



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/23/95)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Repeal

(1) Date of adoption: August 22, 1995

(2) Purpose: Establish a Rough Bluegrass (*Poa Trivialis*) Quarantine in the State of Washington under Chapter 16-493 WAC.

(3) Citation of existing rules affected by this order: None
Repealed:
Amended:
Suspended:

(4) Statutory authority for adoption: Chapter 15.49 RCW
Other authority: Chapter 17.24 RCW

PERMANENT RULE ONLY

Adopted under notice filed as WSR 95-15-097 on July 19, 1995 (date).
Describe any changes other than editing from proposed to adopted version:

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date).

(5.3) Any other findings required by other provisions of law as precondition to adoption of effectiveness of rule?

- Yes
 - No
- If Yes, explain:

(6) Effective date of rule:

Permanent Rules

Emergency Rules

- 31 days after filing
- Other (specify) _____*
- Immediately
- Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

NAME (TYPE OR PRINT)

Jim Jesernig

SIGNATURE

TITLE

Director

DATE

8-22-95

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

AUG 22 1995

TIME: 4:33
WSR: 95-17-098

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with: None

Federal statute:	New _____	Amended _____	Repealed _____
Federal rules or standards:	New _____	Amended _____	Repealed _____
Recently enacted* state statutes:	New _____	Amended _____	Repealed _____

*(current calendar year)

The number of sections adopted at the request of a nongovernmental entity:

New 11 Amended _____ Repealed _____

The number of sections adopted on the agency's own initiative: None

New _____ Amended _____ Repealed _____

The number of sections adopted in order to clarify, streamline, or reform agency procedures: None

New _____ Amended _____ Repealed _____

The number of sections adopted using:

Negotiated rule making:	New _____	Amended _____	Repealed _____
Pilot rule making:	New _____	Amended _____	Repealed _____
Other alternative rule making:	New <u>11</u>	Amended _____	Repealed _____

Chapter 16-493 WAC

ROUGH BLUEGRASS QUARANTINE

NEW SECTION

WAC 16-493-001 Rough bluegrass quarantine--Establishing quarantine. The seeds of the crop known as rough bluegrass, *Poa trivialis* and its known strains, hereinafter referred to as rough bluegrass, is a threat to Kentucky bluegrass grass seed production; therefore, a rough bluegrass quarantine is established to prevent the introduction of rough bluegrass into major Kentucky bluegrass grass seed production areas, to control seed stocks to be planted for further seed increase, and to assure Kentucky bluegrass seed growers of a source of seed stock for planting purposes which is tested for presence of rough bluegrass. If Kentucky bluegrass seed becomes contaminated with rough bluegrass grass seed there would be a significant economic loss to Kentucky bluegrass growers in the state.

NEW SECTION

WAC 16-493-005 Rough bluegrass quarantine--Definitions. (1) "Person" means a natural person, individual, firm, partnership, corporation, company, society, or association, and every officer, agent, or employee thereof. This term shall import either the singular or the plural as the case may be.

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

(3) "Director" means the director of the department of agriculture or his/her duly authorized representative.

(4) "Rough bluegrass" means *Poa trivialis* and all related subspecies.

(5) "Nursery" means an area of two acres or less in which Kentucky bluegrass for seed production is seeded in rows with twenty-four-inch minimum spacings to facilitate roguing.

(6) "Seed stock" means those seeds of Kentucky bluegrass which are to be planted for seed increase or with intent of seed increase, except this definition does not include: Big Bluegrass, Upland Bluegrass, Brome, Meadow Fescue, Tall Fescue, Oatgrass, Orchardgrass, Timothy, or Wheatgrass.

(7) "Official seed laboratory" means a seed testing laboratory approved by the director, such as, but not limited to, Washington State Seed Laboratory, 2015 South First Street, Yakima, Washington;

and Oregon State Seed Laboratory, Oregon State University, Corvallis, Oregon.

(8) "Representative sample" means a sample drawn in accordance with sampling procedures adopted by the director, as found in WAC 16-304-020 and 16-304-040.

(9) "Rough bluegrass analysis certificate" means a test report from an official seed laboratory showing freedom from rough bluegrass based on a 25 gram sample.

