



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Department of Agriculture

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

(1) Date of adoption: September 12, 2000

(2) Purpose: To revise existing rules regarding strawberry planting stock certification. This revision converts the rules to clear and readable format, clarifies existing requirements and updates the program to acknowledge current industry and program practices

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

Repealed: WAC 16-328-009, 16-328-030, 16-328-035, 16-328-038, 16-328-080

Amended: WAC 16-328-008, 16-328-010, 16-328-015, 16-328-025, 16-328-060, 16-328-065, 16-328-083, 16-328-085, 16-328-088

Suspended:

(4) Statutory authority for adoption: Chapter 15.14 RCW

Other Authority:

### PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 00-14-079 on July 5, 2000 (date).

Describe any changes other than editing from proposed to adopted version: None

### 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:

CODE REVISER USE ONLY

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

Jim Jesernig

Signature

Title  
Director

Date  
September 12, 2000

CODE REVISER'S OFFICE  
STATE OF WASHINGTON

SEP 12 2000

9:09

00-19-034

TIME \_\_\_\_\_

WSR \_\_\_\_\_

AMS  
P/M

**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:**

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	New	Amended	Repealed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	New	Amended	Repealed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	New	Amended	Repealed

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

New	Amended	Repealed
-----	---------	----------

**The number of sections adopted in the agency's own initiative:**

New	<u>1</u>	Amended	<u>9</u>	Repealed	<u>5</u>
-----	----------	---------	----------	----------	----------

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>1</u>	Amended	<u>9</u>	Repealed	<u>5</u>
-----	----------	---------	----------	----------	----------

**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	Amended	Repealed			
<b>Pilot rule making:</b>	New	Amended	Repealed			
<b>Other alternative rule making:</b>	New	<u>1</u>	Amended	<u>9</u>	Repealed	<u>5</u>

Chapter 16-328 WAC

CERTIFICATION OF STRAWBERRY ((PLANTS--CERTIFICATION)) PLANTING STOCK

AMENDATORY SECTION (Amending Order 1932, filed 6/9/87)

**WAC 16-328-008 Definitions.** (1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture or ((his)) a duly appointed representative. ((Inspector))

(3) (~~"Virus infected (affected)" means presence of a virus(es) or mycoplasma like organism(s) in a plant or plant part.~~)

(4) ~~"Virus-like" means a disorder of genetic or nontransmissible origin.~~

(5) ~~"Off-type" means not true-to-name.~~

(6) ~~"Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.~~

(7) ~~"Index or indexing" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant, or by any other method.~~

(8) ~~"Similar varietal characteristics" means that the plants have the same general character of growth.~~

(9) ~~"Fairly fresh" means that the roots and petioles are not excessively wilted or otherwise damaged.~~

(10) ~~"Firm" means that the crowns are not soft or spongy, although they may yield to slight pressure.~~

(11) ~~"Moist" means that the plants are reasonably turgid and not dried to a degree than would affect normal growth.~~

(12) ~~"Fairly clean" means that the roots are not matted or caked with dirt.~~

(13) ~~"Fairly well trimmed runners and petioles" means that the runners and petioles shall be fairly well trimmed when the length of each does not exceed three inches.~~

(14) ~~Free from damage by:~~

(a) ~~"Sunburn" means that the roots shall not be damaged by sunburn or scald, but slight discoloration may be permitted.~~

(b) ~~"Mold" means that the plants must be free from excessive mold or decay. Plants slightly affected by mold may be allowed.~~

(c) ~~"Freezing injury" means that the roots shall be of a normal color and only moderately affected by discolored roots which affect the normal growth of the plant. Black roots caused by~~

disease shall not be permitted.

~~(d) "Broken or split crowns, mechanical injury" means the breaking or severance of the crown from the root section or splitting of the crown or other mechanical injury that would affect the normal growth of the plant.~~

~~(15) "Free from detectable pests or diseases" means that administratively determined tolerance levels shall be established and administered for destructive pests such as cyclamen mite, crown borer, aphids, the red stele fungus, and nematodes. The evaluations for the pests shall be conducted by methods approved by the director.)~~ "Fairly clean" means that the roots are not matted or caked with dirt.

