



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Agriculture

 Permanent Rule

 Emergency Rule

(1) Date of adoption: June 6, 1990

(2) Purpose: To strengthen provisions of the rules allowing entry of blueberries after fumigation, from areas quarantined because of infestation of the blueberry maggot.

(3) Citation of existing rules affected by this order:

Repealed:

Amended: WAC 16-488, Rules Relating to Blueberry Quarantine

Suspended:

(4) Authority for adoption:

Statute: RCW 17.24

Other Authority:

(5.1) PERMANENT RULE ONLY

 Pursuant to notice filed as WSR 90-09-056 on April 16, 1990 (date).

Describe any changes other than editing from proposed to adopted version:

(5.2) EMERGENCY RULE ONLY

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

 Yes No If yes, explain:

(6) Effective date of rule: July 7, 1990

Permanent Rules
 31 days after filing

 Other (specify) _____ *

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Emergency Rules
 Immediately

 Later (specify) _____

CODE REVISER USE ONLY

 CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUN 06 1990

 TIME: 4:07

 WSR 90-12-123

NAME (TYPE OR PRINT)

C. Alan Pettibone

SIGNATURE

TITLE

Director

DATE 6/6/90

AMENDATORY SECTION (Amending Order 1985, filed 8/9/88)

WAC 16-488-025 BLUEBERRY QUARANTINE EXEMPTIONS. Fresh fruit of blueberry may be moved or shipped from quarantined areas into Washington state under the following conditions:

(1) No restrictions are placed by this section on the entry into this state of fruits which upon arrival are frozen solid and which are under refrigeration to assure their solid frozen state.

(2) Commodities covered which are held in cold storage for a continuous period of forty days or more, during which period the temperature within the storage room is maintained at thirty-two degrees fahrenheit or less, may be admitted: PROVIDED, That a lot or shipment is accompanied by a certificate issued by an official governmental agency from the state of origin evidencing compliance with the minimum requirements of this section.

(3) Each shipment of blueberries that have been fumigated with methylbromide at atmospheric pressure by one of the following schedules may be permitted entry into Washington state: PROVIDED, That residues on fresh fruit of blueberries do not exceed the Federal Food and Drug Administration's allowable tolerances.

32 g/m³ (2 lbs./1,000 ft.³) for 2 hours at 27.7°C (82°F) or above; or

32 g/m³ (2 lbs./1,000 ft.³) for 2 1/2 hours at 22.2°C - 27.2°C (72°F-81°F); or

32 g/m³ (2 lbs./1,000 ft.³) for 3 hours at 16.6°C - 21.6°C (62°F-71°F); or

32 g/m³ (2 lbs./1,000 ft.³) for 3 1/2 hours at 10°C - 16.1°C (50°F-61°F).

(a) The fumigation shall be done by applicators who are registered or certified in fumigation pest control in the state of origin;

(b) Each fumigation shall be monitored and supervised by an authorized representative of the origin state department of agriculture;

(c) Each shipment of blueberries shall be accompanied by a phytosanitary certificate issued by an authorized representative of the origin state department of agriculture evidencing compliance with the fumigation requirements. The certificate shall state the number of cartons in the shipment and the name and address of the consignee. In addition, a copy of the phytosanitary certificate and the estimated date of arrival shall be sent, by mail or electronically, to the Washington state department of agriculture, plant services division, prior to the shipment of the blueberries; and

(d) All shipping containers (flats) shall be stamped or tagged indicating the fresh fruit of blueberries have undergone fumigation.