

**WSR 24-19-044**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed September 11, 2024, 12:33 p.m.]

Subject of Possible Rule Making: Chapter 16-350 WAC, Registration and certification of fruit tree planting stock. The department of agriculture (department) is considering updates to this chapter that:

- Reflect changes to horticultural practices of the fruit tree nurseries since the rule was last updated in 2005;
- Align the certification standards with those found in the North American Plant Protection Organization (NAPPO) Regional Standards for Phytosanitary Measures (RSPM) 35;
- Adopt new international terminology for defining the relationship of propagation material to the virus tested foundation source;
- Address certification of tissue cultures; and
- Update application fees and how they are applied to assessment fees as necessary under WAC 16-350-045.

The department will also consider additional safeguards to the Washington tree fruit industry, aimed at reducing harmful pest introductions into the state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.14.015.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Washington's cherry orchards are experiencing high levels of little cherry virus 2 (LChV2) and X disease phytoplasma (Western X), resulting in an increased demand for virus-tested certified planting stock as the basis of an effective disease management strategy. This places the department's fruit tree certification program at the center of the solution, with an unprecedented number of requests for certification of budwood mother trees, certified seed trees, and rootstock stoolbeds.

Through a United States Department of Agriculture (USDA) funded grant, the department hired a facilitator to lead a working group of industry stakeholders aimed at increasing use of certified virus tested stock, improving communication with growers on best practices and harmonizing the certification rule with national and NAPPO standards. The working group has recommended a number of changes to the rule that would safeguard nursery production in the state by developing management strategies for the mitigation of pests and pathogens in nursery settings, as well as harmonize standards to support audit-based nursery certification initiatives.

Updating this rule to reflect updated practices and certification standards would result in:

(1) Supporting the continued export of certified planting stock by harmonizing the department's fruit tree certification program rules with the recently published national model standard and the recently revised NAPPO RSPM 35 standard, utilizing recommendations from a stakeholder driven working group to conduct rule making.

(2) Demonstrating model best practices to educate orchard growers and nurseries on how certification works to safeguard planting stock through comprehensive pest management.

(3) A reliable supply of pathogen tested nursery trees for re-planting orchards affected by Western X and LChV2 by safeguarding registered mother trees from field vectors for these regionally occurring threats.

(4) Increased utilization of certified planting stock by orchardists in the Pacific Northwest through building confidence in the department's certified fruit tree program and improved communication with stakeholders.

(5) Provide a more equitable application of fees between growers and nurseries.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholder groups. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Brooks, Plant Services Program Manager, 1111 Washington Street S.E., Olympia, WA 98504, phone 360-485-1235, fax 360-902-2094, TTY 800-833-6388 or 711, email sbrooks@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>; or Greg Haubrich, Assistant Director, Plant Protection Division, 1111 Washington Street S.E., Olympia, WA 98504, phone 360-902-2071, fax 360-902-2094, TTY 800-833-6388 or 711, email ghaubrich@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>.

September 9, 2024  
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