(4) "Fairly fresh" means that the roots and petioles are not excessively wilted or otherwise damaged.

(5) "Fairly well trimmed runners and petioles" means that the length of each runner and petiole is three inches or less.

(6) "Firm" means that the crowns are not soft or spongy, although they may yield to slight pressure.

(7) Free from damage by:

(a) "Sunburn" means that the roots are not damaged by sunburn or scald, but slight discoloration may be present.

(b) "Mold" means that the plants are free from excessive mold or decay. Plants slightly affected by mold may be allowed.

(c) "Freezing injury" means that the roots are of a normal color, and the plant is only moderately affected by discolored roots which may affect its normal growth. Black roots caused by disease are not permitted.

(d) "Broken or split crowns, mechanical injury" means there is no breaking or severance of the crown from the root section, or splitting of the crown, or other mechanical injury that would affect the normal growth of the plant.

(8) "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 accepted by the department.

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

(10) "Moist" means that the plants are reasonably turgid and not dried to a degree than would affect normal growth.

(11) "Nuclear stock" means strawberry 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.

(12) "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.

(13) "Similar varietal characteristics" means that the plants have the same general character of growth.

(14) "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.

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

AMENDATORY SECTION (Amending Order 3005, filed 7/21/92, effective 8/21/92)

**WAC 16-328-010 Strawberry plant certification fees.**  
Strawberry plant certification fees are as follows:

(1) Certification application fee. The applicant ~~((shall))~~ must furnish all information requested on the application for inspection ~~((and shall))~~, 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 or testing purposes. A separate application ~~((shall be made))~~ is required for each cultivar and/or ~~((unit))~~ lot entered for certification. ~~((Each lot of each cultivar shall be listed separately on the application. Lots under observation by the department shall pay the inspection fees.))~~ Applications for inspection ~~((shall))~~ must be filed with the ~~((Seed Branch, 2015 South First Street, Yakima, Washington 98903))~~ Plant Services Program, P.O. Box 42560, Olympia, Washington, 98504-2560 by June 30 of each year and be accompanied by a one hundred twenty-five dollar fee.

(2) Inspection fees. The inspection fee ~~((shall be))~~ is twenty-five dollars per hour ~~((and))~~ plus mileage ~~((shall be))~~ charged at a rate established by the state office of financial management. Inspection and testing fees ~~((shall be))~~ are payable upon completion of work ~~((done and shall be for the sole purpose of defraying expenses incurred in the inspection and certification of strawberry nursery stock))~~. Billing ~~((to the applicant shall be made by the seed branch.~~

~~((3) A grower desiring to produce certified strawberry plants as herein provided shall establish with the department facts evidencing sufficient experience to produce healthy, high quality stock.~~

~~((4) Failure to pay fees when due shall result in removing the applicant from this program.~~

~~((5) No application for any grower owing the Washington state department of agriculture for previous fees shall be considered))~~ 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.

AMENDATORY SECTION (Amending Order 1932, filed 6/9/87)

**WAC 16-328-015 Certifying agency issuance of certificate.**

(1) ~~((The))~~ Issuance of a state of Washington certified plant tag ~~((or))~~ stamp or other document, under this chapter ~~((affirms solely))~~ means only that the tagged ~~((or))~~ stamped, or otherwise documented strawberry ~~((rootstock))~~ planting stock has been subjected to ~~((certification standards and procedures by the department))~~ 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 strawberry ~~((plant))~~ planting stock certification program ~~((shall be))~~ is voluntary.

