

**Chapter 16-478 WAC
EUROPEAN CORN BORER**

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-478-001	Promulgation. [Order 607, Promulgation, effective 7/23/51.] Repealed by WSR 00-23-097, filed 11/21/00, effective 12/22/00. Statutory Authority: Chapter 17.24 RCW.
16-478-00101	Promulgation. [Order 1476, § 16-478-00101, filed 7/2/76.] Repealed by WSR 00-23-097, filed 11/21/00, effective 12/22/00. Statutory Authority: Chapter 17.24 RCW.
16-478-060	Enforcing powers. [Order 607, effective 7/23/51.] Repealed by WSR 00-23-097, filed 11/21/00, effective 12/22/00. Statutory Authority: Chapter 17.24 RCW.
16-478-070	Federal shipments exempt. [Order 607, effective 7/23/51.] Repealed by WSR 00-23-097, filed 11/21/00, effective 12/22/00. Statutory Authority: Chapter 17.24 RCW.
16-478-080	Commodities covered subject to other rules and regulations. [Order 607, effective 7/23/51.] Repealed by WSR 00-23-097, filed 11/21/00, effective 12/22/00. Statutory Authority: Chapter 17.24 RCW.
16-478-090	Disposition of violations and penalties. [Order 607, effective 7/23/51.] Repealed by WSR 00-23-097, filed 11/21/00, effective 12/22/00. Statutory Authority: Chapter 17.24 RCW.
16-478-100	Common carrier agents must hold shipments. [Order 607, effective 7/23/51.] Repealed by WSR 00-23-097, filed 11/21/00, effective 12/22/00. Statutory Authority: Chapter 17.24 RCW.

WAC 16-478-010 Establishing quarantine for European corn borer.

European corn borer (*Ostrinia nubilalis*) is a nonnative, invasive insect which has infested most of North America since its introduction in the early 1900's. Its host range constitutes a wide range of plants, including important food and nursery crops grown in this state. The director of agriculture, pursuant to authorities in chapter 17.24 RCW, has determined that the exclusion of European corn borer at all stages of its life cycle is necessary to protect the environmental quality and agricultural crops of the state of Washington.

[Statutory Authority: Chapter 17.24 RCW. WSR 00-23-097, § 16-478-010, filed 11/21/00, effective 12/22/00; Order 607, effective 7/23/51.]

WAC 16-478-020 Area under quarantine. All states and districts of the United States except the states of Arizona, California, Idaho, Nevada, Oregon and Utah.

[Order 607, effective 7/23/51.]

WAC 16-478-030 Definitions. (1) "European corn borer inspection certificate" means a certificate issued by an authorized agent of the agricultural regulatory agency of the state of origin, which includes all of the following information:

- (a) Kind and quantity of the commodity in the shipment lot.
- (b) Railway car number or vehicle identification of the carrier.
- (c) Names and addresses of both the shipper and the consignee.
- (d) Date issued.
- (e) Identity of issuing agent.

(f) Any other information required in WAC 16-478-050. If the certificate includes information regarding fumigation as a treatment

method, the certificate must include the material(s) used, the dosage schedule, temperature, period of exposure, and date of treatment.

(2) "Infested area" means any area located within the following:

(a) Entire states of Alabama, Arkansas, Connecticut, Colorado, Delaware, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, or the District of Columbia; or

(b) Portions of the state of Texas in Bailey, Carson, Castro, Dallam, Deaf Smith, Floyd, Gray, Hale, Hansford, Hartley, Hutchinson, Lamb, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Robers, Sherman and Swisher counties; or

(c) Portions of the state of Florida in Escambia and Santa Rosa counties.

(3) "Noninfested area" means all locations in the area under quarantine as designated in WAC 16-478-020 that are not listed as infested in WAC 16-478-030(2).

(4) "Phytosanitary certificate" means a certificate issued by a government agency under authority of state or federal statute, which declares or establishes the pest status of a shipment of plants or plant parts under accepted inspection or sampling procedures. Phytosanitary certificates are patterned after model certificates of the International Pest Protection Convention.

[Statutory Authority: Chapter 17.24 RCW. WSR 00-23-097, § 16-478-030, filed 11/21/00, effective 12/22/00; Order 607, effective 7/23/51.]

WAC 16-478-040 Regulated articles. The following products and commodities are regulated under this quarantine as hosts or possible carriers of European corn borer:

(1) Corn, broomcorn, sorghums, and Sudan grass plants and plant parts (including, but not limited to, seed and shelled grain, and stalks, ears, cobs, and all other parts, fragments, or debris).

(2) Beans in the pod, beets, celery, bell pepper fruits, endive, Swiss chard, and rhubarb (cut or plants with roots).

(3) Cut flowers or entire plants of aster, chrysanthemum, calendula, cosmos, hollyhock, marigold, zinnia, Japanese hop, dahlia (except tubers without stems) and gladiolus (except corms without stems).

