

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1932

(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:

Certification of caneberry and strawberry plants in Chapter 16-333, 16-328, and 16-329.

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

This action is taken pursuant to Notice No. WSR 87-09-085 filed with the code reviser on 4/22/87. 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 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 June 8 1987

STATE OF WASHINGTON FILED

By [Signature] Deputy Director Title

JUN 9 1987

CODE REVISER'S OFFICE WSR 87-13-016

AMENDATORY SECTION (Amending Order 1876, filed 11/5/85)

WAC 16-333-020 CERTIFYING AGENCY ISSUANCE OF CERTIFICATE. (1) The issuance of a certified state of Washington plant tag or stamp under this chapter affirms solely that the tagged or stamped caneberry stock 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.

(2) 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.

(3) Participation in the caneberry planting stock certification program shall be voluntary.

AMENDATORY SECTION (Amending Order 1876, filed 11/5/85)

WAC 16-333-040 CANEBERRY CERTIFICATION FEES. (1) Caneberry certification application fee. ((The certification application fee shall be one hundred dollars for one acre or less; ten dollars for each additional acre or fraction thereof.

(2) Final certification fee.--The final certification fee shall be an additional ten dollars for each acre or fraction thereof, due and payable when accepted by the department at the time of completion of last field inspection.--Fees shall not be refunded unless notice of withdrawal is received in writing before the first inspection is made. Each separate greenhouse or greenhouse lot and each field plot of one acre or less shall be considered one acre.--A separate application shall be made for each cultivar and/or unit entered for certification. Each lot of each cultivar shall be listed separately on the application.--Lots under observation by the department shall pay the usual certification fees.)) The applicant shall furnish all information requested on the application for inspection and shall allow the department to take plants or plant parts from any planting for inspection and testing purposes. A separate application shall be made for each cultivar and/or unit entered for certification. Each lot of each cultivar shall be listed separately on the application. Lots under observation by the department shall pay the inspection fees. Applications for inspection shall be filed with the seed branch, 2015 South First Street, Yakima, Washington 98903 by May 15 each year accompanied by a one hundred dollar fee.

(2) Inspection fees. The inspection fee shall be eighteen dollars per hour and mileage shall be charged at a rate established by the state office of financial management. Inspection fees shall be payable upon completion of work done and shall be for the sole purpose of defraying expenses incurred in the inspection and certification of caneberry nursery stock. Billing to the applicant shall be made by the seed branch.

(3) Applications for certification shall reach the department's seed branch, 2015 South First Street, Yakima, WA 98903, by May 15 each year.

(4) A grower desiring to produce certified caneberry plants as herein provided shall establish with the department facts evidencing sufficient experience to produce healthy, high quality stock.

(5) Failure to pay fees when due shall result in removing the applicant from the certification program.

(6) No application from any grower owing the department for previous fees shall be considered.

AMENDATORY SECTION (Amending Order 1876, filed 11/5/85)

WAC 16-333-050 REQUIREMENTS FOR PRODUCTION OF CANEBERRY FOUNDATION AND REGISTERED STOCK. (1) Land requirements:

(a) A field to be eligible for the production of foundation or registered planting stock shall not have grown or have been planted to caneberry plants or solanaceous crops during the previous five years unless planted with plants of same cultivar and classification. This requirement may be modified upon approval of the certification agency when tarp fumigated with chloropicrin and methyl bromide fumigant. An inspection and approval of the land by the certification agency is required after treatment prior to planting to ensure adequate varietal purity of the caneberry planting:

(b) Acceptable records shall be presented to the department of nematode sampling of the land in question which show that plant parasitic nematodes are not present in harmful quantities; and

(c) Fumigate the land in accordance with approved commercial practices compatible with current recommendations of the Washington State University extension service; and

(d) An insect-proof screenhouse or greenhouse may be used for production of foundation or registered planting stock: PROVIDED, That all other land requirements are met.

(2) Isolation requirements:

(a) Plantings entered for certification shall be grown in areas sufficiently isolated from sources of caneberry viruses by distance or natural barriers to minimize current infection.

