

FROM: Department of Agriculture
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. 1300
Emergency rules
relating to (Name of rules or description of subject matter)

Fruit Trees - Registration and Certification

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 3906 ① filed with the code reviser
on 2/27/73 ② were regularly adopted as permanent rules of this
(date)
agency at Olympia, Washington on 3/26/73 and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 34.04
RCW. The effective date of such rules shall be 4/25/73 ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of
these rules is necessary for the preservation of the public
health, safety, or general welfare and that observance of the
requirements of notice and opportunity to present views on
the proposed action would be contrary to the public interest,
were regularly adopted as emergency rules of this agency at
_____ on _____ and are herewith filed in
(place) (date)
the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter
34.04 RCW and of the Open Public Meetings Act of 1971, chapter
42.30 RCW (1971 ex.s. c 250) have been fulfilled.

Dated this twenty sixth day of March 1973.

STATE OF WASHINGTON
FILED
MAR 26 1973
CODE REVISER'S OFFICE
DOCKET # 4678 FILE # 26

Department of Agriculture
(AGENCY)
Stewart Bledsoe
By Stewart Bledsoe
Director of Agriculture
Title

- ① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)
- ② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)
- ③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING: RCW 34.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.

TRANSMITTAL OF RULES ADOPTED

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(Name of Agency)

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Chapter 16-350

Fruit Trees--Registration and Certification

OLYMPIA
ORDER NO. 1300
(Supersedes Order No. 1275)
Effective April 25, 1973
FRUIT TREES--REGISTRATION AND CERTIFICATION

AMD WAC 16-350-003 PROMULGATION. (This promulgation relates to WAC 16-350-003, WAC 16-350-015, WAC 16-350-020, WAC 16-350-025, WAC 16-350-030, WAC 16-350-032, WAC 16-350-035, WAC 16-350-040, WAC 16-350-045, WAC 16-350-060 and WAC 16-350-070.)

I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under Chapter 15.14 RCW and after due notice and public hearing held in Olympia, Washington, on March 20, 1973, pursuant to Chapters 42.30 and 34.04 RCW do hereby promulgate the following regulations relating to Fruit Trees--Registration and Certification.

WAC 16-350-010 GENERAL. (1) Trees may be registered as root-stock and top-stock sources for the propagation of certified nursery stock when inspected, tested and found to be true-to-name and discernibly free from harmful virus and virus-like diseases by procedures outlined in this program.

(2) Registration and/or certification does not imply any warranty on the part of the department or any employee thereof.

(3) Participation in this program shall be voluntary.

AMD WAC 16-350-015 DEFINITIONS. (1) "Virus infected (affected)" means presence of a harmful virus(es) in a plant or plant part.

(2) "Virus-like" means a disorder of genetic or non-transmissible origin.

(3) "Off-type" means not true-to-name.

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

(5) "Index" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant or by any other method.

(6) "Registered tree" means that a registration number has been assigned by the department to a tree or clonal planting that has been inspected and tested in accordance with the provisions of this program.

(7) "Scion-block" means a planting of registered trees which serves as a source of scionwood for the propagation of "Washington certified fruit tree nursery stock".

(8) "Seed-block" means a planting of registered prunus seed trees which serves as a source of seed for producing root-stock used in the propagation of "Washington certified fruit tree nursery stock".

(9) "Stool bed" means a clonal planting of self-rooted registered trees for the specific purpose of producing vegetatively propagated rootstock used in the propagation of "Washington certified fruit tree nursery stock".

(10) "Washington certified fruit tree nursery stock" means nursery grown seedlings, clonal rootstocks originating from registered trees and nursery grown trees propagated by using top-stock from registered trees and rootstock originating from registered trees except as herein provided for certain rootstocks.

(11) "Washington certified fruit tree seed" means seed produced on registered seed trees.

AMD

WAC 16-350-020 REQUIREMENTS. (1) The applicant nurseryman shall be responsible, subject to the approval of the department, for the selection of the location and the proper maintenance of registered plantings being grown under the provisions of this program. The applicant nurseryman shall be responsible for maintaining the identity of all nursery stock entered in this program in a manner approved by the department. Any planting entered in this program shall be kept in a thrifty growing condition and free of plant pests.