NEW SECTION

WAC 16-493-010 Rough bluegrass quarantine--Regulated area. Areas regulated under the rough bluegrass quarantine include all counties in the state of Washington lying east of the Cascade Crest.

(1) This quarantine shall not apply: To experiments or trial grounds of the United States Department of Agriculture; to experiments or trial grounds of Washington State University experiment station; or to trial grounds of any person, firm, or corporation: *Provided*, That said trial ground plantings are approved by the director and under supervision of trained personnel familiar with rough bluegrass control.

(2) This quarantine shall not apply to seed production fields of rough bluegrass grown in Benton, Klickitat, or Yakima counties.

NEW SECTION

WAC 16-493-015 Rough bluegrass quarantine--Quarantine area. Areas quarantined under the rough bluegrass quarantine include all counties in the state of Washington lying west of the Cascade Crest and all areas outside of the state of Washington.

NEW SECTION

WAC 16-493-020 Rough bluegrass quarantine--Regulated articles. Articles regulated under the requirements of the rough bluegrass quarantine include:

- (1) Seed stocks of all varieties of Kentucky bluegrass.
- (2) Seed production fields of rough bluegrass.
- (3) This quarantine shall not apply to seed sown for forage or turf.

NEW SECTION

WAC 16-493-025 Rough bluegrass quarantine--Conditions governing movement of regulated articles. No seed stock shall be shipped, transported, moved in, or into the rough bluegrass quarantine regulated area unless such seed stock is accompanied by a test report from an official laboratory showing said seed stock is free of rough bluegrass on the basis of a minimum 25 gram analysis: *Provided*, That seed stock found to contain rough bluegrass may be planted in the regulated area if planted in a nursery under an inspection program as established by the Washington state department of agriculture.

NEW SECTION

WAC 16-493-030 Rough bluegrass quarantine--Procedure for clearing seed stocks. Each person moving, shipping or transporting seed stock in or into the rough bluegrass quarantine regulated area shall:

- (1) Submit an official laboratory analysis of a representative sample showing freedom from rough bluegrass; or
- (2) Have a representative sample submitted for testing.

NEW SECTION

WAC 16-493-035 Rough bluegrass quarantine--Seed stock containing rough bluegrass. Each lot of seed stock found to contain rough bluegrass shall be placed under "stop sale" to be released only for shipment out of the quarantine area or for planting in nurseries of two acres or less under supervision of, and approved by, an agent of the department of agriculture. The nursery shall be seeded in rows. It shall be the duty of the person receiving such seed to rogue this increase area or chemically treat to eradicate the rough bluegrass thus assuring production of seed that is free of rough bluegrass. Seed increase areas shall be inspected by the department at least three times during the seedling year. Any areas not passing inspection shall not be harvested, but instead shall be destroyed by the person who planted the increase area upon order of the director of the Washington state department of agriculture or his/her agent. If not destroyed as directed, the department of agriculture shall have the plot destroyed and the grower shall be liable for all expenses.

NEW SECTION

WAC 16-493-040 Rough bluegrass quarantine--Application for nursery inspection. A person shall make application for nursery inspection for rough bluegrass to the department of agriculture not later than fourteen days prior to planting.

NEW SECTION

WAC 16-493-045 Rough bluegrass quarantine--Fees. (1) Fees for sampling and analysis for the presence of rough bluegrass shall be that fee established by the director in WAC 16-304-039 through 16-304-050.

(2) Inspection fee for nursery plantings shall be fifty dollars per acre or portion thereof.

NEW SECTION

WAC 16-493-050 Rough bluegrass quarantine--Violation and procedures. (1) A person who is alleged to have violated the rough bluegrass quarantine shall meet with a representative of the department to discuss the allegation and determine:

(a) How it did occur;

(b) How much acreage is involved and location of all plantings;

(c) Corrective procedures, such as roguing, chemical treatment, etc., and the time frame for such work, or agreement for voluntary destruction of all acreage involved to avoid recurrence and minimize economic loss.

(2) Treated and rogued acreage shall be inspected by the department of agriculture three times during the seedling stages to assure freedom from rough bluegrass. The violator will be assessed an hourly inspection fee and a mileage fee where additional mileage is involved.

(3) Any person who violates the terms of this quarantine may be subject to the criminal and civil penalties provided in chapters 15.49 and/or 17.24 RCW.