

**Chapter 16-333 WAC**  
**CERTIFICATION OF CANEBERRY PLANTING STOCK**

Last Update: 8/10/04

**WAC**

16-333-010	Definitions.
16-333-020	Certifying agency issuance of certificate.
16-333-041	Caneberry certification fees.
16-333-045	Production requirements for foundation caneberry planting stock.
16-333-051	Production requirements for registered caneberry planting stock.
16-333-056	Production requirements for certified caneberry planting stock.
16-333-061	Site requirements for foundation, registered and certified caneberry planting stock.
16-333-066	Caneberry greenhouse and screenhouse inspection.
16-333-071	Caneberry field inspection.
16-333-085	Tolerances for foundation, registered and certified caneberry planting stock.
16-333-090	Caneberry planting stock identification and grading.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

16-333-030	Caneberry certification standards. [Statutory Authority: Chapter 15.14 RCW. WSR 85-22-053 (Order 1876), § 16-333-030, filed 11/5/85.] Repealed by WSR 00-19-035, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.
16-333-040	Caneberry certification fees effective June 30, 2001. [Statutory Authority: Chapter 15.14 RCW. WSR 01-11-030, § 16-333-040, filed 5/8/01, effective 6/8/01; WSR 00-19-035, § 16-333-040, filed 9/12/00, effective 10/13/00; WSR 92-15-114 (Order 3005), § 16-333-040, filed 7/21/92, effective 8/21/92; WSR 87-13-016 (Order 1932), § 16-333-040, filed 6/9/87; WSR 85-22-053 (Order 1876), § 16-333-040, filed 11/5/85.] Repealed by WSR 03-10-081, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapters 15.14 and 34.05 RCW.
16-333-050	Requirements for production of caneberry foundation and registered stock. [Statutory Authority: Chapter 15.14 RCW. WSR 89-16-051 (Order 2013), § 16-333-050, filed 7/28/89, effective 8/28/89; WSR 87-13-016 (Order 1932), § 16-333-050, filed 6/9/87; WSR 85-22-053 (Order 1876), § 16-333-050, filed 11/5/85.] Repealed by WSR 00-19-035, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.
16-333-060	Requirements for production of caneberry certified planting stock. [Statutory Authority: Chapter 15.14 RCW. WSR 89-16-051 (Order 2013), § 16-333-060, filed 7/28/89, effective 8/28/89; WSR 85-22-053 (Order 1876), § 16-333-060, filed 11/5/85.] Repealed by WSR 00-19-035, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.
16-333-065	Production of certified caneberry nursery stock by micropropagation techniques. [Statutory Authority: Chapter 15.14 RCW. WSR 87-17-024 (Order 1947), § 16-333-065, filed 8/13/87.] Repealed by WSR 00-19-035, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.
16-333-070	Caneberry field inspection. [Statutory Authority: Chapter 15.14 RCW. WSR 85-22-053 (Order 1876), § 16-333-070, filed 11/5/85.] Repealed by WSR 00-19-035, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.
16-333-080	Caneberry field standards. [Statutory Authority: Chapter 15.14 RCW. WSR 85-22-053 (Order 1876), § 16-333-080, filed 11/5/85.] Repealed by WSR 00-19-035, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.
16-333-200	Definitions. [Statutory Authority: Chapter 15.14 RCW. WSR 91-08-015 (Order 2076), § 16-333-200, filed 3/27/91, effective 4/27/91.] Repealed by WSR 98-13-033, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapter 15.14 RCW.
16-333-205	Approval of stock. [Statutory Authority: Chapter 15.14 RCW. WSR 91-08-015 (Order 2076), § 16-333-205, filed 3/27/91, effective 4/27/91.] Repealed by WSR 98-13-033, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapter 15.14 RCW.
16-333-210	Seed stock eligible for certification. [Statutory Authority: Chapter 15.14 RCW. WSR 91-08-015 (Order 2076), § 16-333-210, filed 3/27/91, effective 4/27/91.] Repealed by WSR 98-13-033, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapter 15.14 RCW.
16-333-215	Planting requirements. [Statutory Authority: Chapter 15.14 RCW. WSR 91-08-015 (Order 2076), § 16-333-215, filed 3/27/91, effective 4/27/91.] Repealed by WSR 98-13-033, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapter 15.14 RCW.
16-333-220	Conditions under which certification may be refused. [Statutory Authority: Chapter 15.14 RCW. WSR 91-08-015 (Order 2076), § 16-333-220, filed 3/27/91, effective 4/27/91.] Repealed by WSR 98-13-033, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapter 15.14 RCW.
16-333-225	Responsibilities of the grower. [Statutory Authority: Chapter 15.14 RCW. WSR 91-08-015 (Order 2076), § 16-333-225, filed 3/27/91, effective 4/27/91.] Repealed by WSR 98-13-033, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapter 15.14 RCW.
16-333-230	Storage requirements for certified seed. [Statutory Authority: Chapter 15.14 RCW. WSR 91-08-015 (Order 2076), § 16-333-230, filed 3/27/91, effective 4/27/91.] Repealed by WSR 98-13-033, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapter 15.14 RCW.
16-333-235	Movement of seed out-of-state—Permit requirement. [Statutory Authority: Chapter 15.14 RCW. WSR 91-08-015 (Order 2076), § 16-333-235, filed 3/27/91, effective 4/27/91.] Repealed by WSR 98-13-033, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapter 15.14 RCW.
16-333-240	Fees. [Statutory Authority: Chapter 15.14 RCW. WSR 91-08-015 (Order 2076), § 16-333-240, filed 3/27/91, effective 4/27/91.] Repealed by WSR 98-13-033, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapter 15.14 RCW.
16-333-245	Certifying agency issuance of certificate. [Statutory Authority: Chapter 15.14 RCW. WSR 91-08-015 (Order 2076), § 16-333-245, filed 3/27/91, effective 4/27/91.] Repealed by WSR 98-13-033, filed 6/8/98, effective 7/9/98. Statutory Authority: Chapter 15.14 RCW.

