



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Agriculture	<input checked="" type="checkbox"/> Permanent Rule <input type="checkbox"/> Emergency Rule
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(1) Date of adoption: March 27, 1991

(2) Purpose:
To establish certification procedures for garlic grown for seed purposes.

(3) Citation of existing rules affected by this order:
Repealed:
Amended: Chapter 16-333 WAC
Suspended:

(4) Authority for adoption:
Statute: Chapter 15.14 RCW
Other Authority:

(5.1) **PERMANENT RULE ONLY**
Pursuant to notice filed as WSR 91-04-068 on February 5, 1991 (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:

Permanent Rules	Emergency Rules
<input checked="" type="checkbox"/> 31 days after filing	<input type="checkbox"/> Immediately
<input type="checkbox"/> Other (specify) _____*	<input type="checkbox"/> Later (specify) _____

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

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAR 27 1991

TIME 8:50

FILED 91-08-015

NAME (TYPE OR PRINT)
C. Alan Pettibone

C. Alan Pettibone

TITLE
Director

DATE
3/27/91

NEW SECTION

WAC 16-333-200 DEFINITIONS. (1) "Department" means the Washington state department of agriculture.

(2) "Director" means the director of the Washington state department of agriculture or the director's duly authorized representative.

(3) "Certified block" means a planting of plants, bulbs, or cloves of garlic which are propagated from foundation or registered stock and are used to increase certified planting stock or propagated from plants, bulbs, or cloves in another certified block.

(4) "Certified planting stock" means bulbs or cloves of garlic which are:

(a) The first propagation of registered stock or foundation stock; or

(b) Progeny of certified stock which are grown in a certified block.

(5) "Foundation stock" means:

(a) Bulbs or cloves of garlic which have been treated in a hot solution of formalin or other treatment approved by the director for stem and bulb nematode (*Ditylenchus dipsaci*) and inspected and found to be free of white rot fungus (*Sclerotium cepivorum*); or

(b) Obtained from planting stock which was inspected and found to be free from stem and bulb nematode and white rot fungus; or

(c) Maintained and certified by the University of California, or other approved sources, as foundation stock.

(6) "Garlic" means the varieties of the plant *Allium sativum*.

(7) "Registered stock" means bulbs or cloves of garlic which are:

(a) The propagation of foundation stock; or

(b) Propagated from registered stock grown in a block.

(8) "Planting stock" includes certified stock, foundation stock, or registered stock.

(9) Garlic "seed" means bulbs or cloves of garlic for planting purposes.

NEW SECTION

WAC 16-333-205 APPROVAL OF STOCK. The department does not produce or maintain foundation, registered, or certified class planting stock. Plants, bulbs, or cloves of garlic may be accepted as planting stock if the following conditions are met:

(1) The stock has been:

(a) Treated with a hot solution of formalin or other treatment approved by the director for stem and bulb nematode, according to label requirements, prior to being shipped into Washington; or

(b) Inspected by the department, another official state inspection agency, a crop improvement association, or another organization deemed as equivalent by the director, as attested by an official certificate or other documentation, and found to be free from stem and bulb nematode;

(2) The stock is free from white rot fungus;

(3) The stock has been approved by the department.

NEW SECTION

WAC 16-333-210 SEED STOCK ELIGIBLE FOR CERTIFICATION. Only the progeny of garlic stock meeting the approval requirements of WAC 16-333-205 will be eligible for certification as certified garlic seed.

NEW SECTION

WAC 16-333-215 PLANTING REQUIREMENTS. (1) To assure that the identity of a certified block is maintained, each block shall be planted a minimum of twelve feet from another certified block or variety of garlic.

(2) Garlic shall be planted in a planting area inspected and approved by the department. That planting area shall be one:

- (a) Where stem and bulb nematode is not found;
- (b) Where the spread of infestation of nematode by drainage, flooding, or irrigation is not likely;
- (c) Where water for irrigation is directly from wells only;
- (d) Which has not been found to be infested with white rot fungus (*Sclerotium cepivorum*); and

(e) Which has never been planted with gladiolus bulbs or with any *Allium* spp. except certified garlic.

(3) Garlic shall be planted a minimum of five hundred feet from any *Allium* spp. which is not being grown for certification as seed.

NEW SECTION

WAC 16-333-220 CONDITIONS UNDER WHICH CERTIFICATION MAY BE REFUSED. The department will conduct field inspections of certified garlic plantings. Any plants which appear to be growing abnormally or abnormal appearing bulbs will be collected and examined for the presence of pests or disease. The department may refuse to certify a planting of garlic or the harvested bulbs of garlic if:

(1) The planting, bulbs or cloves, are found to be infested with stem or bulb nematode, white rot fungus, or any other pest of garlic and the department determines that the infestation cannot be eliminated by treatment, rouging, or other procedure; or

(2) The grower has failed to comply with any certification requirement in this chapter.

NEW SECTION

WAC 16-333-225 RESPONSIBILITIES OF THE GROWER. A grower of certified garlic shall:

(1) Conduct an active program of garlic pest control;

(2) Use suitable precautions when cultivating, irrigating, or moving or using of equipment to prevent the spread of soil-borne pests or disease;

(3) Keep containers for the movement of harvested garlic free of dirt and residues of garlic, onions, or other *Allium* species: PROVIDED, That bins previously used for onions, potatoes, and gladiolus bulbs may not be used and bins used for other crops shall be steam cleaned;

(4) Conform to white rot quarantine regulations in WAC 16-470-300 through 16-470-340.

NEW SECTION

WAC 16-333-230 STORAGE REQUIREMENTS FOR CERTIFIED SEED. Certified seed-garlic shall be stored in clean containers and in clean storage areas which have been approved by the department. Storage

shall not be allowed in onion, potato, or gladiolus storage bins or areas. Certified garlic seed may be placed either in new bags, or bags that have been used only for certified garlic seed, or bags that have been sterilized in a manner approved by the department.

NEW SECTION

WAC 16-333-235 MOVEMENT OF SEED OUT-OF-STATE--PERMIT REQUIREMENT. (1) If a lot of certified seed-garlic is to be moved out of Washington for treatment, as provided in WAC 16-333-205 (1) (a), and for cracking, prior to that movement, the grower shall obtain a permit from the department. The number of the permit shall be used by the department to identify that lot.

(2) The permit shall be affixed to the shipping container at all times. The permit number shall be referenced on the official certificate certifying that the prescribed treatment has been completed. A certificate and the attached permit is required for reentry of the treated seed into Washington as certified garlic seed. Unless the identity shall be maintained on all seed lots, such lots may not be certified.

NEW SECTION

WAC 16-333-240 FEES. The following fees are applicable to the garlic seed certification program:

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|---|----------|
| (1) An application fee | \$200.00 |
| (2) Inspection fee, per hour | \$ 20.00 |
| (3) Mileage, per mile..... | \$.26 |
| (4) Laboratory analysis by the department to determine the presence of nematodes or disease, costs of materials and labor, per hour..... | \$ 20.00 |
| (5) Laboratory analysis performed by Washington State University or other laboratories will be charged back at the actual cost to the department including shipping and any other directly related costs. | |

NEW SECTION

WAC 16-333-245 CERTIFYING AGENCY ISSUANCE OF CERTIFICATE. (1) The issuance of a certified state of Washington seed tag or stamp under this chapter affirms solely that the tagged or stamped seed garlic 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 garlic plants, bulbs, or cloves 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, 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.