

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF AGRICULTURE

(agency name)

Administrative Order No. 1867

(1) I, C. Alan Pettibone, director of Washington State Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

HOP ROOTSTOCK CERTIFICATION, CHAPTER WAC 16-354.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. WSR 85-11-079 filed with the code reviser on 5/22/85. These rules shall take effect: [X] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). [] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that this order 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 public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

[X] (a) This rule is promulgated pursuant to RCW RCW 15.14 and is intended to administratively implement that statute. [] (b) This rule is promulgated pursuant to RCW which directs that the

(agency) has authority to implement the provisions of (name of act or RCW citation)

[] (c) This rule is promulgated under the general rule-making authority of the (agency)

as authorized in RCW

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED July 15 19 85

JUL 16 1985

By C. Alan Pettibone

Director Title

CODE REVISER'S OFFICE WSR 85-15-046.

AMENDATORY SECTION (Amending Order 1264, filed 5/10/72)

WAC 16-354-005 HOP ROOTSTOCK--GENERAL. (1) Rootstocks of hops (*Humulus Lupulus L.*) may be designated as foundation stock, registered stock and certified stock when inspected, tested and found to be true-to-name (not off-type) and discernibly free from virus (~~not-virus infected~~) (prunus necrotic ringspot strains) and virus-like diseases, downy mildew, verticillium wilt, crown gall, rootknot nematode, hop cyst nematode or other serious pests, by procedures and inspections outlined in this program.

(2) ~~((Certification--does--not--imply--any--warranty--on--the--part--of--the--department--or--any--employee--thereof--~~

~~(3))~~ The issuance of a certified state of Washington plant tag or stamp under this chapter affirms solely that the tagged or stamped hop rootstock has been subjected to certification standards and procedures by the department. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

(3) The department is not responsible for disease, genetic disorder, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter. No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

(4) Participation in ((this)) the hop rootstock certification program shall be voluntary.

AMENDATORY SECTION (Amending Order 1264, filed 5/10/72)

WAC 16-354-010 DEFINITIONS. (1) "Virus infected (affected)" means presence of virus(es) in a plant or plant part.

(2) "Virus-like" means a disorder of genetic or nontransmissible 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))~~ (5) "Foundation rootstock" means ((a-planting-of-hop rootstock)) slips or rhizomes, cuttings and rooted plants taken from hop stocks established((--operated)) and maintained by Washington State University, that are indexed, and believed to be free from known viruses and that are true-to-name. Cuttings or rooted plants, ((to establish--registered--blocks,--will)) which shall be used to establish registered mother blocks shall be furnished to the applicant for a fee determined by Washington State University.

~~((7))~~ (6) "Registered ((rootstock"--means--rootstock--produced from--foundation--or-registered-rootstock-and-has-met-the-requirements as-herein-provided)) mother block" means a planting of hop stocks established from foundation rootstock.

~~((8))~~ (7) "Certified rootstock" means rootstock produced from registered ((rootstock)) mother blocks and ((has--met)) meeting the requirements as herein provided.

~~((9))~~ (8) "Verticillium wilt" means the disease caused by Verticillium albo-atrum Reinke & Berth. or hop strains of this organism.

~~((10))~~ (9) "Downy mildew and/or black rot" means the disease caused by Pseudoperonospora humuli Miy. & Tak., G. W. Wils. Black roots caused by this disease shall not be permitted.

~~((11))~~ (10) "Crown gall" means the disease caused by Agrobacterium tumefaciens E. F. Sm. & Towns., Conn.

((42)) (11) "Rootknot nematode"(Meloidogyne sp.)

((43)) (12) "Hop cyst nematode"(Heterodera humuli) Filipjev.

((44)) (13) "Crown" means a slip or layered stem cutting with visible buds, that has been grown for ((4)) one or ((2)) two years.

(14) "Fairly fresh" means that the roots or cuttings are not excessively wilted.

(15) "Firm" means that the plant parts are not soft or spongy, although they may yield to slight pressure.

(16) "Moist" means that the plant parts are reasonably turgid and not dried to a degree that would affect normal growth.

