

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture
(agency name)

Administrative Order No. 1911

(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:

Apple Ermine Moth Quarantine, Chapter WAC 16-470

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

This action is taken pursuant to Notice No. filed with the code reviser on. 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, C. Alan Pettibone, 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:

Apple ermine moth is a serious defoliator of apple and crabapple trees and was not known to occur in the United States until its recent discovery in Skagit and Whatcom counties. This pest is well established in Europe and British Columbia, Canada and is considered to be one of the most destructive pests of apples in Europe.

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 17.24 RCW 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 October 16 1986

STATE OF WASHINGTON FILED

By C. Alan Pettibone

Director Title

OCT 17 1986

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

CODE REVISER'S OFFICE

WSR 86-21-090

NEW SECTION

WAC 16-470-500 APPLE ERMINE MOTH--QUARANTINE. The director finds that apple ermine moth (Yponomeuta malinellus Zeller) is a serious defoliator of apple and crabapple (Malus spp.) trees; and that apple ermine moth was not known to occur in the United States until its discovery in Whatcom and Skagit counties of the state of Washington; and that this pest is well established in Europe and British Columbia, Canada and is considered to be one of the most destructive pests of apples in Europe. A quarantine is established under this chapter to prevent the spread of apple ermine moth (Yponomeuta malinellus Zeller).

NEW SECTION

WAC 16-470-510 APPLE ERMINE MOTH--AREA UNDER QUARANTINE. The following areas are declared by the director to be under quarantine for apple ermine moth (Yponomeuta malinellus Zeller): Interior quarantine. Skagit and Whatcom counties.

NEW SECTION

WAC 16-470-520 APPLE ERMINE MOTH--COMMODITIES UNDER QUARANTINE. Commodities under quarantine for apple ermine moth (Yponomeuta malinellus Zeller) are all apple and crabapple (Malus spp.) trees and parts thereof except fruit.

NEW SECTION

WAC 16-470-530 APPLE ERMINE MOTH QUARANTINE--RESTRICTIONS --REQUIREMENTS. No quarantined commodities for apple ermine moth (Yponomeuta malinellus Zeller) may be moved from areas under quarantine (see WAC 16-480-510) except under the following conditions:

- (1) All quarantined commodities have been inspected by the department; and/or
- (2) All quarantined commodities have been treated for apple ermine moth as prescribed by the department; and
- (3) An official inspection document has been issued by the department indicating that the quarantined commodities have been inspected and/or treated as prescribed by the department.