

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Washington State Department of Agriculture

(agency name)

Administrative Order No. 1883

(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:

WAC 16-462 and 16-425 on nursery grape stock certification.

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

This action is taken pursuant to Notice No. WSR 86-04-070 filed with the code reviser on 2/5/86. 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.

STATE OF WASHINGTON APPROVED AND ADOPTED March 31 FILED

APR 2 1986

By [Signature] 19 86 Deputy Director

Title

CODE REVISER'S OFFICE WSR 86-08-0078

AMENDATORY SECTION (Amending Order 1193, filed 4/19/71)

WAC 16-462-010 CERTIFIED GRAPE NURSERY STOCK--GENERAL. (1) Vines may be registered as sources for the propagation of certified grape nursery stock when inspected, ~~((tested))~~ indexed, and found to be true-to-name and ~~((discernibly))~~ apparently free from virus and virus-like diseases ~~((by-procedures-outlined-in-this-program))~~.

~~((2))~~ ~~((Registration--and/or-certification-does-not-imply-any-warranty-on-the-part-of-the-department-or-any-employee-thereof.~~

~~((3))~~ The issuance of a certified state of Washington plant tag or stamp under this chapter affirms solely that the tagged or stamped rootstock 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.

(3) The department is not responsible for disease, genetic disorders, 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.

(4) Participation in ((this)) the certified grape nursery stock program shall be voluntary.

AMENDATORY SECTION (Amending Order 1583, filed 9/27/78)

WAC 16-462-015 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter unless the context otherwise requires:

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

(2) "Director" means the director of the department of agriculture or a duly appointed representative.

(3) "Virus infected (affected)" means presence of a virus(es) in a plant or plant part.

~~((2))~~ (4) "Virus-like" means a disorder of genetic or nontransmissible origin.

~~((3))~~ (5) "Off-type" means not true-to-name.

~~((4))~~ (6) "Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.

~~((5))~~ (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.

~~((6))~~ (8) "Registered vine" means ((that--in--a--mother--block and/or--foundation--block--a--number--has--been--assigned--by--the--department--to--a--grape--vine--that--has--been--inspected--and--tested--virus--free--in--accordance--with--the--provisions--of--this--program)) any vine propagated from the foundation block that has been inspected and indexed virus-free in accordance with recommendations of Washington State University, and is identified by the number assigned to the original vines in the foundation from which it was propagated.

~~((7))~~ (9) "Foundation block" means a planting of grape vines established, operated and maintained by Washington State University, that are indexed to be free from viruses and that are true-to-name. Cuttings to establish mother blocks ((will)) shall be furnished to the applicants by the Washington state department of agriculture. Written requests for foundation material ((must)) shall be received by the department of agriculture before December 1 of each year.

~~((8))~~ (10) "Mother block" means a planting of grape vines for which propagating material originated directly from the Washington State University foundation block or first generation plants originating from such stock. The mother blocks ((will)) shall be maintained

by the nurserymen and provide propagating wood to produce Washington certified grape nursery stock.

((9)) (11) "Washington certified grape nursery stock" means vines, rooted cuttings and cuttings taken or propagated directly from foundation or mother blocks and certified in accordance with the provisions of this ((program)) chapter. Certified plants grown in a greenhouse may be used for one growing season to propagate additional certified plants.

AMENDATORY SECTION (Amending Order 1583, filed 9/27/78)

WAC 16-462-020 CERTIFIED GRAPE NURSERY STOCK--REQUIREMENTS. (1) Applicant.

(a) The applicant ((nurseryman)) shall be responsible, subject to the approval of the department, for the selection of the location and the proper maintenance of mother blocks and nursery stock. ((He)) The applicant shall be responsible for maintaining the identity of all nursery stocks and mother block vines, and for keeping all plants in a thrifty growing condition and free of plant pests.

(b) ((He)) The applicant shall take suitable precautions in cultivation, irrigation, movement and use of equipment, and in other farming practices, to guard against spread of soil-borne pests to plantings entered under this program. ((He)) The applicant shall keep all areas clean cultivated except for cover crops.

(c) ((He)) The applicant shall remove and destroy immediately, following notification by the department, any registered vine or nursery plant found to be affected by a virus or virus-like disease or is off-type.

(d) The applicant agrees to make available to commercial grape growers, following the establishment of a mother block, at least seventy-five percent of certified cuttings or plants of each variety available each year.

(2) Location. The foundation block, all mother blocks and nursery stock shall be located at least ((400)) one hundred feet from any land on which noncertified grape vines have been grown within the past ten years.

(3) General.

(a) ((Plants-in-the-mother-blocks-shall-be-spaced-at-a-minimum-of 6-to-10-feet-in-the-row, and rows 10-feet-apart, with 16--to--20--feet between varieties--in--the--row.--These-spacing-requirements-will-not apply-to-mother-blocks-established-in-a-greenhouse.)) Plants of different varieties in the mother blocks shall be separated by a minimum of twelve feet in the row. The distance between rows of different varieties shall be a minimum of eight feet.

(b) Cuttings from each mother block variety and selection number ((must)) shall be identified and kept separate during the growing season.

(c) Treatment to eliminate soil-borne pests may be required.

(d) All nursery stock other than greenhouse grown plants shall comply with the grades and standards for Washington certified grape nursery stock as listed in the ((order)) section for grades and standards.