**WAC 16-333-010 Definitions.** "Caneberry" means any cultivated *Rubus* species.

"Department" means the department of agriculture of the state of Washington.

"Director" means the director of the department of agriculture or a duly appointed representative.

"Index" means to test for virus infection by means of inoculation from the plant to be tested to an indicator plant, or by any other method approved by the department.

"Indicator plant" means any herbaceous or woody plant used to index or test for virus infection.

"Nuclear stock" means caneberry plants that have been indexed and found free of known viruses and virus-like diseases by United States Department of Agriculture personnel or other personnel acceptable to the department. Nuclear plants must be reindexed for virus and virus-like diseases at least every three years and maintained under conditions that would ensure freedom from infection.

"Off-type" means appearing by visual examination to be different from the species or variety listed on the application or exhibiting symptoms of a genetic or nontransmissible disorder.

"Root cuttings" means sections of roots which have one or more bud.

"Succulent plants" means small, actively growing plants that are developing from root buds, not having passed through a dormant period.

"Tolerance" means the maximum acceptable percentage of planting stock that is diseased, infected by plant pests, defective, or off-type based on visual inspection or laboratory testing by the director or other authorized person.

"Virus-like" means a graft-transmissible disorder resembling a virus disease, including, but not limited to, diseases caused by viroids and phytoplasmas.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. WSR 03-10-081, § 16-333-010, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapter 15.14 RCW. WSR 00-19-035, § 16-333-010, filed 9/12/00, effective 10/13/00; WSR 85-22-053 (Order 1876), § 16-333-010, filed 11/5/85.]

**WAC 16-333-020 Certifying agency issuance of certificate.** (1) Issuance of a state of Washington certified plant tag, stamp or other document under this chapter means only that the tagged, stamped or otherwise documented caneberry planting stock has been subjected to procedures and requirements described in this chapter and determined to be in compliance with its standards and requirements. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

(2) The department is not responsible for disease, genetic disorder, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter. No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

(3) Participation in the caneberry planting stock certification program shall be voluntary.

[Statutory Authority: Chapter 15.14 RCW. WSR 00-19-035, § 16-333-020, filed 9/12/00, effective 10/13/00; WSR 87-13-016 (Order 1932), § 16-333-020, filed 6/9/87; WSR 85-22-053 (Order 1876), § 16-333-020, filed 11/5/85.]

**WAC 16-333-041 Caneberry certification fees.** The caneberry certification fees are as follows:

(1) Certification application fee. The applicant must furnish all information requested on the application form furnished by the department, including, but not limited to, the crop, variety, class planted, date planted, source of seed or plants, acreage, field number, applicant's name and address, applicant's signature, and date of application. The applicant must allow the department to take plants or plant parts from any planting for inspection and testing purposes. A separate application is required for each cultivar and/or lot entered for certification. Applications must be filed with the Plant Services Program, P.O. Box 42560, Olympia, Washington 98504-2560 by May 15 each year and be accompanied by the application fee of \$140.00.

