

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture
(agency name)

Administrative Order No. 1865

(1) I, C. Alan Pettibone, director of
Washington State Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

Mint Rootstock Certification - Chapter 16-322 WAC

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

This action is taken pursuant to Notice No. MSR 85-11-082
filed with the code reviser on 5/22/85. These rules shall take effect:
 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 34.04.026¹ 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 15.14
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.

APPROVED AND ADOPTED July 8, 19 85

STATE OF WASHINGTON
FILED

By 
Deputy Director
Title

JUL 8 1985

CODE REVISER'S OFFICE
WSR 85-15-017

AMENDATORY SECTION (Amending Order 1017, Regulation 5, filed 5/20/66)

WAC 16-322-010 MINT ROOTSTOCK CERTIFICATION--APPLICATIONS AND FEES. (1) The applicant grower shall furnish to the department all information pertinent to the operation of this program and shall give his consent to the department to take material for examination and testing. Application for inspection and testing of registered and certified stock (~~(must)~~) shall be filed with the department by May 1 of each year, accompanied by a (~~(forty)~~) seventy-five dollar application fee. Inspection fees (~~(are-ten)~~) shall be sixteen dollars per acre (~~(or-fraction-thereof)~~) per growing season (with a minimum fee of eighty dollars). Half of this fee is due with the application.

(2) Final fees shall be due and payable upon completion of the last field inspection.

(3) Certification may be withheld for nonpayment of fees due.

AMENDATORY SECTION (Amending Order 1017, Regulation 1, filed 5/20/66)

WAC 16-322-012 DEFINITIONS. (1) "Mint rootstock" means stolons or rhizomes of mint plants.

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

(3) "Foundation rootstock" means rootstock originating from healthy clones. Small plantings of this stock will be maintained by (~~(or--through)~~) the Washington State (~~(department-of-agriculture)~~) University.

(4) "Registered rootstock" means rootstock produced from foundation and registered rootstock and (~~(has-met)~~) meeting the requirements as herein provided.

(5) "Certified rootstock" means rootstock produced from registered rootstock and (~~(has-met)~~) meeting the requirements as herein provided.

(6) "Verticillium wilt" means the disease caused by *Verticillium albo-atrum* Reinke & Berth. variety *Menthae* Nelson.

(7) "Rootknot" means the disease caused by the rootknot nematode *Meloidogyne*, spp.

AMENDATORY SECTION (Amending Order 1087, filed 4/24/68, effective 5/24/68)

WAC 16-322-015 REQUIREMENTS FOR THE PRODUCTION OF REGISTERED AND CERTIFIED MINT ROOTSTOCK. (1) Land requirements(~~(?)~~):

(a) For registered mint rootstock, land to be eligible (~~(must)~~) shall not have grown mint and shall be free of noxious weeds. Due to the danger of root knot nematode, land that has been used for other vegetatively propagated crops such as potatoes, hops, etc., (~~(should)~~) shall be avoided.

(b) For certified mint rootstock, land to be eligible shall not have grown uncertified mint.

(2) Isolation requirements(~~(?)~~):

(a) A field to be eligible (~~(must)~~) shall be at least five thousand feet from fields infested with verticillium wilt of mint, one thousand feet from any mint field unless of equal standards, and it (~~(can)~~) shall not be included in a farm operational unit which has a wilt infested field or grown on a farm which has previously grown uncertified mint.

(b) In all cases where an adjoining field is planted with a different species or variety of mint, isolation between fields shall be a minimum of twenty feet separation to prevent mechanical mixing of rootstocks during harvesting and transport of the rootstocks.

(3) Plant requirements((-)): Fields ((must)) shall be planted with pure, living rootstock of foundation or registered planting rootstock.

(4) Miscellaneous requirements((-):

(a) Soil borne insects and nematodes ((must)) shall be controlled.

(b) Fields ((must)) shall show evidence of control of noxious weeds and free from mint species of types other than those being grown for certification.

(c) Evidence of ((~~roguing~~)) roguing without permission of the department may give cause for rejection of fields. When directed by the department, growers ((must)) shall dig and immediately destroy all unhealthy and off-type plants.

(d) Hay from registered planting stock fields may be harvested for oil ((~~provided-that~~)): PROVIDED, That all harvesting equipment is sterilized by steam cleaning, or by other approved methods under the supervision of the department.

