



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: May 17, 2002

(2) Purpose: The purpose of existing WAC 16-462 is to provide the grape industries of Washington with high quality planting stock that is free of harmful pests and true to type. The purpose of this amendment is to update the grapevine certification program by increasing the varieties available as Washington certified stock, by certifying the stock apparently free from two additional virus diseases, and by clarifying existing text.

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

Repealed:

Amended: WAC 16-462-015, 16-462-020, 16-462-021, 16-462-022, 16-462-025, 16-462-030, 16-462-050

Suspended:

(4) Statutory authority for adoption: Chapter 15.14 RCW

Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 02-08-085 on April 3, 2002 (date).

Describe any changes other than editing from proposed to adopted version: None

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:

(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:

Permanent Rules

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

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

Emergency Rules

- Immediately
- Later (specify) _____

Name (Type or Print)

William E. Brookreson

Signature

Title
Acting Director

Date
May 17, 2002

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAY 20 2002

1115

TIME _____ AM/PM

WSR 02-11-100

(COMPLETE REVERSE SIDE)

**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:

Federal statute:	New	Amended	Repealed
Federal rules or standards:	New	Amended	Repealed
Recently enacted state statutes:	New	Amended	Repealed

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

New	Amended	Repealed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

New	Amended	<u>7</u>	Repealed
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	Amended	<u>3</u>	Repealed
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The number of sections adopted using:

Negotiated rule making:	New	Amended	Repealed	
Pilot rule making:	New	Amended	Repealed	
Other alternative rule making:	New	Amended	<u>7</u>	Repealed

AMENDATORY SECTION (Amending WSR 99-12-025, filed 5/25/99, effective 6/25/99)

WAC 16-462-015 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Aseptic shoot tip propagation" means aseptically removing a vegetative shoot tip from growth arising from a dormant cutting from a foundation plant or from green growth (i.e., softwood) from a foundation plant during the growing season and aseptically transferring this shoot tip to a suitable vessel containing an appropriate culture medium.

(2) "Certified grape planting stock" means vines, rooted cuttings, cuttings or grafted plants taken or propagated directly from foundation vines, registered vines or certified (~~(plants grown in a green house for one year and certified)~~) in compliance with the provisions of this chapter.

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

(4) "Director" means the director of the department of agriculture or the director's designee.

(5) "Foundation block" means a planting of grapevines established, operated and maintained by Washington State University, or other equivalent sources approved in writing by the director, that are indexed and found free from viruses designated in this chapter and that are not off-type.

(6) "Index" means determining whether a virus infection is present by means of inoculation from the plant to be tested to an indicator plant or by any other testing method approved by the department.

(7) "Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.

(8) "Off-type" means appearing under visual examination to be different from the variety listed on the application for registration (~~(or)~~) and certification, or exhibiting symptoms of a genetic or nontransmissible disorder.

(9) "Registered block" means a planting of registered grapevines maintained by a nursery and used as a source of propagation material for certified grapevines.

(10) "Registered vine" means any vine propagated from (~~(the)~~) a foundation block approved by the director, identified (~~(by the number assigned to the original)~~) to a single vine (~~(in the foundation block from which it was propagated)~~) source, and registered with the Washington state department of agriculture, in compliance with provisions of this chapter.

(11) "Virus-like" means a graft-transmissible disorder with symptoms resembling a characterized virus disease, including, but

not limited to, disorders caused by viroids and phytoplasmas.

AMENDATORY SECTION (Amending WSR 99-12-025, filed 5/25/99, effective 6/25/99)

WAC 16-462-020 Requirements for participation in the grape planting stock program. (1) The applicant shall be responsible, subject to the approval of the department, for the selection of the location and the proper maintenance of registered blocks and planting stock.

(2) The applicant must maintain ~~((the identity))~~ records identifying the source of registered vines ~~((The applicant must maintain records identifying the source of))~~ and certified planting stock. The applicant must make these records available to the department upon request.

(3) The applicant shall take suitable precautions in cultivation, irrigation, movement and use of equipment, and in other farming practices, to guard against spread of soil-borne pests to planting stock entered in this program. The applicant shall keep all registered blocks and certified planting stock clean cultivated except for approved cover crops.

(4) Following notification by the department the applicant shall remove and destroy immediately any registered vine or certified planting stock found to be off-type or affected by a virus or virus-like disease or a ~~((quarantined))~~ quarantine pest.

(5) ~~((The foundation block,))~~ Registered blocks and certified planting stock must be located at least one hundred feet from any land on which noncertified or nonregistered grape vines have been grown within the past ten years.

AMENDATORY SECTION (Amending WSR 99-12-025, filed 5/25/99, effective 6/25/99)

WAC 16-462-021 Requirements for registered blocks. (1) All registered grapevines must be identified by the number assigned to the ~~((original grapevine))~~ single vine source in the foundation block from which they were taken.

(2) With the exception of practices allowed in subsections (3) and (4) of this section, registered plants must be propagated directly from cuttings taken from ~~((the))~~ a foundation block.