[Statutory Authority: Chapter 17.24 RCW. WSR 00-23-097, § 16-478-040, filed 11/21/00, effective 12/22/00; Order 607, effective 7/23/51.]

WAC 16-478-050 Requirements for shipping regulated articles from an area under quarantine. (1) For shelled grain, seed, and stalks, ears, cobs and other parts, fragments, or debris from an infested area, unless the shipment is addressed in subsection (3) of this section. Shelled grain, seed, and stalks, ears, cobs, and other parts, fragments, or debris of corn, broomcorn, sorghums, and Sudan grass, grown in or shipped from the infested area described in WAC 16-478-030, will be admitted into the state of Washington only when each lot or shipment is accompanied by a European corn borer inspection certificate stating that the conveyance (such as a railcar or

truck) was inspected and found free of regulated articles and that at least one of the following conditions has been complied with:

(a) The grain or seed has been passed through a 1/2 inch or less mesh screen or otherwise cleaned prior to loading and is believed to be free from stalks, cobs, stems or other plant parts capable of harboring larvae of the European corn borer;

(b) The grain, seed, or stalks, ears, cobs or other parts, fragments, or debris has been treated, sterilized, or disinfected in a manner approved by the director as adequate to control European corn borer.

(2) For shelled grain, seed, or stalks, ears, cobs, or other parts, fragments, or debris from a noninfested area, unless the shipment is addressed in subsection (3) of this section. Shelled grain, seed, and stalks, ears, cobs, or other parts, fragments or debris of corn, broomcorn, sorghums, and Sudan grass, grown in or shipped from the noninfested area described in WAC 16-478-030(3) will be admitted into the state of Washington only when each shipment or lot is accompanied by a European corn borer inspection certificate stating both of the following:

(a) That all grain, seed, or stalks, ears, cobs, or other parts, fragments or debris in the shipment was produced in an area where European corn borer is not known to exist based on negative survey data; and

(b) That the continued identity of the shipment has been maintained to assure the shipment was not blended or mixed with grain, seed, plants, plant parts, fragments, or debris produced in or shipped from an infested area.

(3) For small lots and packages of seed. Individual shipments or lots of one hundred pounds or less of clean shelled grain or seed and shipments comprised of packages of less than ten pounds, are exempted from the requirement for a European corn borer inspection certificate stated in subsections (1) and (2) of this section. These small lots are admitted into this state subject to inspection and freedom from other plant parts, fragments, and debris capable of harboring European corn borer.

(4) For vegetable and ornamental plants and plant products. Beans in the pod, beets, celery, bell pepper fruits, endive, Swiss chard, and rhubarb (cut or plants with roots), cut flowers and entire plants of aster, chrysanthemum, calendula, cosmos, hollyhock, marigold, zinnia, Japanese hop, dahlia, (except tubers without stems) and gladiolus (except corms without stems), produced in or shipped from the infested area described in WAC 16-478-030 above will be admitted into the state of Washington only when each lot or shipment is accompanied by a phytosanitary certificate stating that all plants, products or cut flowers in the shipment or lot have been inspected and that one of the following is true:

(a) The shipment was found free from infestation by the European corn borer; or

(b) The plants, products, or cut flowers were grown in a greenhouse in which all host plants have been regularly inspected during the growing season and no evidence of European corn borer was found; or

(c) The plants, products or cut flowers have been treated, sterilized or disinfected in a manner approved by the director as adequate to control European corn borer.

(5) Exemptions.

(a) The requirement for a phytosanitary certificate is waived for shipments or lots of 10 pounds or less of beans in the pod, beets, bell peppers, endive, Swiss chard or rhubarb (cut or plants with roots).

(b) During the period November 30 to May 1, the requirement for a phytosanitary certificate is waived for divisions without stems of the previous year's growth, rooted cuttings, seedling plants and cut flowers of aster, chrysanthemum, calendula, cosmos, hollyhock, marigold, zinnia and Japanese hop.

(c) No restrictions are placed by this chapter on movement of regulated articles listed in WAC 16-478-040 which are processed or manufactured in such a manner as to eliminate all danger of carrying European corn borer.

[Statutory Authority: Chapter 17.24 RCW. WSR 00-23-097, § 16-478-050, filed 11/21/00, effective 12/22/00; Order 1476, § 16-478-050, filed 7/2/76; Order 607, effective 7/23/51.]

WAC 16-478-065 Special permits. The director may issue special permits to allow regulated articles grown in or shipped from a quarantine area to enter the state. A special permit may be issued if the director determines that the conditions of the permit are sufficient to protect the environmental quality and agricultural crops of the state of Washington.

[Statutory Authority: Chapter 17.24 RCW. WSR 00-23-097, § 16-478-065, filed 11/21/00, effective 12/22/00.]