

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1875 PH

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

do promulgate and adopt at Olympia, WA (place)

the annexed rules relating to: Chestnut quarantine in Chapter WAC 16-470.

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

This action is taken pursuant to Notice No. WSR 85-17-019 filed with the code reviser on Aug. 13, 1985. 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 17.24 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 September 30 19 85 By C. Alan Pettibone Director

STATE OF WASHINGTON FILED OCT 8 1985 CODE REVISER'S OFFICE WSR 85-21-003

NEW SECTION

WAC 16-470-400 QUARANTINE--CHESTNUT. The director finds that chestnut pests not known to occur in Washington may be detrimental to the chestnut industry of Washington state and a quarantine is established to prevent the introduction of designated chestnut pests into Washington state.

NEW SECTION

WAC 16-470-410 CHESTNUT--AREA UNDER QUARANTINE. The area under quarantine for designated chestnut pests includes all states and districts of the United States.

NEW SECTION

WAC 16-470-420 CHESTNUT--PESTS. The following are designated chestnut pests: Chestnut bark disease (*Endothia parasitica*); large chestnut weevil (*Curculio caryatrypes*); small chestnut weevil (*Curculio sayi*); nut curculio (*Conotrachelus carinifer*); and the oriental chestnut gall wasp (*Dryocosmus kuriphilus*).

NEW SECTION

WAC 16-470-430 CHESTNUT PESTS--HOSTS AND CARRIERS--COMMODITIES UNDER QUARANTINE. Commodities under quarantine are all known carriers of designated pests listed in WAC 16-470-420, including but not limited to all species and varieties of chestnut (*Castanea spp.*) and chinquapin (*Castanopsis spp.*) trees, plants and parts thereof including grafts, cuttings, scions, nuts, logs and firewood.

NEW SECTION

WAC 16-470-440 CHESTNUT QUARANTINE--RESTRICTIONS--REQUIREMENTS. Commodities under quarantine for designated chestnut pests are prohibited entry into Washington state from areas under quarantine (see WAC 16-470-410) except as provided below:

(1) Commodities under quarantine produced in Arizona, California, Idaho, Nevada, Oregon and Utah may be shipped into Washington state: PROVIDED, That each shipment is identified by proper origin certification stating the shipment originated in that state.

(2) Commodities under quarantine produced in any area of Montana, Wyoming, Colorado, New Mexico, or any states east thereof may be shipped into Washington state: PROVIDED, That each shipment is accompanied by a certificate bearing original or facsimile signature of the authorized agricultural official affirming that chestnut bark disease, large chestnut weevil, small chestnut weevil, nut curculio, and oriental chestnut gall wasp are not known to occur within the production area of the origin state.

(3) Commodities under quarantine produced in any area where chestnut bark disease, large chestnut weevil, small chestnut weevil,

nut curculio, and oriental chestnut gall wasp are known to occur may be shipped into Washington state: PROVIDED, That the commodities under quarantine have been treated in a manner recommended by the origin department of agriculture or university extension service and approved by the department. Each shipment shall be accompanied by a certificate bearing the original or facsimile signature of the authorized agricultural official stating the commodity is free from quarantined pests, and stating in detail the treatment used.

(4) No restrictions are placed on the nuts of all species and varieties of chestnut and chinguapin that are grown in and imported from foreign countries as regulated by the United States Department of Agriculture and reshipped into Washington state when shipped in unopened, original containers.

(5) In addition to all other penalties prescribed in WAC 16-470-015, all host material listed in WAC 16-470-430 entering Washington state in violation of this quarantine will immediately be shipped out of Washington or destroyed by the person or persons in possession of the material in a manner approved by the department at no cost to the department.