(17) "Fairly clean" means that the plant parts are not matted or caked with dirt.

(18) "Mold" means that the plants shall be free from excessive mold or decay. Plants slightly affected by mold shall be allowed.

(19) "Freezing injury" means that the roots shall be of a normal color and only moderately affected by discolored roots which affect the normal growth of the plant.

(20) "Broken or mutilated rootstock" means the breaking of the root section or splitting of the plant part or other mechanical injury that would affect the normal growth of the plant.

AMENDATORY SECTION (Amending Order 1631, filed 5/17/79)

WAC 16-354-020 FIELD STANDARDS FOR PRODUCTION OF ((REGISTERED AND)) CERTIFIED HOP ROOTSTOCK. (1) Land requirements ((--(a)--A field to be eligible for production of registered or certified hop rootstocks--must--never--have--grown--hops,--provided--that--a--field--is--eligible--to--be--replanted--with--the--identical--hop--strain--of--equal--standards.

((b)) Land proposed for producing registered and certified hop rootstocks--must--be--approved--by--the--department--in--respect--to--location, drainage and adaptability):

(a) A registered mother block to be eligible for the production of certified rootstock shall be planted in a site that has been out of hop production three years (poles and trellis removed).

(b) New land (land that has never grown hops) proposed for the establishment of registered mother blocks shall be approved by the department prior to planting in respect to location, drainage and adaptability.

(c) Old hop land proposed for the establishment of registered mother blocks shall be inspected the season prior to planting in order to determine the absence of holdover hop plants: PROVIDED, That a field is eligible to be replanted with the identical hop strain of equal standards.

(d) Hop hullings shall not be spread over proposed planting sites prior to and/or during certified rootstock production.

(2) Isolation requirements ((=)):

(a) A field to be eligible for production of ((registered or)) certified hop rootstock ((must)) shall be separated by ((an--uncultivated)) a strip of ground ((and)) at least twenty-one feet from any other hop plants ((unless these plants also meet the requirements of this program)).

(b) A grower of ((registered or)) certified hop rootstocks may grow ((one or)) more than one hop ((varieties)) variety or strain ((s provided)): PROVIDED, That each ((such)) variety or strain is separated by not less than twenty-one feet.

(3) Plant requirements ((--(a)--Only propagations from hop roots of approved strains which have been grown--as--foundation--or--registered stock may be planted for the production of registered rootstock.

((b))--Only--propagations--from--hop--roots--of--approved--strains--which--have--been--grown--as--registered--stock--may--be--planted--for--the--production--of--certified--rootstock.

((c))--Registered--and--certified--stock--shall--remain--in--the--nursery--no--more--than--four--growing--seasons:--PROVIDED,--That--if--seeded--plants--are

found, the field will be disqualified in the year following discovery of such plants:

(d)):

(a) Only foundation rootstock shall be planted to establish a registered mother block for the production of certified rootstock.

(b) Registered mother blocks shall remain in place no more than four growing seasons: PROVIDED, That after four years, rootstock to be certified may be moved to a new eligible site if approved by a Washington State University pathologist: PROVIDED FURTHER, That if male plants are found, the field will be disqualified in the year following discovery of the male plants.

(c) In roguing, growers ((must)) shall dig and immediately destroy all low yielding, unhealthy appearing, off-type, diseased or otherwise abnormal plants.

((e)) (d) Plant pests and weeds ((are-to)) shall be effectively controlled.

AMENDATORY SECTION (Amending Order 1264, filed 5/10/72)

WAC 16-354-030 HOP ROOTSTOCK INSPECTIONS. (1) The first inspection shall be for downy mildew, verticillium wilt and other diseases and pests. The presence of verticillium wilt ((with)) shall disqualify the field.

(2) The second inspection, depending on suitable weather conditions, ((would)) shall be primarily for detection of viruses.

(3) Rootstocks. The planting material((s)) (slips or rhizomes, layered stem cuttings, or crowns ((s-must))) shall be inspected at digging and/or at planting time to determine freedom from serious pests.

