

FORM OF ORDER JOINT TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1559

(1) I, Bob J. Mickelson, director of the Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

WAC 16-316-315 and 16-316-326 of Chapter 16-316, Title 16 relating to the issuing of phyto-sanitary certificates adding additional charge and subsection requiring fee for laboratory analysis.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules. & 2/21/78

This action is taken pursuant to Notice No. 7977 and 78-03-051 filed with the code reviser on 12/30/77. Such rules shall take effect:

pursuant to RCW 34.04.040(2). XX at a later date, such date being April 1, 1978

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04. (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

X (a) This rule is promulgated pursuant to RCW 15.49 and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW which directs that the

(agency) has authority to implement the provisions of (name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the (agency) as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON APPROVED AND ADOPTED March 1 19 78 FILED

MAR 1 1978

By Bob J. Mickelson Director of Agriculture Title

CODE REVISER'S OFFICE WSR 78-03-101

[Form CR-7: Effective 12/1/77]

file # 38

AMENDATORY SECTION (Order 1455, filed 5/13/76)

WAC 16-316-315 FEES AND CHARGES. (1) Fee for area and field inspection:

(a) Field Inspection (Payable with application). For each required inspection (per acre or fraction thereof).....\$ 2.00 (with minimum fee of \$10.00 per field per inspection). An additional charge of 50¢ per acre shall be charged for each disease requested in excess of two.

(b) Area Inspection (per 100 lbs.).....\$ 0.05 Billed at time certificate is issued with a minimum of \$10.00 and a maximum of \$100.00 per certificate.

(2) Late Application Penalty Fee.....\$10.00 This additional fee shall be charged for each application received after due date.

(3) Sampling fee when sampling is required:

(a) Beans, peas, lentils, cereal grains (per 100 lbs).....\$ 0.03

(b) Other crops (per 100 lbs).....\$ 0.15

(4) Tagging fee when phyto-sanitary tag is requested:

(a) Beans, peas, lentils, cereal grains (per 100 lbs).....\$ 0.15

(b) Other crops (per 100 lbs).....\$ 0.25

(5) Serology test:

Fee to be established by the state of Idaho. An official 5 pound sample is required from each 10,000 pounds or portion thereof. Officially drawn samples will be submitted to: State Plant Pathologist, Idaho Department of Agriculture, P.O. Box 410, Twin Falls, Idaho 83301.

(6) Fees for services not listed in this order shall be set on the basis of the actual cost to the department of agriculture or the most appropriate fee established will be used.

(7) Nursery grow-out plots, etc: Per hour.....\$12.50

Applicant will also be billed at the rate of 13¢ per mile, plus \$8.25 per hour travel time when additional travel is required. Attempts will be made to combine work assignments keeping additional travel to a minimum.

(8) Laboratory analysis of plant material: An additional fee of \$10.00 per field shall be charged when necessary to examine plant material in the laboratory to verify disease.

AMENDATORY SECTION (Order 1455, filed 5/13/76)

WAC 16-316-326 PHYTO-SANITARY CERTIFICATE FOR PEAS. (1) Specific diseases of peas for which phyto-sanitary certificate will be issued:

(a) *Pseudomonas pisi* (Sackett)

(b) Pea Seed-borne Mosaic Virus - based on two field inspections.

(2) Pea seed to be eligible for a phyto-sanitary certificate stating freedom from *Pseudomonas pisi* (Sackett):

(a) Based on area inspection must be free of the disease in question as determined by area inspection of at least 10% of the acreage and not less than 200 acres in each specified inspection area. The department of agriculture will also conduct a survey of county extension agents, extension pathologists, and plant pathologists at experiment stations and Washington State University. Each company desiring his production eligible must make inspections of the fields throughout the growing season. If symptoms of said disease are found, it must be reported to the Seed Branch, Department of Agriculture, 2015 South 1st Street, Yakima, Washington 98903, immediately. At the end of the growing season, and not later than September 1, each applicant must file a report with the Seed Branch, Department of Agriculture,

based on company pathologist inspections and what other information he may have if the disease in question was or was not observed.

(b) Based on field inspection must be free of said disease as determined by one field inspection made during growing stage most optimum for detecting of said disease.

(3) Pea seed to be eligible for certificate stating freedom from Pea Seed-borne Mosaic Virus must be free of said disease as determined by one inspection at 2 to 4 weeks after seedling emergence, and second inspection 1 to 2 weeks before dry pod stage.

(a) It is recommended that breeding nurseries, isolation nurseries, and/or small seed-increase plots be entered for inspection. ~~((No-certificate will-be-issued-on-these-nurseries-))~~

(b) Phyto-sanitary certificates for 1975 crop and older carryover seed lots may be obtained by planting a representative one pound sample in isolated grow-out plots. Certificate issued will indicate the basis is on grow-out test.



STATE OF  
WASHINGTON

Dixy Lee Ray  
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

For the purposes of legislative review of agency rules, the following statement is submitted:

1. Rules pertaining to fees and charges, and the issuing of phyto-sanitary certificates. (Statutory authority, 15.49 RCW).
2. Amendments add an additional charge for each disease in excess of two, a fee for laboratory analysis of plant material, and deletion of wording regarding nursery inspection.
3. Art Losey  
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Bob Eschbach  
2015 S. 1st Street  
Yakima, Washington 98903  
575-2750
4. Proponents: Dr. Albert E. Braun  
Department of Agriculture  
USDA  
  
Opponents: Leonard Singhose, Asgrow Seed  
Rex Blodgett, Crites-Moscow Growers  
Richard Lowe, Crites-Moscow Growers  
Donald Bolingbroke, Pure Line Seeds
5. No agency comments