(2) Inspection fees. The department will conduct certification inspections at the hourly inspection rate established in chapter 16-401 WAC, plus mileage charged at a rate established by the state office of financial management. Testing fees will be charged at the rate established in chapter 16-470 WAC. Inspection and testing fees are payable upon completion of work. Billing may be arranged subject to department policies and processes.

(3) The department will remove any applicant from the certification program for failing to pay fees when due.

(4) The department will not accept applications from growers owing the department for previous fees.

[Statutory Authority: Chapters 15.13, 15.14, and 34.05 RCW. WSR 04-17-038, § 16-333-041, filed 8/10/04, effective 9/10/04. Statutory Authority: Chapters 15.13, 15.14, 17.24, and 34.05 RCW. WSR 03-21-166, § 16-333-041, filed 10/22/03, effective 11/22/03. Statutory Authority: Chapters 15.14 and 34.05 RCW. WSR 03-10-081, § 16-333-041, filed 5/6/03, effective 6/30/03. Statutory Authority: Chapter 15.14 RCW. WSR 01-11-030, § 16-333-041, filed 5/8/01, effective 6/8/01.]

**WAC 16-333-045 Production requirements for foundation caneberry planting stock.** (1) Foundation caneberry plants must originate directly from nuclear stock and may be grown in a greenhouse, screenhouse or field.

(2) Growers may use micro-propagation techniques to multiply foundation plants prior to planting them in a foundation greenhouse, screenhouse or field, if both of the following conditions are met:

(a) The micro-propagated plants are isolated at all times from all other caneberry plants, except those that have been indexed and found free of virus or virus-like infections; and

(b) The micro-propagation facility is approved by the department.

(3) Growers may transplant micro-propagated foundation plants to a greenhouse or screenhouse for conditioning prior to planting them in a foundation field.

(4) Foundation plants may be harvested from a foundation field planting for no more than one year.

(5) Foundation plants grown in an insect-proof facility in approved soil-less media may be maintained indefinitely, providing they are indexed and found free of virus or virus-like infections at intervals of no more than three years by personnel employed by the United States Department of Agriculture or other institution approved by the department.

(6) Each foundation plant in a foundation greenhouse or screenhouse must be grown in a container individually identified by the cultivar and lot.

(7) Different cultivars planted in a foundation field must be separated by a distance of fourteen feet or by a physical barrier that prevents the intermingling of roots.

(8) Upon request, growers must provide records to the department documenting the cultivar, nuclear source, indexing results and date of acquisition for any foundation stock.

[Statutory Authority: Chapter 15.14 RCW. WSR 01-11-030, § 16-333-045, filed 5/8/01, effective 6/8/01; WSR 00-19-035, § 16-333-045, filed 9/12/00, effective 10/13/00.]

**WAC 16-333-051 Production requirements for registered caneberry planting stock.** (1) Registered caneberry plants must originate directly from nuclear or foundation stocks and may be grown in a greenhouse, screenhouse or field.

(2) Registered plants of differing cultivars produced in a registered greenhouse or screenhouse must be grown in separate containers.

(3) Different cultivars planted in a registered field must be separated by a distance of fourteen feet or by a physical barrier that prevents the intermingling of roots.

(4) Registered plants may be harvested from a registered planting for no more than one year.

(5) Upon request, growers must provide records to the department documenting the cultivar, source, indexing results and date of acquisition for any registered stock.

[Statutory Authority: Chapter 15.14 RCW. WSR 00-19-035, § 16-333-051, filed 9/12/00, effective 10/13/00.]

**WAC 16-333-056 Production requirements for certified caneberry planting stock.** (1) Certified caneberry plants must originate directly from foundation or registered planting stock, or from root cuttings or succulent plants from foundation or registered plants.

(2) Different cultivars planted in a certified field must be separated by a distance of fourteen feet or by a physical barrier that prevents the intermingling of roots.

(3) Certified plants may be harvested from a certified planting for no more than one year.

(4) Upon request, growers of certified planting stock must provide records to the department documenting the cultivar, source, indexing results and date of acquisition for any certified stock.

[Statutory Authority: Chapter 15.14 RCW. WSR 00-19-035, § 16-333-056, filed 9/12/00, effective 10/13/00.]

**WAC 16-333-061 Site requirements for foundation, registered and certified caneberry planting stock.** (1) Prior to planting foundation, registered, or certified planting stock, the grower must obtain approval from the department for each field site or facility.

(2) For approval by the department, a field site for growing foundation, registered, or certified planting stock must comply with each of the following criteria:

(a) The site has not been planted to caneberry plants or solanaceous crops for the previous five years, or the entire site has been tarp fumigated with chloropicrin and methyl bromide or other equivalent soil treatments approved by the department.