AMENDATORY SECTION (Amending Order 1631, filed 5/17/79)

WAC 16-354-040 HOP ROOTSTOCK CERTIFICATION APPLICATION AND FEES. (1) The applicant grower shall furnish to the department all information pertinent to the operation of ((this)) the hop rootstock certification program and shall give his/her consent to the department to take material from registered mother blocks and/or greenhouses for examination and testing.

(2) Application for inspection and testing of registered ((and certified-stock-must)) mother blocks and certified stocks shall be filed with the department by April 1 of each year accompanied by a ((\$40)) seventy-five dollar application fee.

(3) Inspection fees are ((\$42.50)) sixteen dollars for each acre ((or--fraction--thereof)) per inspection with a minimum fee of eighty dollars for five acres or less per inspection.

(4) Payment for inspection of registered mother blocks and nursery stock for registration and certification ((must)) shall be made upon completion of the inspection. Billing to the ((nurseryman--to)) nursery stock grower shall be made by the ((plant-industry)) chemical and plant division.

AMENDATORY SECTION (Amending Order 1264, filed 5/10/72)

WAC 16-354-050 HOP ROOTSTOCK TAGGING AND IDENTITY. (1) Tagging. The department ((will)) shall issue a certificate covering hop rootstock((s)) that meets the requirements of ((this)) the hop

rootstock certification program and authorize the use of official certification tags for the identification of such rootstock((s)).

(2) Identity. Any person selling certified hop rootstock ((is)) shall be responsible for the identity of the stock bearing each tag and for ((such)) the stock meeting the requirements of ((this)) the hop rootstock certification program. Persons issued tags authorized by the certification program shall account for stock produced and sold, and keep ((such)) records as may be necessary. Containers for hop rootstocks ((must)) shall be new.

AMENDATORY SECTION (Amending Order 1264, filed 5/10/72)

WAC 16-354-070 HOP ROOTSTOCK FIELD STANDARDS. (1) The unit of certification ((will)) shall be the entire lot within the field standing at the time of inspection.

(2) Specific requirements. (Percentage tolerances)

| | ((Registered)) ((-----)) | Certified ----- |
|---|-----------------------------|---------------------|
| Downy mildew | ((0)) | ((5%)) <u>1%</u> |
| <u>Nematodes (visible)</u> | | <u>1%</u> |
| Verticillium wilt | ((0)) | 0 |
| <u>Virus (Prunus necrotic ringspot strains)</u> | ((0)) | ((0-4%)) |

0

((a)-Mosaic
(b)-Ringspot-line-pattern)

NEW SECTION

WAC 16-354-090 HOP ROOTSTOCK GRADES AND STANDARDS. (1) Grades for hop clones which inherently produce slips or rhizomes and/or layered stem cuttings of small caliper shall be determined by a committee appointed by the Washington hop commission.

(2) Washington No. 1 shall consist of hop slips or rhizomes and/or layered stem cuttings of one strain, not less than five inches in length and not less than five-sixteenths inch in diameter and containing at least one visible bud, crowns not less than six inches in length and not less than three-fourths inch in diameter, with one or more visible buds which are:

- (a) Fairly fresh.
- (b) Firm.
- (c) Moist.
- (d) Fairly clean.
- (e) Free from damage caused by:
 - (i) Mold.
 - (ii) Freezing injury.
 - (iii) Broken or mutilated rootstocks.
 - (iv) Crown gall.
 - (v) Black rot.

NEW SECTION

WAC 16-354-100 HOP ROOTSTOCK TOLERANCES. (1) In order to allow for variations incident to proper grading and packing, not more than a combined total of six percent, by count, of the rootstocks in any lot shall fail to meet the requirements of the above grade, and not more than six percent of the rootstock shall have rhizomes or layered stem cuttings less than five inches in length.

(2) The contents of individual containers in the lot, based on sample inspection, are subject to the following limitation: PROVIDED, That the averages for the entire lot are within the tolerances specified: When a tolerance is six percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified.

(3) Hop plants shall be packed to retain a fresh condition.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-354-080 EFFECTIVE DATE.