(b) Cultivars within the plantings entered for certification shall be separated by not less than fourteen feet. The space between cultivars shall be kept deeply cultivated to prevent intermingling roots.

(3) Plant requirements:

(a) Only nuclear planting stock which has been indexed and regularly reindexed for virus diseases by qualified Washington State University or United States Department of Agriculture personnel or personnel acceptable to the director may be entered for the production of foundation stock.

(b) Only foundation or nuclear planting stock may be entered for the production of registered stock.

(i) One percent, not to exceed twelve plants, of each foundation lot shall be maintained by the grower to allow some fruiting in order to permit evaluation for trueness to name and fruit character; or

(ii) Ten percent, not to exceed three plants, of each nuclear lot shall be maintained by Washington State University, or the United States Department of Agriculture, or department personnel to allow some fruiting to permit evaluation for trueness to name and fruit character; and

(iii) Plant harvest from a foundation or registered lot shall be limited to two growing seasons.

(c) Foundation stock shall not be maintained longer than three years.

(4) Miscellaneous requirements:

(a) At the time of the first field inspection, department inspectors shall clearly mark all plants that are off-type, crown and cane-gall infected, virus-infected or exhibiting virus-like symptoms.

(b) Growers shall dig or otherwise destroy all plants and their roots which are marked by a department inspector within one week from the date of the first field inspection.

(c) At the time of the second field inspection, department inspectors shall clearly mark all plants that are off-type, crown and cane-gall infected, virus-infected or exhibiting virus-like symptoms.

(d) Growers shall dig or otherwise destroy all off-type plants and their roots which are marked by a department inspector, as well as all plants and their roots in a rectangular area that is not less than ten feet in each direction in the row from the off-type plant and not less than forty inches in each direction across the row from the off-type plant within two weeks from the date of the second field inspection.

(e) Growers shall dig or otherwise destroy all plants and their roots which are marked by a department inspector as being crown and cane-gall infected, virus-infected or showing virus-like symptoms.

(f) Insect pests, diseases and vectors of diseases shall be effectively controlled by dusting, spraying, or any other approved method.

(g) All plant beds shall be relatively free from weeds.

AMENDATORY SECTION (Amending Order 1216, filed 10/18/71, effective 11/18/71)

WAC 16-328-008 DEFINITIONS. (1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture or his duly appointed representative. (Inspector)

(3) "Virus infected (affected)" means presence of a virus(es) or mycoplasma like organism(s) in a plant or plant part.

(4) "Virus-like" means a disorder of genetic or nontransmissible origin.

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

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

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

(8) "Similar varietal characteristics" means that the plants have the same general character of growth.

(9) "Fairly fresh" means that the roots and petioles are not excessively wilted or otherwise damaged.

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

(11) "Moist" means that the plants are reasonably turgid and not dried to a degree than would affect normal growth.

(12) "Fairly clean" means that the roots are not matted or caked with dirt.

(13) "Fairly well trimmed runners and petioles" means that the runners and petioles shall be fairly well trimmed when the length of each does not exceed three inches.

(14) Free from damage by:

(a) "Sunburn" means that the roots shall not be damaged by sunburn or scald, but slight discoloration may be permitted.

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

(c) "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. Black roots caused by disease shall not be permitted.

(d) "Broken or split crowns, mechanical injury" means the breaking or severance of the crown from the root section or splitting of the crown or other mechanical injury that would affect the normal growth of the plant.

(15) "Free from detectable pests or diseases" means that administratively determined tolerance levels shall be established and administered for destructive pests such as cyclamen mite, crown borer, aphids, the red stele fungus, and nematodes. The evaluations for the pests shall be conducted by methods approved by the director.

NEW SECTION

WAC 16-328-009 STRAWBERRY PLANT CERTIFICATION STANDARDS. The following specific rules constitute the requirements and standards for strawberry plant certification.

