

TRANSMITTAL OF RULES ADOPTED

FROM: Department of Agriculture
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)
OLYMPIA 98504

The enclosed rules Permanent rules , being Order No. 1449
Emergency rules

relating to (Name of rules or description of subject matter)
issuing of phyto-sanitary certificates for vegetable seeds.

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

pursuant to Notice No. _____ ① filed with the code reviser
on _____ ② were regularly adopted as permanent rules of
(date)
this agency at _____ on _____ 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 _____ ③

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

pursuant to its finding in the attached administrative order,
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 Olympia, Washington on 4/29/76 and
(place) (date)
are herewith filed in 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 have been fulfilled.

Dated this twenty-ninth day of April 1976.

STATE OF WASHINGTON
FILED
APR 29 1976
CODE REVISER'S OFFICE
DOCKET # _____ FILE # _____

AGRICULTURE
(AGENCY)
Stewart B. Nelson
By _____
Director
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.
[Order 9, filed 9/25/74, eff. 10/25/74] [Form CR-2: Rev. 9/21/74]

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
Emergency Order No. 1449
(Supersedes Orders 1251 & 1410)
Effective April 29, 1976

I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.49 RCW and 34.04 RCW do hereby promulgate the following emergency regulations relating to the issuing of phyto-sanitary certificates.

The adoption of this emergency order is necessary to provide a stronger and more complete disease inspection program for vegetable seed fields in both eastern and western Washington. The inspection of these fields will begin in May and is necessary prior to issuing a final phyto-sanitary certificate for the marketing of these seeds for export and domestic use. The production of disease-free seed is essential to the welfare of the seed industry in this state.

WAC 16-316-295 REGULATION AND PROCEDURE FOR ISSUANCE OF PHYTO-SANITARY CERTIFICATE. Phyto-sanitary certificate is a certificate stating a specific seed crop was inspected a predetermined number of times and a specified disease was not found; or a certificate based on area surveillance stating a specific disease, as far as known, does not occur in the area of production.

WAC 16-316-310 APPLICATION FOR INSPECTION AND DUE DATES.

(1) The applicant must submit an application for each field stating the disease or diseases for which inspection is requested.

(a) Applications for field inspections of spring seeded crops are due May 1 for peas in the Columbia Basin, July 1 for beans and May 15 for all other crops.

(b) Applications for crops requiring a fall inspection are due 30 days prior to inspection time and not later than September 15. Applications may be accepted after September 15 at the discretion of the Seed Branch.

(2) To be eligible for Pseudomonas pisi phyto-sanitary certificate for peas or other diseases based on area surveillance, the applicant must file a report listing acreage and general location (such as block and unit if possible) before May 1.

(3) Applications received after due date will be assessed a late fee - acceptance is at the discretion of the certifying agency.

(4) Each applicant shall submit applications and/or required reports stating diseases for which inspection is to be made and the number of inspections required and/or requested.

(5) Application must be submitted to the Seed Branch, 2015 South 1st Street, Yakima, Washington 98903, before due date with required fees.

WAC 16-316-315 FEES AND CHARGES. (1) Fee for area and field inspection:

(a) Field Inspection (payable with application). For each required inspection (per acre or fraction thereof)...\$ 2.00 (With minimum fee of \$10.00 per field per inspection).

(b) Area Inspection (per 100 lbs).....\$ 0.05 Billed at time certificate is issued with a minimum of \$10.00 and a maximum of \$100.00 per certificate.

(2) Late Application Penalty Fee.....\$10.00 This additional fee shall be charged for each application received after due date.

(3) Sampling fee when sampling is required:

(a) Beans, peas, lentils, cereal grains (per 100 lbs)\$0.03

(b) Other crops (per 100 lbs).....\$0.15

(4) Tagging fee when phyto-sanitary tag is requested:

(a) Beans, peas, lentils, cereal grains (per 100 lbs)\$0.15

(b) Other crops (per 100 lbs).....\$0.25

(5) Serology test:

Fee to be established by the state of Idaho. An official 5 pound sample is required from each 10,000 pounds or portion thereof. Officially drawn samples will be submitted to: State Plant Pathologist, Idaho Department of Agriculture, P.O. Box 410, Twin Falls, Idaho 83301.

(6) Fees for services not listed in this order shall be set on the basis of the actual cost to the department of agriculture or the most appropriate fee established will be used.

(7) Nursery grow-out plots, etc: Per hour.....\$12.50

Applicant will also be billed at the rate of 13¢ per mile, plus \$8.25 per hour travel time when additional travel is required. Attempts will be made to combine work assignments keeping additional travel to a minimum.

WAC 16-316-320 LAND AND PRODUCTION REQUIREMENTS. (1) A field to be eligible for production of a crop for phyto-sanitary certificates must not have been planted to said crop within the past three years if said crop was known to be contaminated with specific disease in question.

(2) A field must have clean, cultivated boundaries.

(3) Excessive weeds, poor stands, lack of vigor, or any other condition which is likely to make inspection inaccurate may be cause for rejection.

(4) Additional land and/or production requirements may be adopted after consultation with industry representative and area specialist for specific disease and/or crops.

(5) The department of agriculture may, in addition to the following inspection procedures, require a laboratory (serology) test and/or a greenhouse test or other testing methods.

(6) The combined results of field inspection and laboratory (serology), greenhouse tests and/or other testing methods, when required or available, may be used to determine final eligibility for phyto-sanitary certificate.

WAC 16-316-326 PHYTO-SANITARY CERTIFICATE FOR PEAS. (1)
Specific diseases of peas for which phyto-sanitary certificate
will be issued:

(a) Pseudomonas pisi (Sackett)

(b) Pea Seed-borne Mosaic Virus - based on two field
inspections.

(2) Pea seed to be eligible for a phyto-sanitary certificate
stating freedom from Pseudomonas pisi (Sackett):

(a) Based on area inspection must be free of the disease
in question as determined by area inspection of at least 10%
of the acreage and not less than 200 acres in each specified
inspection area. The department of agriculture will also con-
duct a survey of county extension agents, extension pathologists,
and plant pathologists at experiment stations and Washington
State University. Each company desiring his production eligible
must make inspections of the fields throughout the growing sea-
son. If symptoms of said disease are found, it must be reported
to the Seed Branch, Department of Agriculture, 2015 South 1st
Street, Yakima, Washington 98903, immediately. At the end of
the growing season, and not later than September 1, each appli-
cant must file a report with the Seed Branch, Department of
Agriculture, based on company pathologist inspections and what
other information he may have if the disease in question was
or was not observed.

(b) Based on field inspection must be free of said disease
as determined by one field inspection made during growing stage
most optimum for detecting of said disease.

(3) Pea seed to be eligible for certificate stating freedom
from Pea Seed-borne Mosaic Virus must be free of said disease as
determined by one inspection at 2 to 4 weeks after seedling emer-
gence, and second inspection 1 to 2 weeks before dry pod stage.

(a) It is recommended that breeding nurseries, isolation
nurseries, and/or small seed-increase plots be entered for
inspection. No certificate will be issued on these nurseries.

(b) Phyto-sanitary certificates for 1975 crop and older
carryover seed lots may be obtained by planting a representative
one pound sample in isolated grow-out plots. Certificate issued
will indicate the basis is on grow-out test.

WAC 16-316-327 PHYTO-SANITARY CERTIFICATE FOR BEANS. (1)
Specific bacterial diseases of beans for which phyto-sanitary
certificates will be issued are:

(a) Halo Blight - Pseudomonas medicaginis var. phaseoli-
cola (Burk.) Dows.

(b) Common Bean Blight - Xanthomonas phaseoli (E. F. Sm.)
Dows.

(c) Fuscous Blight - Xanthomonas phaseoli var. fuscans
(Burk.)

(d) Bean Bacterial Wilt - Corynebacterium flaccumfaciens
(Hedges) Dows.

(e) Or any varieties or new strains of these diseases.

(2) Common bean seed to be eligible for a phyto-sanitary
certificate covering the bacterial diseases listed above, must
be free of the diseases in question as determined by field in-
spection during the growing season and by a windrow inspection.
(Serology test and greenhouse test may be accepted in lieu of
windrow inspection at the discretion of the department of agri-
culture.

(3) Snap beans, small white and kidney beans grown under sprinkler irrigation will not be eligible for phyto-sanitary certificates covering bacterial diseases.

(4) Field inspection requirements:

(a) At least two field inspections are required for beans being inspected for the bacterial diseases listed above:

(i) The first inspection is required when the plants are at the third-leaf stage or when the plants are grown.

(ii) The second inspection is required when the plants are in the windrow.

WAC 16-316-328 PHYTO-SANITARY CERTIFICATE FOR OTHER CROPS AND DISEASES. (1) Phyto-sanitary certificates may be issued covering other crops and other diseases depending upon occurrence, symptoms, and hosts. Inspection procedure and requirements for issuing phyto-sanitary certificates will be determined after consultation with area specialists.

(a) To be eligible for phyto-sanitary certificates, applicant must submit his request as early as possible to allow adequate time to develop procedures and requirements.

(b) Only one field inspection will be provided unless it is determined that it is necessary to make inspections at different times during the growing season to detect symptoms of the disease in question.

WAC 16-316-300, 305 and 325 are hereby repealed.

I hereby certify the foregoing is a true and correct copy of the regulations promulgated by the department of agriculture.

Stewart Bledsoe
STEWART BLEDSOE
Director

Signed at Olympia, WA

Dated: 4/29/76