(e) Certified stock shall remain in the nursery no more than two growing seasons.

(f) ((The-state-of-Washington-department-of-agriculture-makes-no warranty,--expressed-or-implied,--or-representation-as--to--the--freedom from--disease-or-quality-of-grape-planting-stock.)) An inspection tag ((will)) shall be attached by the plant grower. Certification is based solely on visual inspections of sample plants of this lot which were found to meet tolerances prescribed in ((chapter-16-462-WAC)) the section on tolerances. Certification of this lot does not represent the freedom from disease or quality of any other lot of grape planting stock. Inspection reports of all lots of grape planting stock entered

for certification can be inspected at the Department of Agriculture, (Olympia) Seed Branch, 2015 South 1st Street, Yakima, Washington. (~~For a more detailed description of the certification requirements, read chapter 16-462-WAC.~~)

AMENDATORY SECTION (Amending Order 1193, filed 4/19/71)

WAC 16-462-025 CERTIFIED GRAPE NURSERY STOCK--INSPECTIONS (~~PROCESSES~~). The inspections (~~will~~) shall be made by the department and shall be conducted in a manner and at times determined as suitable.

(1) Foundation block.

(a) Two inspections shall be made during each growing season.

(b) Foundation vines (~~must~~) shall be pruned to allow some fruiting.

(2) Mother block.

(a) Two inspections shall be made during each growing season.

(b) Mother block vines (~~must~~) shall be pruned to allow some fruiting.

(3) Nursery stock.

(a) Two inspections shall be made during each growing season.

(b) The stock (~~will~~) shall also be inspected during or after digging and grading and (~~must~~) shall be apparently free of rootknot nematode, crown gall and other visible diseases and serious pest injury.

AMENDATORY SECTION (Amending Order 1583, filed 9/27/78)

WAC 16-462-030 CERTIFIED GRAPE NURSERY STOCK--APPLICATION AND FEES. (1) Application.

(a) The applicant (~~nurseryman~~) shall furnish information requested and shall give his consent to the department to take plants or plant parts from any planting for inspection or testing purposes.

(b) Application for inspection (~~must~~) shall be filed with the department by January 1 of each year accompanied by a one hundred seventy-five dollar application fee.

(c) Inspection fees established (~~are~~) shall be payable upon completion of the work to be done and (~~are~~) shall be for the sole purpose of defraying expenses incurred in the inspection, approval, registration, and certification procedures provided.

(d) Payment for inspection of mother blocks and nursery stock for registration and certification (~~must~~) shall be made upon completion of the inspection. Billing to the (~~nurseryman~~) applicant to be made by the (~~plant industry division~~) chemical and plant division, seed branch.

(2) Inspection fees.

(a) The inspection tags shall be furnished by the department of agriculture.

(b) The mother block and nursery stock inspection fee shall be (~~in accordance with chapter 16-400-WAC as adopted or hereafter amended, entitled horticultural inspection fees, WAC 16-400-240, hourly charge, and WAC 16-400-250, entitled mileage~~) eighteen dollars per hour, and mileage shall be charged at a rate established by the state office of financial management.

AMENDATORY SECTION (Amending Order 1193, filed 4/19/71)

WAC 16-462-035 CERTIFIED GRAPE NURSERY STOCK--TAGGING AND IDENTITY. (1) Tagging. The department (~~will--authorize~~) requires the use of official certification tags for the identification of nursery stock such as rooted cuttings and cuttings that meet the requirements of this (~~program~~) chapter.

(2) Identity. Any person selling Washington certified grape nursery stock (~~is~~) shall be responsible for the identity of such nursery stock. Persons issued tags authorized by (~~the--program~~) this chapter shall account by variety for stock produced and sold and keep such other records as may be necessary.

NEW SECTION

WAC 16-462-050 CERTIFIED GRAPE NURSERY STOCK--TOLERANCES. Specific requirements for grape nursery stock inspection tolerances are based solely on visual inspections of sample plants conducted according to WAC 16-462-025:

<u>Pest and diseases</u>	<u>Percentage tolerance for:</u>	
	<u>First Inspection</u>	<u>Second Inspection</u>
Fanleaf virus	0%	0%
Leafroll virus	0%	0%
Grape phylloxera	0%	0%

NEW SECTION

WAC 16-462-055 CERTIFIED GRAPE NURSERY STOCK--GRADES AND STANDARDS. All certified stock offered for sale shall be bundled in accordance with commercial practice and shall be correctly identified by one or more legible printed labels.

(1) Rooted cuttings.

(a) Grade No. 1 shall have one live cane at least nine inches long and shall be well rooted.

(b) Grade No. 2 shall have one live cane at least six inches long and shall be well rooted.

(2) Cuttings shall have at least three buds and shall not be less than nine inches long and at least one-fourth inch caliper at top end. Top bud shall not be more than two inches from tip of cutting. Basal bud shall be within one-fourth inch from basal end.

(3) Two year plants shall meet the same standard as rooted cutting Grade No. 1.

(4) Tolerances. In order to allow for variations incident to proper grading and packing, not more than a combined total of five percent by count, of the plants or cuttings in any lot shall fail to meet the requirements of the above grades.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-462-001 PROMULGATION.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-425-001 PROMULGATION.
WAC 16-425-010 GRADES AND STANDARDS.
WAC 16-425-015 EFFECTIVE DATE.