(2) There shall be no budding, grafting, or top-working of registered trees in any scion-block, seed-block or stool bed.

(3) Any plant found to be affected by a virus or virus-like disease or if off-type shall be removed and destroyed immediately from any planting following notification by the department.

AMD

WAC 16-350-025 SCION-BLOCKS. (1) Location. A scion-block shall be located not less than 100 feet from any non-registered cultivated plant of the Rosaceae family. The ground in a scion-block and for a distance of 20 feet surrounding it shall be kept either clean cultivated or in an approved, properly controlled, ground cover. Registered scion-block trees shall be planted and maintained in a manner and at sufficient distance that branches of different varieties do not overlap. Registered scion-block trees shall not be used for propagation purposes until trueness-to-name has been established. Each tree shall bear a permanent registration number.

(2) Acceptability. The rootstock and top-stock sources of the scion-block trees shall have originated from foundation trees established under this program, or from virus-tested trees originating through the Inter-regional Project No. 2 (IR-2). If the tree is scion-rooted, its source shall have met the above requirements. Only registered trees shall be permitted in the scion-block.

AMD

WAC 16-350-030 SEED-BLOCKS. (1) Location. A prunus seed-block shall be located not less than 100 feet from any non-registered plant of the Prunus species. The ground in a seed-block and for a distance of 20 feet surrounding the seed-block shall be kept clean cultivated or in an approved, controlled ground cover. Each tree shall bear a permanent registration number.

(2) Acceptability. The rootstock and top-stock sources of the seed-tree shall have originated from foundation trees established under this program or from virus-tested trees originating through the Inter-Regional Project No. 2 (IR-2). If the tree is scion-rooted, its source shall have met the above requirements. Only registered trees shall be permitted in the seed-block.

NEW

WAC 16-350-032 STOOL-BEDS. (1) Location. A stool-bed shall be located not less than fifty (50) feet from any non-registered cultivated plant of the Rosaceae family. The following exception will apply. Non-registered stool-beds may be located no less than ten (10) feet from Registered Stool-bed plantings. The ground in a stool-bed and for a distance of ten (10) feet surrounding it shall be kept clean cultivated.

(2) Acceptability. Existing stool-beds that index clean on the commonly used virus indicators will qualify as Registered Stool-beds. New stool-beds (those planted after January 1, 1976) shall have originated from foundation stock established under this program, or from virus-tested plants originating through the Inter-Regional Project No. 2 (IR-2). If the tree is scion-rooted, its source shall have met the above requirements. Only registered trees shall be permitted in the stool-bed.

AMD

WAC 16-350-035 NURSERY STOCK. (1) Rootstocks. All stone and pome fruit nursery stock being grown for Blue Tag Certification shall be on rootstocks from registered trees except for stone fruit trees grown on peach seedlings and pome fruit trees grown on apple and pear seedlings. These seedling rootstocks, when grown from commercial seed, will be acceptable if seed transmissible virus content does not exceed five percent. Clonal rootstocks used in the production of Washington Certified Blue Tag Nursery Stock must originate from Registered Stool-beds.

(2) Location. Nursery stock being grown for certification shall be planted sufficiently apart to maintain its identity and shall be kept clean cultivated. It shall be designated as to root-stock, top-stock, and interstock sources. There shall be no rebudding or regrafting of nursery row stock unless such stock is reworked with budwood from the same registered scion-tree.

(3) Seed. Certified seed shall have been produced on Registered Seed Trees only.

(4) Tagging. A Blue Tag shall designate trees produced from Registered Scion-source trees and which have been propagated on rootstocks produced from Registered Seed-source or Stool-bed trees; or which are self-rooted.

A yellow tag shall designate trees produced from Registered Scion-source trees and which have been propagated on rootstocks which originate from non-virus-tested sources.

All nursery stock meeting the requirements of this program when sold shall have the variety, interstock and rootstock designated where applicable as follows: Variety/interstock/rootstock.

(5) Acceptability. All nursery stock meeting the requirements of this program shall be known as Washington Certified Fruit Tree Nursery Stock.

