

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington
Department of Agriculture

(agency name)

Administrative Order No. 1876

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

do promulgate and adopt at Olympia, WA (place) the annexed rules relating to:

Chapter WAC 16-426 and rules and standards for certification of Caneberry plants in Chapter WAC 16-333 and WAC 16-332A.

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

This action is taken pursuant to Notice No. WSR 85-19-073 filed with the code reviser on 9/18/85. 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 15.14 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

November 4

19 85

By

C. Alan Pettibone

Director

Title

[Form CR-7: Rev. 7/23/82]

FILED

NOV 5 1985

CODE REVISER'S OFFICE

WSR 85-22-053

## Chapter 16-333 WAC

## RULES AND STANDARDS FOR CERTIFICATION OF PLANTS

## WAC

16-333-010	Definitions.
16-333-020	Certifying agency issuance of certificate.
16-333-030	Caneberry certification standards.
16-333-040	Caneberry certification fees.
16-333-050	Requirements for production of caneberry foundation and registered stock.
16-333-060	Requirements for production of caneberry certified planting stock.
16-333-070	Caneberry field inspection.
16-333-080	Caneberry field standards.
16-333-090	Caneberry tagging or stamping and plant inspection.

NEW SECTION

- WAC 16-333-010 DEFINITIONS. (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department of agriculture or his duly appointed representative.
- (3) "Virus infected (affected)" means presence of a virus(es) or yellows disease agent in a plant or plant part. The word "virus" shall be used hereafter to include yellows disease in this chapter.
- (4) "Virus-like" means a disorder of genetic or nontransmissible origin.
- (5) "Off-type" means not true-to-name.
- (6) "Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.
- (7) "Index or indexing" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant; or by any other method.
- (8) "Root cuttings" means sections of roots which have one or more bud.
- (9) "Succulent plants" means small, actively growing plants that are developing from root buds, not having passed through a dormant period.
- (10) "One-year old plants" means well rooted plants that have developed during one growing season.
- (11) "Caneberry" means any cultivated *Rubus* species.

NEW SECTION

WAC 16-333-020 CERTIFYING AGENCY ISSUANCE OF CERTIFICATE. (1) The issuance of a certified state of Washington plant tag or stamp under this chapter affirms solely that the tagged or stamped caneberry 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.

NEW SECTION

WAC 16-333-030 CANEBERRY CERTIFICATION STANDARDS. The following specific rules constitute the requirements and standards for caneberry certification.

NEW SECTION

WAC 16-333-040 CANEBERRY CERTIFICATION FEES. (1) Certification application fee. The certification application fee shall be one hundred dollars for one acre or less; ten dollars for each additional acre or fraction thereof.

(2) Final certification fee. The final certification fee shall be an additional ten dollars for each acre or fraction thereof, due and payable when accepted by the department at the time of completion of last field inspection. Fees shall not be refunded unless notice of withdrawal is received in writing before the first inspection is made. Each separate screenhouse or greenhouse lot and each field plot of one acre or less shall be considered one acre. A separate application shall be made for each cultivar and/or unit entered for certification. Each lot of each cultivar shall be listed separately on the application. Lots under observation by the department shall pay the usual certification fees.

(3) Applications for certification shall reach the department's seed branch, 2015 South First Street, Yakima, WA 98903, by May 15 each year.

(4) A grower desiring to produce certified caneberry plants as herein provided shall establish with the department facts evidencing sufficient experience to produce healthy, high quality stock.

(5) Failure to pay fees when due shall result in removing the applicant from the certification program.

(6) No application from any grower owing the department for previous fees shall be considered.

NEW SECTION

WAC 16-333-050 REQUIREMENTS FOR PRODUCTION OF CANEBERRY FOUNDATION AND REGISTERED STOCK. (1) Land requirements:

(a) A field to be eligible for the production of foundation or registered planting stock shall not have grown or have been planted to caneberry plants or solanaceous crops during the previous five years, unless planted with plants of same cultivar and classification:

(b) Acceptable records shall be presented to the department of nematode sampling of the land in question which show that plant parasitic nematodes are not present in harmful quantities; and

(c) Fumigate the land in accordance with approved commercial practices compatible with current recommendations of the Washington State University extension service; and

(d) An insect-proof screenhouse or greenhouse may be used for production of foundation or registered planting stock: PROVIDED, That all other land requirements are met.

(2) Isolation requirements:

(a) Plantings entered for certification shall be grown in areas sufficiently isolated from sources of caneberry viruses by distance or natural barriers to minimize current infection.

(b) Cultivars within the plantings entered for certification shall be separated by not less than fourteen feet. The space between cultivars shall be kept deeply cultivated to prevent intermingling roots.

(3) Plant requirements:

(a) Only nuclear planting stock which has been indexed and regularly reindexed for virus diseases by qualified Washington State University or United States Department of Agriculture personnel or personnel acceptable to the director may be entered for the production of foundation stock.

(b) Only foundation or nuclear planting stock may be entered for the production of registered stock.

(i) One percent, not to exceed twelve plants, of each foundation lot shall be maintained by the grower to allow some fruiting in order to permit evaluation for trueness to name and fruit character; or

(ii) Ten percent, not to exceed three plants, of each nuclear lot shall be maintained by Washington State University, or the United States Department of Agriculture, or department personnel to allow some fruiting to permit evaluation for trueness to name and fruit character; and

(iii) Plant harvest from a foundation or registered lot shall be limited to two growing seasons.

(c) Foundation stock shall not be maintained longer than three years.

(4) Miscellaneous requirements:

(a) At the time of the first field inspection, department inspectors shall clearly mark all plants that are off-type, crown and cane-gall infected, virus-infected or exhibiting virus-like symptoms.

(b) Growers shall dig or otherwise destroy all plants and their roots which are marked by a department inspector within one week from the date of the first field inspection.

(c) At the time of the second field inspection, department inspectors shall clearly mark all plants that are off-type, crown and cane-gall infected, virus-infected or exhibiting virus-like symptoms.

(d) Growers shall dig or otherwise destroy all off-type plants and their roots which are marked by a department inspector, as well as all plants and their roots in a rectangular area that is not less than ten feet in each direction in the row from the off-type plant and not less than forty inches in each direction across the row from the off-type plant within two weeks from the date of the second field inspection.

(e) Growers shall dig or otherwise destroy all plants and their roots which are marked by a department inspector as being crown and cane-gall infected, virus-infected or showing virus-like symptoms.

(f) Insect pests, diseases and vectors of diseases shall be effectively controlled by dusting, spraying, or any other approved method.

(g) All plant beds shall be relatively free from weeds.

NEW SECTION

WAC 16-333-060 REQUIREMENTS FOR PRODUCTION OF CANEBERRY CERTIFIED PLANTING STOCK. (1) Land requirements:

(a) A field to be eligible for the production of certified planting stock shall not have grown or shall not have been planted to caneberry plants or solanaceous crops during the previous five years, unless planted with plants of the same cultivar and classification; and

(b) Acceptable records shall be presented to the department of nematode sampling of the land in question which show that plant parasitic nematodes are not present in harmful quantities; and

(c) Fumigate the land in accordance with approved commercial practices compatible with current recommendations of the Washington State University extension service.

(2) Isolation requirements:

(a) Plantings entered for certification shall be grown in areas sufficiently isolated from sources of caneberry viruses by distance or natural barriers to minimize current infection.

(b) Cultivars within the plantings entered for certification shall be separated by not less than fourteen feet. The space between cultivars shall be kept deeply cultivated to prevent intermingling roots.

(3) Plant requirements:

(a) Fields shall be planted with nuclear planting stock, foundation planting stock, or registered planting stock.

(b) Root cuttings and/or soft succulent plants from like plants may be accepted.

(c) Root or shoot cuttings may be used for sale to plant propagating beds.

(d) Plant harvest from a certified field shall be limited to two growing seasons.

(4) Miscellaneous requirements:

(a) At the time of the first field inspection, department inspectors shall clearly mark all plants that are off-type, crown and cane-gall infected, virus-infected or exhibiting virus-like symptoms.

