

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1651

(1) I, Errett Deck, deputy, director of Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

Bacterial Diseases in WAC 16-494-001, WAC 16-494-040 and WAC 16-494-060

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. WSR 79-07-115 filed with the code reviser on July 3, 1979. Such rules shall take effect:

- [X] pursuant to RCW 34.04.040(2).
[] at a later date, such date being

(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

has authority to implement the provisions of (agency)

(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 FILED

August 31 1979

AUG 31 1979

By [Signature] Deputy Director of Agriculture

Title

CODE REVISER'S OFFICE WSR 79-09-099



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

- (a) These rules relate to bacterial diseases of beans in the State of Washington (statutory authority RCW 15.49).
- (b) These rules were changed to clean up existing phrases and paragraphing to clarify the meaning.
- (c)

Department of Agriculture Grain and Chemical Division Art G. Losey 406 General Administration Bldg. Olympia, WA 98504 753-5062	Department of Agriculture Seed Branch Robert Eschbach 2015 So. 1st Street Yakima, WA 575-2750
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- (d) Proponents: Department of Agriculture
Opponents: None
- (e) No agency comments.

WAC 16-494-001 ESTABLISHING QUARANTINE. (~~((1)-Whereas, the bacterial diseases known as:)) Halo Blight Psuedomonas phaseolicola (Burk.) Dows., Common Bean Blight Xanthomonas phaseoli (E.F.Sm.) Dows., Fuscous Blight Xanthomonas phaseoli var. fuscans (Burk.), Bean Bacterial Wilt Corynebacterium flaccumfaciens (Hedges) Dows., and any new strains or variations of the above diseases are herein-after referred to as bacterial diseases ((are-injurious-to-the species-of-beans-(Phaseolus-sp.); and~~

~~(2)-Whereas, when common beans are infected with the said bacterial diseases their production is greatly reduced and their use for seed purposes would further spread the infection; and~~

~~(3)-Whereas, a quarantine will be effective in preventing the introduction of said bacterial diseases of beans into all counties East of the Cascade Crest; and~~

~~(4)-Whereas, control of the said bacterial diseases of beans will provide the common bean growers of the state of Washington with a source of common beans for planting purposes which are disease free;~~

~~(5)-Now, therefore, I, Bob J. Mickelson, director of the department of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 17.24 RCW relating to insect pest and plant diseases, do hereby proclaim and establish a quarantine to become effective April 1, 1978, setting forth the name of the diseases for which the quarantine is established, the area under quarantine, the regulated area, regulated articles, and the conditions governing the importation and movement of common beans into the regulated area)).~~
A quarantine will be effective in preventing the introduction of said bacterial diseases of beans, and control of the said bacterial diseases of beans will provide the common bean growers of the state of Washington with a source of common beans for planting purposes which are disease free.

AMENDATORY SECTION (Amending Order No. 1614, filed 4/30/79)

WAC 16-494-040 CONDITIONS. (1) No beans shall be planted in the regulated area which are found to be or are known to be contaminated with the aforementioned diseases.

(2) No common beans or Azuki beans (*Phaseolus angularis*) shall be shipped, transported, or moved into the regulated area for planting on or after the effective date of this quarantine unless such beans are accompanied by an origin Phyto-Sanitary Certificate showing that such common beans are free from the aforementioned diseases on the basis of at least one field inspection and one windrow inspection: PROVIDED, That the requirements for the windrow inspection portion of the Phyto-Sanitary Certificate requirement may be waived when ((:)) the bean seed is accompanied by an official certificate, issued by an approved testing agency stating such bean seed is free from the aforementioned diseases, based on an approved laboratory and/or greenhouse test of a 5 pound sample from each 10,000 pounds or fraction thereof and/or any other methods approved by the director: PROVIDED, That said bean seed planted for seed increase or with intentions of seed increase shall be planted only in fields entered into either the

Washington State Seed Certification Inspection Program or the Washington State Bean Seed Phyto-Sanitary Certificate Inspection Program.

~~((a))~~ The bean seed is accompanied by an official certificate, issued by an approved testing agency stating such bean seed is free from the aforementioned diseases, based on an approved laboratory and/or greenhouse test, of a 5-pound sample from each 10,000 pounds or fraction thereof and/or any other methods approved by the director, and when;

~~(b)~~ said bean seed planted for seed increase or with intentions of seed increase shall be planted only in fields entered into either the Washington State Seed Certification Inspection Program or the Washington State Bean Seed Phyto-Sanitary Certificate Inspection Program.

~~(c)~~ Said)) (3) However, bean seed that is in compliance with this quarantine planted for harvest as green beans for cannery or freezing are not required to be entered into an inspection program. However, the department reserves the right to request complete listing and location of all such plantings and other information the department may deem necessary. Further, if for any reason it is decided that said plantings are not to be harvested as green beans the Department of Agriculture, 2015 S. 1st Street, Yakima, Washington 98903, must be notified immediately and said plantings placed under an inspection program.

~~((3))~~ (4) The requirement for a Phyto-Sanitary Certificate will be waived for Pinto, Red Mexican, Great Northern, Pink, Black Turtle, Small White, and Flat Small White beans grown west of the Continental Divide, when the seed is accompanied by an official certificate, issued by an approved testing agency stating such bean seed is free from the aforementioned diseases, based on an approved laboratory and/or greenhouse test, and/or any other methods approved by the director. Each planting made from said bean seed shall be reported to the director who shall have authority to enter and inspect said field.

~~((4))~~ (5) This quarantine shall not apply to the shipment, movement, or transportation of beans prepackaged in packages of eight ounces or less for home garden use in the said regulated area if, as far as known, said beans are free of bacterial diseases.

~~((5))~~ (6) This quarantine shall not apply to experiments or trial grounds of the United States Department of Agriculture or Washington State University Experiment Station, or to any person, firm, or corporation ~~((;))~~: PROVIDED, That said plantings are approved by the director, and under supervision of technically trained personnel familiar with bacterial diseases.

~~((6))~~ (7) Any person prior to shipping, moving, or transporting any common beans for planting purposes into the regulated area shall forthwith notify the department of agriculture in writing of such person's intent to ship, move, or transport any common beans into said regulated area. Such notice of intent shall be accompanied by a copy of the Phyto-Sanitary Certificate issued for such common beans.

REPEALER

The following section of the Washington Administrative Code is repealed: