WAC 16-325-025 Exceptions. The director may allow the production of potatoes, otherwise prohibited, by special permit. The permit shall specify under what conditions and in what location production will be allowed and must be obtained prior to planting.