

State of Washington

Department of Agriculture
(agency name)

Administrative Order No. 1967

(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 16-602 Apiary Inspection fees and standards for colony strength.

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

This action is taken pursuant to Notice No. WSR 88-03-058 filed with the code reviser on 1/20/88. 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 15.60 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 STATE OF WASHINGTON FILED

MAR 7 1988

March 7 1988

By [Signature] Deputy Director

CODE REVISER'S OFFICE WSR-88-07-018

NEW SECTION

WAC 16-602-005 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

- (1) "Director" means the director of agriculture of the state of Washington;
- (2) "Department" means the department of agriculture of the state of Washington;
- (3) "Apiary" includes bees, hives, and appliances, wherever they are kept, located, or found;
- (4) "Apiarist" means any person who owns bees or is a keeper of bees;
- (5) "Appliances" means any implements or devices used in the manipulating of bees or their brood or hives, which may be used in any apiary or any extracting or packing equipment;
- (6) "Bees" means honey producing insects of the species *apis mellifera* and include the adults, eggs, larvae, pupae, or other immature stages thereof, together with such materials as are deposited into hives by their adults, except honey and beeswax in rendered form;
- (7) "Colony" or "colonies of bees" refers to any natural group of bees having a queen;
- (8) "Hive" means any receptacle or container made or prepared for the use of bees, or box or similar container taken possession of by bees;
- (9) "Location" means any premises upon which an apiary is located.

AMENDATORY SECTION (Amending Order 1551, filed 3/31/78)

WAC 16-602-010 APIARY BOARD, AREA BOUNDARIES. The following are the geographical divisions of the beekeeping industry of Washington state which are represented by members of the apiary board as provided for in RCW 15.60.025:

- (1) Area 1. Area 1 shall include the counties of Whatcom, San Juan, Island, Skagit, Snohomish and King.
- (2) Area 2. Area 2 shall include the counties of Pierce, Kitsap, Clallam, Jefferson, Grays Harbor, Mason, Thurston, Pacific, Lewis, Wahkiakum, Cowlitz, Clark and Skamania.
- (3) Area 3. Area 3 shall include the counties of Kittitas, Yakima, Klickitat and Benton.
- (4) Area 4. Area 4 shall include the counties of Okanogan, Chelan and Douglas.
- (5) Area 5. Area 5 shall include the counties of Grant, Adams, Franklin, Walla Walla, Columbia, Garfield, Asotin and Whitman.
- (6) Area 6. Area 6 shall include the counties of Spokane, Lincoln, Ferry, Stevens and Pend Oreille.

AMENDATORY SECTION (Amending Order 1582, filed 9/27/78)

WAC 16-602-020 APIARY INSPECTION FEES. Fees for inspection of honeybees are as follows:

- (1) Certification of honeybees for out-of-state movement - ~~((12.00))~~ \$18.00 per hour.
- (2) Colony strength inspection - ~~((12.00))~~ \$18.00 per hour.
- (3) All other inspections or services requested by persons or those performed by the department as required by chapter 15.60 RCW - ~~((12.00))~~ \$18.00 per hour.

~~((2))~~ (4) For all inspection services performed after 5:00 p.m. or on Saturdays, or Sundays, or state legal holidays, an hourly ~~((charge))~~ rate equivalent of ~~((18.00))~~ \$27.00 per hour for actual hours spent in performance of duties ~~((must-be-made))~~ shall be charged by the department.

~~((3))~~ (5) The following state legal holidays will be observed: New Year's Day, Veterans Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the day following Thanksgiving Day, Christmas Day, ~~((Lincoln's-Birthday-and-Washington's-Birthday))~~ President's Day, and Martin Luther King, Jr.'s Birthday. NO SERVICE will be performed on Thanksgiving Day, Christmas Day or New Years Day, beginning at 5:00 p.m. on the previous day.

~~((4))~~ (6) Mileage. ~~((Whenever--necessary,))~~ Mileage ~~((will))~~ shall be charged at the rate established by the state office of financial management.

AMENDATORY SECTION (Amending Order 1582, filed 9/27/78)

WAC 16-602-030 COLONY STRENGTH. The official minimum standards required for honeybee colony strength certification in the state of Washington shall be ~~((six))~~:

(1) A honeybee colony to be used in agricultural crop pollination shall have a laying queen (be "queen right").

(2) Colonies shall consist of at least six frames, two-thirds covered with bees at a temperature of 65° Fahrenheit for orchard, berry, seed, and legume pollination.

~~((7))~~ (3) Hives shall consist of frames of drawn comb.

(4) The official minimum standards shall remain ((at--this strength)) as stated in subsection (2) of this section continuously ((from-year-to-year)) unless ((,--in-a-given-year,)) the director by his own motion or upon the advice of the apiary advisory board determines that a new standard may need to be established, in which case ((he will)) the director shall hold a hearing on this issue in accordance with chapter 34.04 RCW.

(5) The department may conduct any requested inspections to determine colony strength against the official minimum standards in subsection (2) of this section, or against specifications provided in signed contracts between the grower and beekeeper.