

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF AGRICULTURE

(agency name)

Administrative Order No. 1846

(1) I, M. Keith Ellis, director of Department of Agriculture

do promulgate and adopt at Olympia, WA (place)

the annexed rules relating to:

WAC 16-494 Bean Quarantine

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

This action is taken pursuant to Notice No. WSR 84-22-049 filed with the code reviser on 11/7/84. These rules shall take effect:

- [x] thirty days after they are filed with the code reviser 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 this 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 the emergency is:

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

(3) Pursuant to the requirements of RCW 34.04.026 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 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(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 31

19 84

DEC 31 1984

By

M. Keith Ellis Director

Title

CODE REVISER'S OFFICE

WSR 85-02-050

AMENDATORY SECTION (Amending Order 1651, filed 8/31/79)

WAC 16-494-001 ESTABLISHING QUARANTINE. Halo Blight *Pseudomonas phaseolicola* (Burk.) Dows., Common Bean Blight *Xanthomonas phaseoli* (E.F.Sm.) Dows., Fuscous Blight *Xanthomonas phaseoli* var. *fuscans* (Burk.), Bean anthracnose disease, *Colletotrichum lindemuthianum* (Sacc. & Magn.) Scrib., Brown spot disease, *Pseudomonas syringae* (Va. Hall) (only strains virulently pathogenic to *Phaseolus* sp.), Bean Bacterial Wilt *Corynebacterium flaccumfaciens* (Hedges) Dows., and any new strains or variations of the above bacterial and fungus diseases are hereinafter referred to as ((bacterial)) diseases. A quarantine will be effective in preventing the introduction of said bacterial and fungus diseases of beans, and control of the said bacterial and fungus 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 1077, filed 2/07/68)

WAC 16-494-010 DEFINITIONS. (1) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

(2) "Department" means the Washington state department of agriculture.

(3) "Director" means the director of the department of agriculture or his duly authorized representative.

((3)) (4) "Common bean((7))" means *Phaseolus vulgaris* L.

((4)) (5) "Beans((7))" means *Phaseolus* sp.

((5)) (6) "Origin((7))" means state where specific seed lot was grown.

(7) "Approved trial grounds" means a specific parcel of land determined by mutual agreement between persons, and approved by the director.

NEW SECTION

WAC 16-494-015 VIOLATIONS AND PENALTY. All violations of this chapter shall be dealt with according to the provision of RCW 17.24-.100, making the violation a misdemeanor.

AMENDATORY SECTION (Amending Order 1196, filed 4/16/71)

WAC 16-494-020 ((QUARANTINE)) BEAN SEED--QUARANTINED AREA. All counties of the state of Washington, except those counties east of the ((Cascade)) crest of the Cascade mountains, and all areas outside the state of Washington.

AMENDATORY SECTION (Amending Order 1196, filed 4/16/71)

WAC 16-494-030 BEAN SEED--REGULATED AREA. All counties east of the ((Cascade)) crest of the Cascade mountains.

NEW SECTION

WAC 16-494-042 CONDITIONS FOR PLANTING BEAN SEED IN WASHINGTON STATE. (1) No beans shall be planted in the regulated area listed in WAC 16-494-030 which are found to be or are known to be contaminated with the diseases listed in WAC 16-494-001.

(2) Requirements for planting eastern Washington grown bean seed:

(a) Bean seed must have been entered into the Washington state bean phytosanitary certificate inspection program or the Washington state seed certification inspection program. See WAC 16-316-327 and 16-316-270.

(b) All commercial dry beans for seed, except kidney beans, are exempt from the above: PROVIDED, That the commercial dry beans pass a laboratory/greenhouse test approved by Washington State University, college of agriculture and home economics, and they have not been shipped east of the Continental Divide.

(c) All commercial dry beans to be used only for dry edible purposes, except kidney beans, are exempt from (a) of this subsection: PROVIDED, That the seed has never been shipped outside the state.

(3) Requirements for planting imported bean seed originating in areas west of the Continental Divide, excluding the area west of the crest of the Cascade mountains, Hawaii and Alaska:

(a) Imported bean seed shall not be shipped, transported or moved into the regulated area listed in WAC 16-494-030 for planting unless the beans are accompanied by an origin phytosanitary certificate showing that the beans are free from the diseases listed in WAC 16-494-001 on the basis of at least one field inspection and one windrow inspection. The windrow inspection portion of the phytosanitary certificate requirement may be waived when the bean seed is accompanied by an official certificate issued by an approved testing agency stating the seed is free from disease, based on an approved laboratory/greenhouse test of a five-pound sample from each ten thousand pounds or fraction thereof.

(b) The bean seed planted for seed increase or with intention of seed increase shall be planted in fields entered into either the Washington state bean seed phytosanitary certificate inspection program or the Washington state seed certification inspection program. See WAC 16-316-327 and 16-316-270.

(c) All commercial beans, except kidney beans, are exempt from (b) of this subsection: PROVIDED, That the seed is accompanied by a phytosanitary certificate or by an official certificate issued by an approved testing agency stating the bean seed is free from the diseases listed in WAC 16-494-001, based on an approved laboratory/greenhouse test.

(4) Requirements for planting imported bean seed originating from areas east of the Continental Divide or in foreign countries or otherwise ineligible for planting in regulated areas of Washington:

(a) Bean seed must first be planted into an approved trial ground that meets the requirements of the department.

