



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Agriculture

- Permanent Rule
- Emergency Rule

(1) Date of adoption: July 18, 1990

(2) Purpose:

To protect Washington wetlands from further Lythrum (Purple loosestrife) infestation.

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

Repealed:

Amended: WAC 16-752

Suspended:

(4) Authority for adoption:

Statute: RCW 17.10 & RCW 17.24

Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 90-11-089 on May 18, 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: August 18, 1990

Permanent Rules

Emergency Rules

31 days after filing

Immediately

Other (specify) _____ *

Later (specify) _____

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

NAME (TYPE OR PRINT)

C. Alan Pettibone

SIGNATURE

[Handwritten Signature]
Director

DATE 7/18/90

CODE REVISER USE ONLY
CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUL 18 1990

TIME 9:58
WSR 90-15-062

LYTHRUM QUARANTINE

NEW SECTION

WAC 16-752-400 ESTABLISHING QUARANTINE. The Lythrum species (Purple loosestrife) is an aggressive, semi-aquatic, herbaceous perennial weed that has infested wetlands in the state of Washington causing serious harm to native plants and destroying habitat for birds and small mammals. Some varieties of loosestrife are cultivated and sold as nursery stock in the horticultural industry. The director of agriculture, pursuant to the powers provided in chapter 17.24 RCW and RCW 17.10.074 (1)(c), and chapter 15.13 RCW, has determined that the regulation and exclusion of this plant, plant parts, and seeds is necessary to preserve Washington wetlands from further infestation.

NEW SECTION

WAC 16-752-405 LYTHRUM QUARANTINE--REGULATED ARTICLES. The following are regulated articles:

(1) All plants and plant parts of the Lythrum species, *Lythrum salicaria* and *Lythrum virgatum*, and any hybrid cross thereof. This includes, but is not limited to, purple loosestrife and plants with horticultural names: The beacon, fire candle, brightness, lady sackville, Mr. Robert, Robert's, happy, roseum superbum, purple spire, rose queen, the rocket, morden pink, morden gleam, morden rose, dropmore purple, and tomentosum.

(2) All seeds of plants of the Lythrum species *Lythrum salicaria* and *Lythrum virgatum*.

NEW SECTION

WAC 16-752-410 LYTHRUM QUARANTINE--PROHIBITED ACTS. It is prohibited to transport, buy, sell, offer for sale, or to distribute plants or seeds of the species *Lythrum salicaria* or *Lythrum virgatum* into or within the state of Washington. It is further prohibited to transplant wild plants and/or plant parts of these species in the state of Washington.

This prohibition shall not apply to plants or seeds collected for herbariums, research in control methods, creation of pressed specimens for educational or identification purposes and other scientific activities: PROVIDED, That all activities requiring live plants and/or viable seed, except pressed specimens, are conducted under a permit from the director and are conducted so as to ensure that no infestation is created.

NEW SECTION

WAC 16-752-415 DISPOSITION OF REGULATED ARTICLES. Any plants, plant parts or seeds transported, bought, sold, offered for sale, or planted in violation of this order shall be subject to destruction or

shipment back out-of-state if the director determines that such shipment does not present a danger of infestation.

NEW SECTION

WAC 16-752-420 PENALTIES. Any person who violates the terms of this quarantine shall be guilty of a misdemeanor and for each subsequent violation, shall be guilty of a gross misdemeanor. The director may also impose a civil penalty in an amount not more than one thousand dollars for each violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated this chapter and may be subject to the civil penalty.