

Chapter 16-488 WAC

FRESH FRUIT OF BLUEBERRY QUARANTINE

WAC

16-488-002	Definitions.
16-488-006	Blueberry maggot—Establishing quarantine.
16-488-010	Blueberry quarantine—Commodity covered.
16-488-015	Blueberry quarantine—Areas under quarantine.
16-488-025	Blueberry quarantine exemptions.
16-488-030	Blueberry quarantine disposition of material shipped in violation of this quarantine.
16-488-990	Permits.
16-488-995	Penalty and violation.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-488-001	Promulgation. Establishing quarantine. [Order 1327, § 16-488-001, filed 10/10/73.] Repealed by WSR 86-19-002 (Order 1906), filed 9/5/86. Statutory Authority: Chapter 17.24 RCW.
16-488-005	Pest. [Order 1327, § 16-488-005, filed 10/10/73.] Repealed by WSR 86-19-002 (Order 1906), filed 9/5/86. Statutory Authority: Chapter 17.24 RCW.
16-488-020	Areas not infested. [Order 1327, § 16-488-020, filed 10/10/73.] Repealed by WSR 86-19-002 (Order 1906), filed 9/5/86. Statutory Authority: Chapter 17.24 RCW.
16-488-035	Violation and penalty. [Order 1327, § 16-488-035, filed 10/10/73.] Repealed by WSR 86-19-002 (Order 1906), filed 9/5/86. Statutory Authority: Chapter 17.24 RCW.
16-488-040	Effective date. [Order 1327, § 16-488-040, filed 10/10/73.] Repealed by WSR 86-19-002 (Order 1906), filed 9/5/86. Statutory Authority: Chapter 17.24 RCW.

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.

[Statutory Authority: Chapter 17.24 RCW. WSR 86-19-002 (Order 1906), § 16-488-002, filed 9/5/86.]

(6/6/90)

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.

[Statutory Authority: Chapter 17.24 RCW. WSR 86-19-002 (Order 1906), § 16-488-006, filed 9/5/86.]

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.

[Statutory Authority: Chapter 17.24 RCW. WSR 86-19-002 (Order 1906), § 16-488-010, filed 9/5/86; Order 1327, § 16-488-010, 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.

[Statutory Authority: Chapter 17.24 RCW. WSR 86-19-002 (Order 1906), § 16-488-015, filed 9/5/86; Order 1327, § 16-488-015, 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 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, That a lot or shipment is accompanied by a certificate issued by an official governmental agency from the state of origin evidencing compliance with the minimum requirements of this section.

(3) Each shipment of blueberries that have been fumigated with methylbromide at atmospheric pressure by one of the following schedules may be permitted entry into Washington state: Provided, That residues on fresh fruit of blueberries do not exceed the Federal Food and Drug Administration's allowable tolerances.

32 g/m³ (2 lbs./1,000 ft.³) for 2 hours at 27.7°C (82°F) or above; or

[Ch. 16-488 WAC p. 1]

32 g/m³ (2 lbs./1,000 ft.³) for 2 1/2 hours at 22.2°C - 27.2°C (72°F-81°F); or

32 g/m³ (2 lbs./1,000 ft.³) for 3 hours at 16.6°C - 21.6°C (62°F-71°F); or

32 g/m³ (2 lbs./1,000 ft.³) for 3 1/2 hours at 10°C - 16.1°C (50°F-61°F).

(a) The fumigation shall be done by applicators who are registered or certified in fumigation pest control in the state of origin;

(b) Each fumigation shall be monitored and supervised by an authorized representative of the origin state department of agriculture;

(c) Each shipment of blueberries shall be accompanied by a phytosanitary certificate issued by an authorized representative of the origin state department of agriculture evidencing compliance with the fumigation requirements. The certificate shall state the number of cartons in the shipment and the name and address of the consignee. In addition, a copy of the phytosanitary certificate and the estimated date of arrival shall be sent, by mail or electronically, to the Washington state department of agriculture, plant services division, prior to the shipment of the blueberries; and

(d) All shipping containers (flats) shall be stamped or tagged indicating the fresh fruit of blueberries have undergone fumigation.

[Statutory Authority: Chapter 17.24 RCW. WSR 90-12-123 (Order 2040), § 16-488-025, filed 6/6/90, effective 7/7/90; WSR 88-17-014 (Order 1985), § 16-488-025, filed 8/9/88; WSR 86-19-002 (Order 1906), § 16-488-025, filed 9/5/86; Order 1327, § 16-488-025, filed 10/10/73.]

WAC 16-488-030 Blueberry quarantine disposition of material shipped in violation of this quarantine. All fresh fruit of blueberry not meeting the requirements of this chapter shall be returned to the point of origin, or destroyed at the option and expense of the owner(s) or the owner(s) responsible agent(s).

[Statutory Authority: Chapter 17.24 RCW. WSR 86-19-002 (Order 1906), § 16-488-030, filed 9/5/86; Order 1327, § 16-488-030, filed 10/10/73.]

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.

[Statutory Authority: Chapter 17.24 RCW. WSR 86-19-002 (Order 1906), § 16-488-990, filed 9/5/86.]

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.

[Statutory Authority: Chapter 17.24 RCW. WSR 86-19-002 (Order 1906), § 16-488-995, filed 9/5/86.]