AMD

WAC 16-350-040 INSPECTION AND TESTING. (1) Methods and procedure. Inspection and testing procedures prescribed in this program may be made only by the department and shall be conducted in a manner and at times determined as suitable. The methods and procedures used for making the virus disease determinations will conform to IR-2 standards.

(2) Inspection of nursery stock for certification. At least one visual inspection shall be made of nursery rootstock in a planting for certification during the first growing season. At the request of the department any undesirable rootstock shall be rogued before propagation. At least two visual inspections shall be made of nursery stock during the growing season following bud or graft placement.

The department shall refuse certification in part or all of a planting if plants have been propagated from registered trees determined to be affected by a virus or virus-like disease or if other requirements of this program have not been met.

AMD WAC 16-350-045 APPLICATION AND FEES. (1) Application.

(a) The applicant nurseryman shall furnish to the department all information pertinent to the operation of this program and shall give his consent to the department to take propagating wood from any tree for testing purposes.

(b) Trees registered and used under the provisions of the Washington State Nursery Improvement Program shall be deemed usable as registered scion-trees and seed-trees if they meet the requirements outlined in this program.

(c) Application for inspection and indexing of registered scion and seed-trees and for inspection of nursery stock for certification must be filed with the department by June 1 of each year accompanied by an application fee. The application fee will consist of \$100.00 plus \$1.00 for each seed-tree entered in this program.

(2) Fees. The application fee will apply toward the 1 percent annual assessment on the gross sale price of the wholesale market value for all fruit trees, fruit tree seedlings and fruit tree rootstock sold within the state or shipped from the state of Washington by any licensed nursery dealer during any license period, as set forth in Chapter 15.13.130 RCW: PROVIDED, That no refund of the application will be allowed.

WAC 16-350-050 TAGGING AND IDENTITY. (1) Tagging. The department will authorize the use of official certification tags for the identification of nursery stock or seed that meet the requirements of this program.

(2) Identity. Any person selling Washington certified fruit tree nursery stock or seed is responsible for the identity of the stock bearing each tag and for such nursery stock meeting the requirements of this program. Persons issued tags authorized by the program shall account for stock produced and sold and keep such records as may be necessary.

AMD WAC 16-350-060 GRADES AND STANDARDS FOR WASHINGTON CERTIFIED FRUIT TREE NURSERY STOCK AND SEED. (1) All certified fruit tree nursery stock offered for sale is to be bundled in accordance with commercial practice and shall be identified by one or more legible printed labels.

WAC 16-350-065 STATUTORY DECLARATION OF UNLAWFUL ACTS.
RCW 15.14.140 states: "It shall be unlawful for any person to sell, offer for sale, hold for sale, label, identify, represent or to advertise any planting stock as being certified, registered, foundation or breeder planting stock unless it has been inspected by the director and he has issued a certificate stating that such planting stock has met the requirements of this act and rules adopted hereunder and that it is properly identified and labeled."

NEW

WAC 16-350-070 EFFECTIVE DATE. This order shall take effect on and after April 25, 1973.

I hereby certify that the foregoing is a true and correct copy of the regulations promulgated.

Stewart Bledsoe

Stewart Bledsoe
Director of Agriculture
State of Washington

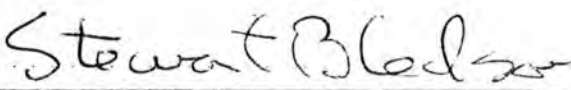
Signed at Olympia, Washington

Date: March 26, 1973

WAC 16-350-065 STATUTORY DECLARATION OF UNLAWFUL ACTS.
RCW 15.14.140 states: "It shall be unlawful for any person to sell, offer for sale, hold for sale, label, identify, represent or to advertise any planting stock as being certified, registered, foundation or breeder planting stock unless it has been inspected by the director and he has issued a certificate stating that such planting stock has met the requirements of this act and rules adopted hereunder and that it is properly identified and labeled."

NEW WAC 16-350-070 EFFECTIVE DATE. This order shall take effect on and after April 25, 1973.

I hereby certify that the foregoing is a true and correct copy of the regulations promulgated.


Stewart Bledsoe
Director of Agriculture
State of Washington

Signed at Olympia, Washington

Date: March 26, 1973