



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: December 29, 1999

(2) Purpose: The rule would adopt a quarantine to prevent establishment of purple nutsedge in this state. It requires inspection and certification at the point of origin for out-of-state shipments of nursery and nursery-related products from areas known to be infested with the weed. It forbids planting or propagating purple nutsedge, allows for certain permits and provides for its disposal, if found.

(3) Citation of existing rules affected by this order:

Repealed:  
Amended:  
Suspended:

(4) Statutory authority for adoption: Chapter 17.24 RCW, RCW 17.10.074(1)(c), and Chapter 15.13 RCW  
Other Authority:

### PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 99-22-100 on November 3, 1999 (date).

Describe any changes other than editing from proposed to adopted version: The states of Delaware and Minnesota were deleted from the areas regulated under this quarantine.

### 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 or effectiveness of rule?:

- Yes     No    If Yes, explain:

(6) Effective date of rule:

#### Emergency Rules

#### Permanent Rules or Expedited Repeal

- 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

December 29, 1999

#### CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

DEC 29 1999

TIME 8:15

WSR 00-02-033

ALL  
P.M.

**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:**

<b>Federal statute:</b>	New	-----	Amended	-----	Repealed	-----
<b>Federal rules or standards:</b>	New	-----	Amended	-----	Repealed	-----
<b>Recently enacted state statutes:</b>	New	-----	Amended	-----	Repealed	-----

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

New	-----	Amended	-----	Repealed	-----
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**The number of sections adopted in the agency's own initiative:**

New	<u>4</u>	Amended	-----	Repealed	-----
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	-----	Amended	-----	Repealed	-----
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	-----	Amended	-----	Repealed	-----
<b>Pilot rule making:</b>	New	-----	Amended	-----	Repealed	-----
<b>Other alternative rule making:</b>	New	<u>4</u>	Amended	-----	Repealed	-----

## PURPLE NUTSEDGE QUARANTINE

### NEW SECTION

**WAC 16-752-700 Establishing quarantine for purple nutsedge.** Purple nutsedge (*Cyperus rotundus*) is a highly invasive, herbaceous perennial and is commonly considered one of the most serious noxious weeds in agronomic crops in the world. Purple nutsedge propagates by seed, rhizomes, bulbs and nutlets. Soil containing nutlets is the primary mode by which purple nutsedge spreads. The establishment of purple nutsedge in Washington would cause reduction in native vegetation and great economic loss to the agricultural industries of the state. The director of agriculture, pursuant to authorities in chapter 17.24 RCW, RCW 17.10.074 (1)(c) and chapter 15.13 RCW, has determined that the regulation and exclusion of purple nutsedge and its parts, seeds, rhizomes, bulbs and nutlets is necessary to protect the environmental quality and agricultural crops of the state of Washington.

### NEW SECTION

**WAC 16-752-705 What articles are regulated under the quarantine of purple nutsedge and what do you need to ship regulated articles into Washington?** (1) All plants or plant parts, including seeds and propagules, of purple nutsedge (*Cyperus rotundus*).

(2) Any of the following articles entering the state of Washington from the states of Alabama, Arizona, Arkansas, California, Florida, Georgia, Hawaii, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas and Virginia, the territories of Puerto Rico and the Virgin Islands, and any other state, territory or district of the United States where purple nutsedge is found are regulated under this quarantine as hosts or possible carriers of purple nutsedge:

(a) All plants with roots, including planting medium and containers, except house plants;

(b) Soil, humus, compost or manure, except for commercially packaged products;

(c) Sod;

(d) Plant crowns, tubers or roots for propagation; and

(e) Any other article or means of conveyance, when it is determined by the department to present a hazard of spreading live purple nutsedge due to infestation or exposure to infestation.

(3) Shipment of the regulated articles described in subsection (2) of this section into or within the state of Washington must be accompanied by a certificate of inspection issued by an authorized state or federal regulatory authority from the state or entity of origin. The certificate of inspection must certify that the regulated article(s) has been inspected and found free of purple nutsedge and its plant parts, seeds, rhizomes, bulbs and nutlets.

#### NEW SECTION

**WAC 16-752-710 Acts prohibited by this purple nutsedge quarantine.** (1) Except under the terms of a compliance agreement with the department, the movement into or within the state of Washington of the following is prohibited:

(a) All purple nutsedge plants and purple nutsedge plant parts, including seeds and propagules; and

(b) Soil, humus, compost, bark, sawdust, ground wood products or manure contaminated with purple nutsedge seed, rhizomes, bulbs or nutlets.

(2) Planting or propagation of purple nutsedge is prohibited.

(3) Shipment of any of the regulated articles described in WAC 16-752-705(2) into or within the state of Washington without a certificate of inspection issued in accordance with WAC 16-752-705(3) is prohibited.

(4) The department may issue permits allowing actions otherwise prohibited under this section subject to the department's conditions and provisions necessary to prevent the introduction, escape or spread of purple nutsedge as prescribed in the permits.

#### NEW SECTION

**WAC 16-752-715 Disposal of articles regulated under this purple nutsedge quarantine.** Any regulated articles that are in violation of this purple nutsedge quarantine are subject to destruction, shipment out-of-state or other disposition in a manner prescribed by the department. Any such action will be at the expense of the owner or owner's agent and without compensation.