(b) The entire site is at least five hundred feet from any non-certified *Rubus* plants.

(c) The site has been treated for plant parasitic nematodes using methods recommended by the Washington State University Cooperative Agricultural Extension Service, and its soil has been tested and found free of harmful plant parasitic nematodes.

(3) In order to grow foundation or registered caneberry planting stock in a greenhouse or screenhouse, the grower must use a pasteurized growing media, free of plant pests and vectors of virus pests.

(4) Upon request, growers must provide records to the department documenting fumigations, treatments, and tests.

(5) A map identifying cultivars and lots at each site must be provided to the department by the grower.

(6) Growers must tag all lots identifying the cultivar and/or the lot number.

[Statutory Authority: Chapter 15.14 RCW. WSR 00-19-035, § 16-333-061, filed 9/12/00, effective 10/13/00.]

**WAC 16-333-066 Caneberry greenhouse and screenhouse inspection.**

(1) Foundation or registered caneberry plants growing in a greenhouse or screenhouse must be inspected by the department at least one time during the growing period when the plants are likely to express symptoms of virus infection, crown and cane gall infections, and other disorders. The department may conduct additional inspections.

(2) During inspection, the department will flag all plants that are visibly off-type, crown gall infected, virus infected, or exhibiting virus-like symptoms.

(3) Growers must remove all plants flagged by the department immediately after inspection.

(4) The unit of certification is the lot.

[Statutory Authority: Chapter 15.14 RCW. WSR 00-19-035, § 16-333-066, filed 9/12/00, effective 10/13/00.]

**WAC 16-333-071 Caneberry field inspection.**

(1) Field grown foundation, registered, or certified caneberry planting stock must be inspected by the department at least three times during the growing period.

(a) The first and second inspections must be conducted when the plants are likely to express symptoms of virus infection, crown and cane gall infections, and other disorders.

(b) The department will conduct the third inspection during or after harvest.

(c) The department may conduct additional inspections.

(2) During inspections, the department will flag all plants that are visibly off-type, crown gall infected, virus infected, or exhibiting symptoms of other caneberry pests or diseases.

(3) Growers must rogue in compliance with the criteria in this subsection all plants flagged by the department within one week after inspection.

(a) Roguing after the first field inspection must include removing the undesirable plant and all of its roots.

(b) Roguing after the second field inspection must include removing the undesirable plant and all of its roots, as well as all plants and plant parts within ten feet of the undesirable plant.

(4) Any portion of a field not meeting the standards, tolerances and criteria established in this chapter may be marked and removed from consideration for certification if, in the judgment of the department, it does not jeopardize the certification eligibility of the remaining portion of the field.

(5) The unit of certification is the lot.

[Statutory Authority: Chapter 15.14 RCW. WSR 00-19-035, § 16-333-071, filed 9/12/00, effective 10/13/00.]

**WAC 16-333-085 Tolerances for foundation, registered and certified caneberry planting stock.** (1) Each lot of foundation, registered or certified planting stock may have no more than the percentage of affected plants listed in the table below:

	<b>Foundation All inspections</b>	<b>Registered All inspections</b>	<b>Certified All inspections</b>
<b>Factors</b>	Percent	Percent	Percent
Varietal mixture	0	0	0
Visible symptoms of virus diseases	0	0.05	0.5
Crown and cane gall	0	0.1	1.0
Nematode	0	0.05	0.1
Anthracnose	0	2.0	5.0
Other diseases	0	Practically free	Practically free
Root, cane or crown inhabiting insects	0	0.05	0.1

(2) Caneberry planting stock that fails to meet any tolerance for its intended class may be reclassified to the next class for which it meets all of the tolerances.

[Statutory Authority: Chapter 15.14 RCW. WSR 01-11-030, § 16-333-085, filed 5/8/01, effective 6/8/01; WSR 00-19-035, § 16-333-085, filed 9/12/00, effective 10/13/00.]

**WAC 16-333-090 Caneberry planting stock identification and grading.** (1) All caneberry planting stock meeting the requirements and standards of this chapter may be identified with the state of Washington official certified caneberry plant tag or stamp issued by the department.

(2) All containers must be marked with the name and address of the grower, class of certified stock, variety, and lot number.

(3) Quality and grading of planting stock is the responsibility of the grower.

[Statutory Authority: Chapter 15.14 RCW. WSR 00-19-035, § 16-333-090, filed 9/12/00, effective 10/13/00; WSR 85-22-053 (Order 1876), § 16-333-090, filed 11/5/85.]