(3) Plants propagated from ~~((the))~~ a foundation block by aseptic shoot tip propagation and grown entirely under greenhouse conditions may serve as a source of softwood cuttings or shoot tip culture used to establish a registered block or registered

grapevines.

(4) Registered grapevines may be propagated from other registered grapevines within the same registered block for the purpose of increasing the size of the registered block or for replacement (~~((grape vines))~~) grapevines.

(5) Grapevines of different varieties in registered blocks must be separated by a minimum of twelve feet within the row. The distance between rows of different varieties must be a minimum of eight feet.

AMENDATORY SECTION (Amending WSR 99-12-025, filed 5/25/99, effective 6/25/99)

WAC 16-462-022 Requirements for certified planting stock.

(1) Certified planting stock must be propagated from cuttings taken from registered or foundation grapevines.

(2) Cuttings from registered blocks must be sorted and kept separate by variety and selection number or clone.

(3) Treatment to control nematodes and other soil-borne pests may be required at any time by the department.

(4) All certified planting stock other than greenhouse grown plants must comply with the grades and standards for Washington certified grape planting stock as listed in WAC 16-462-055.

(5) Certification is based solely on (~~((visual inspection of grape planting stock that is found to meet))~~) compliance with the requirements prescribed in WAC 16-462-050 and other requirements of this chapter.

AMENDATORY SECTION (Amending WSR 99-12-025, filed 5/25/99, effective 6/25/99)

WAC 16-462-025 Foundation, registered, and certified grape planting stock--Inspections.

(1) Inspections and indexing of (~~((foundation,))~~) registered grapevines and certified planting stock will be performed by the department at times (~~((it determines))~~) determined to be suitable for the detection of virus and virus-like disease symptoms.

(2) (~~((The foundation block and registered blocks must be indexed and reindexed periodically, as required to comply with))~~) The department will index registered grapevines by methods listed in Appendix 1 of the North American Plant Protection Organization (NAPPO) ((standards for phytosanitary measures - requirements for the importation of grapevines into a NAPPO member country)) Grapevine Standard.

(3) ~~((Two inspections of foundation and registered planting stock must be performed by the department))~~ The department will conduct at least two inspections of registered grapevines during each growing season.

(4) Except for varieties to be used solely as rootstock, ~~((foundation and))~~ registered grape vines used for the production of certified planting stock must be pruned to allow some fruiting.

(5) ~~((Certified planting stock must be inspected))~~ The department will inspect certified planting stock at least three times per ((growing season by the department)) year, twice during the growing season and once during or after harvest.

(6) ~~((Certification or registration will be refused or withdrawn))~~ The department will refuse or withdraw registration or certification for any planting stock ((which)) that is infested or infected with any quarantine pest.

AMENDATORY SECTION (Amending WSR 00-01-149, filed 12/21/99, effective 1/21/00)

WAC 16-462-030 Certified grape nursery stock--Application and fees. (1) The applicant shall furnish all information requested on the application form and shall give consent to the department to take ~~((plants or plant parts))~~ samples from any planting stock enrolled in the program as registered or certified grapevines for inspection or indexing.

(2) Application for ~~((inspection))~~ registration and certification shall be filed with the department by January 1 of each year accompanied by a one hundred seventy-five dollar application fee.

(3) Inspection, phytosanitary certification, indexing and testing fees are due upon completion of services.

(4) Fees for inspection, phytosanitary certification, and testing shall be assessed at the appropriate rate established in chapters 16-401 and 16-470 WAC. Mileage for inspections and other on-site services shall be charged at a rate established by the state office of financial management.

AMENDATORY SECTION (Amending WSR 99-12-025, filed 5/25/99, effective 6/25/99)

WAC 16-462-050 Certified grape planting stock--Requirements. ~~((Specific requirements for grape planting stock are based solely on visual inspections conducted according to WAC 16-462-025.))~~ Certified plants must be apparently free of ~~((grape))~~ grapevine

fanleaf virus, ~~grape leafroll virus~~) & grapevine leafroll-associated viruses, ((~~grape~~) grapevine corky bark ((~~virus~~)) disease agent, grapevine rupestris stem pitting virus, arabis mosaic virus, tomato ringspot virus, grape phylloxera, root knot nematode, crown gall and other visible diseases or serious pest injuries.

AMENDATORY SECTION (Amending WSR 99-12-025, filed 5/25/99, effective 6/25/99)

WAC 16-462-055 Certified grape planting stock--Grades and standards. All certified stock offered for sale must be bundled in accordance with commercial practice and correctly identified by one or more legible printed labels.

(1) Grades for rooted cuttings are as follows:

(a) Grade No. 1 must have one live cane at least nine inches long and must be well rooted.

(b) Grade No. 2 must have one live cane at least six inches long and must be well rooted.

(2) Cuttings must have at least three buds and be at least nine inches long. The basal bud must be within one-half inch of the basal end.

(3) Two-year plants shall meet the same standard as rooted cutting Grade No. 1.

(4) ((~~Tolerances~~)) In order to allow for variations incident to proper grading and packing, not more than a combined total of five percent by count, of the plants or cuttings in any lot may fail to meet the requirements of the grades set forth in this section.