AMENDATORY SECTION (Amending Order 1216, filed 10/18/71, effective 11/18/71)

WAC 16-328-010 STRAWBERRY PLANT CERTIFICATION FEES. ((4))
Application fee--Forty dollars for one acre or less; five dollars for each additional acre or fraction thereof:

(2) Final fee--The final fee shall be an additional five dollars for each acre or fraction thereof, due and payable when accepted by the department at the time of completion of last field inspection. Fees will not be refunded unless notice of withdrawal is received in writing before the first inspection is made. Each separate screen-house or greenhouse lot and each field plot of one acre or less will be considered one acre. A separate application must be made for each lot of each variety and/or unit entered for certification. Lots under observation by the department of agriculture shall pay the usual certification fees:

(3) Applications must reach the department of agriculture, Olympia, by June 30.) Strawberry plant certification fees are as follows:

(1) Certification application fee. The applicant shall furnish all information requested on the application for inspection and shall allow the department to take plants or plant parts from any planting for inspection or testing purposes. A separate application shall be made for each cultivar and/or unit entered for certification. Each lot of each cultivar shall be listed separately on the application. Lots under observation by the department shall pay the inspection fees. Applications for inspection shall be filed with the Seed Branch, 2015 South First Street, Yakima, Washington 98903 by June 30 each year accompanied by a one hundred dollar fee.

(2) Inspection fees. The inspection fee shall be eighteen dollars per hour and mileage shall be charged at a rate established by the state office of financial management. Inspection fees shall be payable upon completion of work done and shall be for the sole purpose of defraying expenses incurred in the inspection and certification of strawberry nursery stock. Billing to the applicant shall be made by the seed branch.

((4)) (3) A grower desiring to produce certified strawberry plants as herein provided shall establish with the department facts evidencing sufficient experience to produce healthy, high quality stock.

((5)) (4) Failure to pay fees when due shall result in removing the applicant from this program.

((6)) (5) No application for any grower owing the Washington state department of agriculture for previous fees ((will)) shall be considered.

NEW SECTION

WAC 16-328-015 CERTIFYING AGENCY ISSUANCE OF CERTIFICATE. (1) The issuance of a state of Washington certified plant tag or stamp under this chapter affirms solely that the tagged or stamped strawberry 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.

(2) 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.

(3) Participation in the strawberry plant certification program shall be voluntary.

AMENDATORY SECTION (Amending Order 1216, filed 10/18/71, effective 11/18/71)

WAC 16-328-025 STRAWBERRY PLANT CERTIFICATION--ISOLATION REQUIREMENTS. (1) Foundation stock. These ~~((must))~~ shall be produced in specially constructed houses to ~~((insure))~~ ensure protection from virus vectors or produced in a tissue culture laboratory.

(2) Registered stock. These ~~((must))~~ shall be produced in specially constructed houses or grown in areas ~~((sufficiently))~~ isolated ~~((from-sources-of-strawberry-viruses-by-distance-or-natural--barriers, to--minimize--current))~~ by one-half mile or more from noncertified strawberry stock in order to minimize danger of virus infection.

(3) Certified stock. Same as registered stock.

AMENDATORY SECTION (Amending Order 1216, filed 10/18/71, effective 11/18/71)

WAC 16-328-030 STRAWBERRY PLANT CERTIFICATION--REQUIREMENTS FOR PRODUCTION OF FOUNDATION AND REGISTERED STOCK. (1) Land requirements. Plants shall be grown on land acceptable to the department. A field to be eligible for the production of registered stock ~~((must))~~ shall not have grown or been planted to strawberries during the previous year, unless planted with plants of the same variety and classification. The field shall have been found free of red stele when examined by the department the previous year or have been fumigated to control red stele according to methods approved by the department.

(2) Plant requirements.

(a) Only nuclear or foundation planting stock which has been indexed and regularly reindexed at least once every other year by qualified Washington State University or USDA personnel or personnel acceptable to the director of agriculture may be entered for the production of foundation stock. A grower may maintain and increase foundation stock indefinitely in a greenhouse that is approved by the department: PROVIDED, That no mother plant may remain at the foundation stock plant level more than two propagation seasons after it has been indexed free from viruses by methods approved by the department.

(b) Only strawberry plants which have been certified as foundation planting stock may be entered for the production of registered stock.