(e) The cooked hay ((is-to)) shall be destroyed by burning.

(f) Sanitation methods and procedures ((must)) shall be approved by the department.

(g) Irrigation water proposed for use on the planting stock fields and the water drainage on to such fields ((must)) shall be approved by the department.

(h) Harvesting equipment ((must)) shall be sterilized by steam cleaning, or other approved methods before used on another lot or farm.

(i) Pasturing of livestock on mint rootstock fields shall not be permitted with the exception of weeding animals and fowl.

AMENDATORY SECTION (Amending Order 1017, Regulation 4, filed 5/20/66)

WAC 16-322-025 MINT ROOTSTOCK FIELD INSPECTIONS. (1) At least two field inspections and as many more as are deemed necessary by the department shall be made each year. It is the duty of the grower, before cutting mint hay, to notify the department so the proper inspections can be made. Certification may be denied if mint is harvested from a field before proper inspection has been completed.

(2) The mint rootstocks ((must)) shall be inspected after they are dug.

AMENDATORY SECTION (Amending Order 1087, filed 4/24/68, effective 5/24/68)

WAC 16-322-035 WASHINGTON STANDARDS FOR MINT ROOTSTOCKS (PEPPER-MINT AND SPEARMINT). (1) Washington No. 1 shall consist of mint rhizomes of plants with similar varietal characteristics which are (a) fresh, (b) firm, (c) moist, (d) free of mold, (e) free of detectable, dangerous insects, nematodes, diseases and other pests, and (f) reasonably free of excess soil.

(2) Tolerances. In order to allow for variations incident to proper grading and packing, not more than a combined total of five per cent, by count, of the rhizomes in any lot ((may)) shall fail to meet the requirements of the above grade. The tolerances for the standards are on a "load" basis but ((~~should~~)) shall be determined by sampling on a weight basis.

(3) Specific requirements.

Pests and Diseases	Tolerance for:		
	Foundation Rootstock	Registered Rootstock	Certified Rootstock
Mint flea beetle (Longitarsus waterhousei Kutschera)	0	0	1%
Rootknot nematode (Meloidogyne spp.)	0	0	Moderate
Verticillium wilt (Verticillium albo-atrum Reinke & Berth.) Var. Menthae Nelson	0	0	0
Mint rust (Puccinia Menthae Pers.)	Trace	Trace	Moderate
Other pests and diseases	1%	1%	1%

Any portion of a certified field not meeting requirements may be delimited if, in the judgment of the department, it will not jeopardize the remainder.

AMENDATORY SECTION (Amending Order 1017 (part), filed 5/20/66)

WAC 16-322-040 ((WARRANTY-CLAUSE)) CERTIFYING AGENCY ISSUANCE OF CERTIFICATE. (1) The ((department-of-agriculture-assumes-no-responsibility-for-any-undesirable-condition-not-readily-discernable-by-inspection-methods-used-nor-as-to-condition-subsequent-to-inspection-by-the-department.

(2) Certification does not imply any warranty on the part of the department or any employee thereof) issuance of a certified state of Washington plant tag or stamp under this chapter affirms solely that the tagged or stamped mint root stock has been subjected to certification standards and procedures by the department. 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 ((this)) the mint rootstock certification program shall be voluntary.

AMENDATORY SECTION (Amending Order 1087, filed 4/24/68, effective 5/24/68)

WAC 16-322-045 IDENTIFICATION AND MOVEMENT OF MINT ROOTSTOCK. (1) The department ((will)) shall issue a certificate covering mint rootstock that meets the requirements of ((this)) the certification program and authorize the use of official certificates and seals for

the identification of such rootstocks. The certificate shall indicate presence of noxious weeds at the final field inspection.

(2) Any person selling certified mint rootstock (~~is~~) shall be responsible for the identity of the stock bearing each certificate and for such stock meeting the requirements of (~~this~~) the certification program. Persons issued certificates authorized by the program shall account for stock produced and sold and keep such records as may be necessary.

(3) All registered and certified mint rootstocks moving from the place of origin (~~must~~) shall be conveyed in clean trucks and covered by new plastic or clean canvas tarps and properly sealed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-322-020 REQUIREMENTS FOR THE PRODUCTION OF CERTIFIED MINT ROOTSTOCK.