(b) Growers shall dig or otherwise destroy all plants and their roots which are marked by a department inspector within one week from the date of the first field inspection.

(c) At the time of the second field inspection, department inspectors shall clearly mark all plants that are off-type, crown and cane-gall infected, virus-infected or exhibiting virus-like symptoms.

(d) Growers shall dig or otherwise destroy all off-type plants and their roots which are marked by a department inspector, as well as all plants and their roots in a rectangular area that is not less than ten feet in each direction in the row from the off-type plant and not less than forty inches in each direction across the row from the off-type plant within two weeks from the date of the second field inspection.

(e) Growers shall dig or otherwise destroy all plants and their roots which are marked by a department inspector as being crown and cane-gall infected, virus-infected or showing virus-like symptoms.

(f) Insect pests, diseases and vectors of diseases are to be effectively controlled by dusting, spraying or any other approved method.

(g) All plant beds shall be relatively free from weeds.

#### NEW SECTION

WAC 16-333-070 CANEBERRY FIELD INSPECTION. Field inspections shall be made during the growing season and as many times as deemed necessary by the department:

(1) First inspection.....when plants are nine to fifteen inches high.

(2) Second inspection.....one month after first inspection.

(3) Third inspection.....digging time.

NEW SECTION

WAC 16-333-080 CANEBERRY FIELD STANDARDS. (1) The unit of certification shall be the entire unit entered for certification.

(2) Specific requirements:

TOLERANCE

Factors	FOUN-	(FIELD)		(DIG-	Plants
	DATION			GING	
	REGIS-	1st &	2nd	3rd	Per-
	TERED	Per-	Per-	Per-	cent
	ALL	cent	cent	cent	
	INSP.				
	Per-				
	cent				
Varietal Mixture	0	0	0	0	0.5%
Virus Diseases*	0	0.5%	0.5%	0.5%	0.5%
Crown & Cane Gall	0	0	0	0.1%	0.1%
Nematode	0.1%	0.1%	0.1%	0.1%	0.1%
Anthracnose	1.0%	5.0%	5.0%	5.0%	5.0%
Other Diseases	0.5%	0.2%	0.2%	0.2%	0.1%
Root, crown or cane Inhabiting Insects	0	0.1%	0.1%	0.1%	0.1%

\*Visible

(3) Any portion of a certified field, not meeting the above field standards, may be delimited if, in the judgment of the department, it will not jeopardize the remainder.

(a) Nuclear planting stock shall be designated by a certification from the department.

(b) Foundation planting stock shall be designated by the official certified tag or stamp and also stamped "foundation planting stock."

(c) Registered planting stock shall be designated by the official certified tag or stamp and also stamped "registered planting stock."

(d) Certified planting stock shall be tagged with the official tag or stamp of the state of Washington for certified plants.

NEW SECTION

WAC 16-333-090 CANEBERRY TAGGING OR STAMPING AND PLANT INSPECTION. (1) "Certified" stock shall be identified with the state of Washington official certified caneberry plant tag or stamp under the supervision of the department after plants have passed inspection.

(2) Only plants meeting Washington standards for caneberry plants shall be tagged or stamped, except those marked foundation or registered.

(3) All containers shall be marked with the name and address of the grower, grade or class of stock, and variety.

(4) The grower is referred to chapter 15.14 RCW, planting stock, for additional information.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-332A-001	PROMULGATION.
WAC 16-332A-010	FEEES.
WAC 16-332A-020	DEFINITIONS.
WAC 16-332A-030	REQUIREMENTS FOR PRODUCTION OF FOUNDATION AND REGISTERED STOCK.
WAC 16-332A-040	REQUIREMENTS FOR PRODUCTION OF CERTIFIED PLANTING STOCK.
WAC 16-332A-050	FIELD INSPECTION.
WAC 16-332A-060	FIELD STANDARDS.
WAC 16-332A-070	TAGGING OR STAMPING AND PLANT INSPECTION.
WAC 16-332A-080	EFFECTIVE DATE.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-426-025 EFFECTIVE DATE.