(3) Miscellaneous requirements.

(a) Each varietal selection ~~((must))~~ shall be separated by a strip of land at least twelve feet wide.

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

(c) Insect pests and diseases are to be effectively controlled by dusting, spraying, fumigation, or any other approved method by the department.

(d) All plant beds ~~((must))~~ shall be kept relatively free from weeds.

(4) Field inspection. Field inspections ~~((will))~~ shall be made by the department during the growing season and again in the fall at a time when red stele is readily seen or as many times as deemed necessary.

(5) Evidence of use of a chemical in this certification program that reduces or eliminates red stele symptoms without eradication of

the causal fungus, Phytophthora fragariae Hickman, shall constitute grounds for elimination of plants thus treated from the Washington certified strawberry plant program.

AMENDATORY SECTION (Amending Order 1216, filed 10/18/71, effective 11/18/71)

WAC 16-328-035 STRAWBERRY PLANT CERTIFICATION--REQUIREMENTS FOR THE PRODUCTION OF CERTIFIED STOCK. (1) Land requirements. Plants shall be grown on land acceptable to the department (see requirements for isolation and fumigation).

(2) Plant requirements.

(a) Only first year plantings from foundation planting stock or registered planting stock may be entered for the production of certified stock.

(b) ((Exceptions--may--be--made--for--desirable--planting--stock--produced--the--previous--year--and--having--met--the--requirements--enacted--by--the--department--for--the--production--of--certified--planting--stock)) Under exceptional cases of need, certified stock may be recycled and used to produce more certified stock for one additional year, as specifically approved by the director.

(3) Miscellaneous requirements.

(a) Each varietal selection ((must)) shall be separated by a strip of land at least twelve feet wide.

(b) In roguing, growers ((must)) shall dig and immediately destroy all low yielding, unhealthy appearing, off-type, diseased or otherwise abnormal plants. The spots where those plants were growing shall be flagged to facilitate future close inspections.

(c) ((Insect)) pests and diseases are to be effectively controlled by dusting, spraying, fumigation, or any other approved method by the department. Aphids and cyclamen mites shall be controlled. Populations of those pests are to be determined by sampling methods approved by the director.

(d) Growers shall provide evidence that the plants do not exceed the tolerances shown in the table in WAC 16-328-060. This shall be determined by sampling methods approved by the director.

(e) All plant beds ((must)) shall be kept relatively free from weeds.

(4) Field inspection. Field inspections ((will)) shall be made by the department during the growing season and again in the fall at a time when red stele is readily seen or as many times as deemed necessary.

(5) Evidence of use of a chemical in this certification program that reduces or eliminates red stele symptoms without eradication of the causal fungus, Phytophthora fragariae Hickman, shall constitute grounds for elimination of plants thus treated from the Washington certified strawberry plant program.

AMENDATORY SECTION (Amending Order 1216, filed 10/18/71, effective 11/18/71)

WAC 16-328-060 STRAWBERRY PLANT CERTIFICATION--FIELD STANDARDS.

(1) The entire field or unit shall meet certification requirements except when soilborne pests are found in excess of tolerance in a portion of the field or unit, and the infestation can be safely delimited in the opinion of the department; or when plants in the infested portion are treated to eradicate or to control the pest to comply with the tolerance under the supervision of the department.

(2) Specific requirements:

((TOLERANCE

	Foundation-Registered (all inspections)	Registered (Field)	Certified (Field)
Factors	Percent	Percent	Percent
Virus-Diseases*	0	0	0.5
Red-Stele*	0	0	0
Nematode*	0	0	0
Variety-Mixture	0	0	0.1
All-other	0	0.5	2

--*Visible))

TOLEBRANCES (%)

Factors	Foundation field (all inspections)	Registered field	Certified 1st & 2nd inspections	Field 3rd inspection
Virus Diseases	0a	0	1b	0.5b
Red Steleb	0	0	0	0
Nematodec	0	0	0	0
Variety Mixture	0	0	0.1	0
All other Diseases (including lethal decline)	0	0.5	2	1

a All foundation stock mother plants must be indexed for virus content no more than two years previously in order to qualify at this level.

b Visible.

c It is strongly recommended that preplant application of an approved nematicide be made to fields to be used in this program. The department reserves the right to require soil tests for plant parasitic nematodes to be made by methods and at times approved by the department and the data furnished to the department for any field in this certification program.

