

State of Washington

DEPARTMENT OF AGRICULTURE

(agency name)

Administrative Order No. 1663

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

do promulgate and adopt at General Administration Building, Olympia (place)

the annexed rules relating to: Changing the Hop Virus Quarantine to require that certification of disease content be done in the state of origin, adopting WAC 16-497-001, 16-497-010, 16-497-020, 16-497-030, 16-497-040, 16-497-050 and 16-497-060, and repealing Order No. 918, Hop Disease Quarantine, filed August 5, 1963 (uncodified by Code Reviser).

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

This action is taken pursuant to Notice No. 79-11-133 filed with the code reviser on 11/7/79. Such rules shall take effect:

- 1) pursuant to RCW 34.04.040(2).
2) at a later date, such date being June 1, 1980

(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):

- (a) This rule is promulgated pursuant to RCW 17.24 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 December 27 1979

DEC 31 1979

By Bob J. Mickelson Director

Title

CODE REVISER'S OFFICE WSR 80-01-093

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



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

December 27, 1979

RULE PURPOSE STATEMENT

1) State Department of Agriculture Administrative Order No. 1631 concerns control of disease in hop plants imported into state of Washington, issued under statutory authority RCW 17.24.

2) This order relates to changing the Hop Virus Quarantine to require that certification of disease content be done in the state of origin

3) Agency personnel:

C. T. Nielsen, Assistant Director, and
Supervisor, Plant Industry Division

A. R. Hurd, Assistant Supervisor,
Plant Industry Division

418 General Administration Bldg., Olympia
753-5052

4) These changes were requested by the industry.

5) Proponents:

Bill Harris, Washington Hop Commission
Francis Patnode, Washington Hop Commission
Ronald J. Riel, Washington Hop Commission

Opponents: None

Chapter 16-497 WAC
HOP DISEASE QUARANTINE

NEW SECTION

WAC 16-497-001 ESTABLISHING QUARANTINE. The introduction of dangerous diseases of hops into the state of Washington would entail great losses to the horticultural interests of the state, and the most rigid examinations cannot determine the presence of disease on dormant hop plants or parts of plants; therefore this quarantine is established setting forth the rules for the importation of hop plants.

NEW SECTION

WAC 16-497-010 QUARANTINE AREA. All areas outside of the territorial borders of the state of Washington.

NEW SECTION

WAC 16-497-020 COMMODITIES COVERED. Plants and all parts thereof (except the kiln dried cone) of hops (*Humulus Lupulus L.*)

NEW SECTION

WAC 16-497-030 REGULATIONS. Hop plants and all parts thereof will be admitted into the state of Washington: PROVIDED, That the following provisions are complied with.

(1) The hop plant or parts thereof have been certified in accordance with the regulations of an official state agency, which certification program requires at least two field inspections during the growing season, and requires that certification tolerances shall not exceed: Verticillium wilt, (albo atrum (dm), dahliae (ms)) zero percent; and Virus, or virus-like symptoms one tenth of one percent: AND PROVIDED FURTHER, That all shipments of such hop planting stock shall be apparently free of insect pests and shall be accompanied by a certificate issued by said official state agency of the state of origin certifying that said hop planting stock was produced under official certification regulations and meets official standards.

(2) All shipments of hop planting stock shall be plainly marked with the contents on the outside of the package or container.

(3) All products admissible under the foregoing provisions must be held by common carrier agent and not delivered to consignee or agent until inspected and passed by the director of agriculture of the state of Washington or his designee.

NEW SECTION

WAC 16-497-040 DISPOSITION OF MATERIAL SHIPPED IN VIOLATION OF THIS QUARANTINE. All hop plants or parts thereof arriving in the state of Washington in violation of this quarantine shall be immediately sent out of the state or destroyed at the option and expense of the owner or owners, or his or their responsible agents.

NEW SECTION

WAC 16-497-050 EXEMPTION. The foregoing does not apply to the experiments of the United States department of agriculture and the state experiment stations in the state of Washington.

NEW SECTION

WAC 16-497-060 VIOLATION AND PENALTY. All violations of this order shall be dealt with as provided for in RCW 17.24.100, as follows:

"PENALTIES--SECOND AND SUBSEQUENT OFFENSES. Every person who shall violate or fail to comply with any rule or regulation adopted and promulgated by the director of agriculture in accordance with and under the provision of RCW 17.24.020 through 17.24.100 shall be guilty of a misdemeanor, and for a second and each subsequent violation or failure to comply with the same rule or regulation, shall be punished by imprisonment in the county jail for not less than thirty days or more than one year, or by a fine of not less than one hundred dollars, or more than one thousand dollars or both such fine and imprisonment."

State of Washington
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filed in conjunction with 80-01-093

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)¹ 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):

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(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.

APPROVED AND ADOPTED December 27 1979.

Order No. 1663 with WAC's 16-497-001 through 16-497-060 attached, approved and adopted the 27th day of December, 1979, by Bob J. Mickelson, director of the Department of Agriculture, are on this 31st day of December 1979 approved as presented.

Dixy Lee Ray
Dixy Lee Ray, Governor

By Bob J. Mickelson
Director

Title