(b) Bean seed up to a maximum of one pound per variety may be planted in an approved trial ground intended for research purposes, with no restrictions, except as noted in this rule to include notification to the department of intent to plant and inspection procedures to be complied with for trial grounds (see WAC 16-494-044).

(c) Bean seed over one pound intended for introduction or seed increase must first be planted in an approved trial ground not to exceed five acres for each variety: PROVIDED, That the bean seed must have first passed a laboratory/greenhouse test as approved by the

Washington State University, college of agriculture and home economics, notification has been given the department of intent to plant, and inspection procedures are to be complied with for trial grounds (see WAC 16-494-044).

(5) Bean seed planted for harvest as green beans for cannery or freezing that is in compliance with this quarantine is not required to be entered into an inspection program: PROVIDED, That the department reserves the right to request complete listing and location of all the plantings and other information the department may deem necessary. Further, if for any reason it is decided that the plantings are not to be harvested as green beans the Seed Branch of the department, 2015 South 1st Street, Yakima, Washington 98903, shall be notified and the plantings placed under an inspection program.

(6) 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 regulated area if, as far as is known, the beans are free of diseases.

(7) The department shall be notified in writing prior to shipping, moving or transporting of any person's intent to ship, move or transport any common beans into the regulated area listed in WAC 16-494-030. The notice of intent shall be accompanied by a copy of the phyto-sanitary certificate issued for common beans.

#### NEW SECTION

WAC 16-494-044 INSPECTION PROCEDURES FOR TRIAL GROUNDS. (1) Applications for planting in a trial ground must be submitted to the department prior to May 15 of the growing year, and accompanied with detailed varietal planting plan.

(2) A minimum of three field inspections shall be made during the growing season and one windrow inspection.

(3) A disinfectant shall be applied to machinery used in the production of bean seed and footwear of personnel inspecting prior to movement to other bean fields.

(4) If any diseases listed in WAC 16-494-001 are detected by field inspections or subsequent laboratory/greenhouse tests, then none of the seed shall be released for general planting but shall again be planted in an approved trial ground for one additional year and undergo inspection procedures by the department.

#### NEW SECTION

WAC 16-494-062 IDENTIFICATION AND DISPOSITION OF DISEASED BEAN SEED AND INFECTED BEAN FIELDS. (1) Any bean seed found or known to be contaminated with disease shall not be planted in Washington state.

(2) Any bean field infected with the diseases listed in WAC 16-494-001 shall be reported within seventy-two hours after discovery to the department.

(3) The department encourages the aid of all interested parties including growers and seed company representatives in the prompt reporting of suspected infected bean fields in order that timely investigation may be made.

(4) Any bean fields within the boundaries of Washington state which show contamination of disease as provided in subsection (5) of this section shall be destroyed in part or in total as may be required to eliminate the disease, by or at the expense of the grower and/or landlord: PROVIDED, That the director may authorize any other method

of control at the director's discretion. The director or representative of the director shall notify the grower, seed company representatives and/or the grower's landlord of the method and extent of the destruction and safeguards against disease spread in order for the parties to comply.

(5) The true identity of a regulated disease on growing plants or plants in windrow will be based on (a) the observance of symptoms of a regulated disease, and (b) when necessary to establish identity or pathogenicity, laboratory and/or greenhouse tests to be conducted by the department in cooperation with Washington State University.

(i) In cases of disagreement concerning the presence of a regulated disease between the department plant pathologist and a qualified plant pathologist representing the commercial company or grower, the definitive verification of identity or pathogenicity shall include isolation of the suspected pathogen and inoculation of seedlings of a known susceptible host using the Washington State University approved scientific and professional techniques, the verification to be conducted in cooperation with Washington State University, college of agriculture and home economics.

(ii) Until verification of the suspected pathogen as specified in this section is completed, the involved planting shall be placed under quarantine for a period of thirty days subject to review or extension as determined by the director. Entry into the quarantined area is to be restricted to the grower or grower's agents, department employees, Washington State University plant pathologists, and/or persons authorized in writing by the director. Persons granted entry into the quarantined area will be required to take all necessary sanitary precautions as prescribed by the director to safeguard against the possible spread of the suspected regulated disease.

(6) The true identity of the regulated disease when found in or on seed will be based on testing methods approved by the Washington State University, college of agriculture and home economics, results of which, when positive will be evidence to identify the disease as being subject to the department's requirements unless the owner of the seed, at owner's expense, request verification of pathogenicity.

(7) Exemptions and special situations:

(a) Any field of beans, commercial or garden, first found infected during windrow inspection, is exempt from total destruction if the diseased portion and an appropriate area (not less than a fifty-foot radius) surrounding the infected site is promptly destroyed: PROVIDED, That none of the remaining bean seed produced in the infected field may be replanted in Washington state.

(b) All commercial dry beans to be used only for dry edible purposes, except kidney beans, are exempt from destruction if the diseased portion of the field is destroyed and/or verification as provided in subsection (5) of this section and the crop residue is promptly and completely destroyed after harvest.

(c) Beans for processing or fresh consumption are exempt from destruction if the diseased portion of the field is destroyed or harvested within ten days after first detection and/or verification as provided in subsection (5) of this section and the crop residue is promptly and completely destroyed after harvest.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-494-040 CONDITIONS.

WAC 16-494-050 VIOLATIONS AND PENALTY.