AMENDATORY SECTION (Amending Order 1216, filed 10/18/71, effective 11/18/71)

WAC 16-328-065 STRAWBERRY PLANT CERTIFICATION--DESIGNATION OF PLANTS. (1) Foundation planting stock ((will)) shall be identified by the state of Washington official certified strawberry plant tag or stamp, and in addition ((will)) shall be marked "foundation planting stock."

(2) Registered planting stock ((will)) shall be identified by the state of Washington official certified strawberry plant tag or stamp, and in addition ((will)) shall be marked "registered planting stock."

(3) No. 1 certified planting stock ((will)) shall be identified by the state of Washington official certified strawberry plant tag or stamp.

(4) No. 2 certified planting stock ((will)) shall be identified by the state of Washington official certified strawberry plant tag or stamp.

AMENDATORY SECTION (Amending Order 1216, filed 10/18/71, effective 11/18/71)

WAC 16-328-080 STRAWBERRY PLANT CERTIFICATION--TAGGING OR STAMPING AND PLANT INSPECTION. (1) "Certified" stock (~~with~~) shall be identified with the state of Washington official certified strawberry plant tag or stamp under the supervision of the department after plants have passed inspection.

(2) Crown division plants, if sold, shall be segregated and packed separately and identified with the state of Washington official certified strawberry plant tag or stamp, and also stamped "crown divisions."

(3) Only plants meeting Washington standards for strawberry plants shall be tagged or stamped, except those marked foundation, registered or crown division planting stock.

(4) All containers shall be marked with the name and address of the grower, grade or class of stock, and variety.

(5) The grower is referred to chapter 15.14 RCW, planting stock, for additional information.

NEW SECTION

WAC 16-328-083 STRAWBERRY PLANT GRADES AND STANDARDS--WASHINGTON NO. 1. Washington No. 1 shall consist of strawberry plants of one variety or plants of similar varietal characteristics which are:

- (1) Fairly fresh.
- (2) Firm.
- (3) Moist.
- (4) Fairly clean.
- (5) Fairly well trimmed runners and petioles.
- (6) Free from damage caused by:
 - (a) Sunburn.
 - (b) Mold.
 - (c) Freezing injury, black roots.
 - (d) Broken or split crown, mechanical injury.
- (7) Free from detectable dangerous pests or diseases, including plant parasitic nematodes.

Strawberry plants in this grade shall have not less than ten main roots, the length of which shall be not less than two and one-half inches, with a minimum crown diameter of one-fourth inch measured at the base of the crown.

NEW SECTION

WAC 16-328-085 STRAWBERRY PLANT GRADES AND STANDARDS--WASHINGTON NO. 2. Washington No. 2 shall consist of strawberry plants of one variety or plants of similar varietal characteristics which meet all of the requirements of Washington No. 1 except strawberry plants in this grade shall have not less than six main roots, the length of which shall be not less than two and one-half inches.

NEW SECTION

WAC 16-328-088 STRAWBERRY PLANT GRADES AND STANDARDS--TOLERANCES. (1) Application of tolerances. The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerance specified.

(2) Tolerances. In order to allow for variations incident to proper grading and packing, not more than a combined total of ten percent, by count, of the plants in any lot may fail to meet the requirements of the above grade.

(3) Packing. Strawberry plants are to be packed in such manner that they shall retain a fresh condition.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 16-328-001 PROMULGATION.
- WAC 16-328-003 PROMULGATION.
- WAC 16-328-090 EFFECTIVE DATE.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-329-001 PROMULGATION.
WAC 16-329-010 WASHINGTON NO. 1.
WAC 16-329-015 WASHINGTON NO. 2.
WAC 16-329-020 TOLERANCES.
WAC 16-329-025 DEFINITIONS.
WAC 16-329-030 EFFECTIVE DATE.