AMENDATORY SECTION (Amending Order 1932, filed 6/9/87)

**WAC 16-328-025 ~~((Strawberry plant certification--Isolation requirements--))~~ Production requirements for foundation strawberry planting stock.**

(1) ~~Foundation~~ ~~((stock. These shall be produced in specially constructed houses to ensure protection from virus vectors or produced in a tissue culture laboratory.~~

~~(2) Registered stock. These shall be produced in specially constructed houses or grown in areas isolated by one-half mile or more from noncertified strawberry stock in order to minimize danger of virus infection.~~

~~(3) Certified stock. Same as registered stock))~~ strawberry plants must originate directly from nuclear stock and must be grown in an insect-proof facility on pasteurized soil or a soil-less growing medium free of plant pests and vectors of plant pests.

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

(a) The micro-propagated plants are isolated from all nonfoundation strawberry plants at all times; and

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

(3) Growers may maintain and increase foundation stock indefinitely, if no individual plant remains in the foundation planting for more than two growing periods.

#### NEW SECTION

**WAC 16-328-045 Production requirements for registered and certified strawberry planting stock.** (1) Registered strawberry plants must originate directly from foundation stock.

(2) Certified strawberry plants must be planted with first year plantings of registered or foundation stock.

(3) Registered or certified strawberry plants must be grown in an insect-proof facility or in a field that is at least one-half mile from any noncertified strawberry plants.

(4) The grower must remove or rogue all low-yielding, diseased, off-type or abnormal plants.

(5) Use of any pesticide which suppresses the symptoms of red stele without eradicating the causal pathogen is prohibited.

(6) If registered or certified strawberry plants are grown in a field, all of the following conditions must be complied with:

(a) The field must not have been planted with strawberries during the previous growing season, unless the plants are of the same variety and class and one or both of the following two conditions have been complied with:

(i) The field was inspected by the department in the previous year and found free of red stele; or

(ii) The field was fumigated or treated to control red stele by methods approved by the department.

(b) Each variety must be separated by a distance of at least twelve feet.

(c) All insects and diseases must be effectively controlled using methods recommended by the Washington State University Cooperative Agricultural Extension Service.

(d) The field must be relatively free of weeds.

#### AMENDATORY SECTION (Amending Order 1932, filed 6/9/87)

**WAC 16-328-060** (~~(Strawberry plant certification--Field standards--)~~) Standards and tolerances for inspection of growing foundation, registered, and certified strawberry planting stock.

(1) The ~~((entire field or unit shall meet certification requirements except when soilborne pests are found in excess of~~

~~tolerance in a portion of the field or unit, and the infestation can be safely delimited in the opinion of the department, or when plants in the infested portion are treated to eradicate or to control the pest to comply with the tolerance under the supervision of the department.~~

~~(2) Specific requirements:)) unit of certification is the lot.~~

~~(2) 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.~~

~~(3) The department will perform at least two visual inspections of each planting prior to harvest and one inspection during or after harvest.~~

~~(4) Each lot of foundation, registered or certified planting stock may have no more than the percentage of affected plants listed in the table below.~~

TOLERANCES (%)				
Factors	Foundation	Registered	Certified ((Field))	
	((field))	((field))	1st & 2nd inspections	3rd inspection
<u>Visible Symptoms of</u> Virus Diseases	0 <sup>(*)</sup>	0	1 <sup>(b)</sup>	0.5 <sup>(b)</sup>
<u>Visible Symptoms of</u> Red Stele <sup>(b)</sup>	0	0	0	0
Nematode <sup>(*)</sup>	0	0	0	0
Variety Mixture	0	0	0.1	0
All other Diseases (including lethal decline)	0	0.5	2	1

<sup>(\*)</sup> All foundation stock mother plants must be indexed for virus content no more than two years previously in order to qualify at this level:

<sup>b</sup> Visible:

<sup>c</sup> It is strongly recommended that preplant application of an approved nematicide be made to fields to be used in this program. The department reserves the right to require soil tests for plant parasitic nematodes to be made by methods and at times approved by the department and the data furnished to the department for any field in this certification program:))

AMENDATORY SECTION (Amending Order 1932, filed 6/9/87)

WAC 16-328-065 Strawberry ((plant)) planting stock certification-- ((Designation of plants)) Identification and marking. (1) ((Foundation planting stock shall be identified by the state of Washington official certified strawberry plant tag or stamp, and in addition shall be marked "foundation planting stock."

~~(2) Registered planting stock shall be identified by the state of Washington official certified strawberry plant tag or stamp, and in addition shall be marked "registered planting stock."~~



~~(3) No. 1 certified planting stock shall be identified by the state of Washington official certified strawberry plant tag or stamp.~~

~~(4) No. 2 certified planting stock shall be identified by the state of Washington official certified strawberry plant tag or stamp.)~~ After the plants have passed inspection, foundation, registered and certified strawberry planting stock must be identified by the official state of Washington plant tag or stamp. In addition, foundation or registered strawberry planting stock must be marked with the appropriate class as "foundation planting stock" or "registered planting stock."

(2) When they are offered for sale, crown division plants from certified planting stock must be segregated and packed separately from other stock. The plants must be identified with the official state of Washington plant tag or stamp and marked "crown divisions."

(3) All containers must be marked with the name and address of the grower, grade or class of stock, and variety.

AMENDATORY SECTION (Amending Order 1932, filed 6/9/87)

**WAC 16-328-083 Strawberry ((plant)) planting stock grades and standards--Washington No. 1. Washington No. 1 ((shall)) strawberry planting stock consists of strawberry plants of one variety or plants of similar varietal characteristics which are:**

- (1) Fairly fresh.
- (2) Firm.
- (3) Moist.
- (4) Fairly clean.
- (5) Fairly well trimmed runners and petioles.
- (6) Free from damage caused by:
  - (a) Sunburn.
  - (b) Mold.
  - (c) Freezing injury, black roots.
  - (d) Broken or split crown, mechanical injury.
- (7) Free from detectable dangerous pests or diseases, including plant parasitic nematodes.

Strawberry plants in this grade ((shall)) must have ((not less than)) at least ten main roots((, the length of which shall be not less than)) with a minimum length of two and one-half inches, ((with)) and a minimum crown diameter of one-fourth inch measured at the base of the crown.

AMENDATORY SECTION (Amending Order 1932, filed 6/9/87)

**WAC 16-328-085 Strawberry ((plant)) planting stock grades and standards--Washington No. 2.** Washington No. 2 shall consist of strawberry plants of one variety or plants of similar varietal characteristics which meet all of the requirements of Washington No. 1 except strawberry plants in this grade (~~shall~~) must have (~~not less than~~) at least six main roots (~~, the~~) with a minimum length of (~~which shall be not less than~~) two and one-half inches.

AMENDATORY SECTION (Amending Order 1932, filed 6/9/87)

**WAC 16-328-088 Strawberry ((plant)) planting stock grades and standards--Tolerances for inspection during or after harvest.** (1) (~~Application of tolerances. The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerance specified.~~

~~(2) Tolerances. In order to allow for variations incident to proper grading and packing, not more than a combined total of ten percent, by count, of the plants in any lot may fail to meet the requirements of the above grade.)) In order to allow for variations incident to proper grading and packing, not more than a combined total of ten percent, by count, of the plants in any lot may fail to meet the requirements of the grades specified in WAC 16-328-083 or 16-328-085.~~

(2) Individual packages in any lot may vary from the tolerance specified above in this section, if the average for the entire lot, based on sample inspection, is within the tolerance.

(3) (~~Packing.)) Strawberry ((plants are to)) planting stock must be packed in such manner (~~that they shall~~) to retain a fresh condition.~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- |                |  |
|----------------|--|
| WAC 16-328-009 | Strawberry plant certification standards.  |
| WAC 16-328-030 | Strawberry plant certification-- Requirements for production of foundation and registered stock. |
| WAC 16-328-035 | Strawberry plant certification--   |

WAC 16-328-038

Requirements for the production of certified stock.

Production of certified strawberry nursery stock by micropropagation techniques.

WAC 16-328-080

Strawberry plant certification--  
Tagging or stamping and plant inspection.