

**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 revise the bean seed quarantine rules to reflect recent changes in technology in the detection and determination of viral, bacterial and fungal diseases of beans. To make bean seed certification rules consistent with changes in the bean seed quarantine rules.

(3) Citation of existing rules affected by this order:  
 Repealed:  
 Amended: Chapter 16-316 WAC, and Chapter 16-494 WAC  
 Suspended:

(4) Authority for adoption:  
 Statute: Chapter 15.49 RCW  
 Other Authority:

(5.1) **PERMANENT RULE ONLY**  
 Pursuant to notice filed as WSR 91-04-066 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:

<b>Permanent Rules</b>	<b>Emergency Rules</b>
<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 8:54

WSR 91-08-017

NAME (TYPE OR PRINT) C. Alan Pettibone	
<i>C. Alan Pettibone</i>	
TITLE Director	DATE 3/27/91

AMENDATORY SECTION (Amending Order 1611, filed 4/30/79)

WAC 16-316-280 FIELD TOLERANCES. Field tolerances shall be as follows:

(1)

	Field Producing		
	Found- ation	Regis- tered	Certi- fied
Other varieties or off-type plants	none	0.1%	0.2%
Other crops	none	0.1%	0.1%
Total seed-borne diseases	none	0.5%	1.5%
Bacterial bean blights and wilt	none	none	none
Anthracoese	none	none	none
Mosaic seed-borne	none	0.5%	0.5%

(2) Snap beans and kidney beans grown under sprinkler irrigation will not be eligible for certification. Further snap and kidney beans shall be isolated by 1320 feet from known bacterial blight.

(3) Fields must be rogued of weeds, off-type plants, volunteer plants, and plants showing symptoms of seed-borne diseases. Excessive night-shade shall be a cause for rejection.

(4) A field to be eligible for certification must have clean, cultivated boundaries at least ten feet wide.

(5) Excessive weeds, poor stands, lack of vigor, or any other condition which is apt to make inspection inaccurate may be cause for rejection of the field.

(6) Bean fields showing virus-like mosaic symptoms will not be accepted as free of Bean Common Mosaic Virus until plant samples are tested serologically, and found to be free of Bean Common Mosaic Virus.

AMENDATORY SECTION (Amending Order 1611, filed 4/30/79)

WAC 16-316-285 INSPECTION REQUIREMENTS. Inspection requirements shall be as follows: (1) When factors affecting certification are most evident. The 2nd inspection, when required, shall be a window inspection.

(2) A greenhouse test may be required if the certifying agency deems it necessary.

(3) A serology test for Bean Common Mosaic Virus or Adzuki Mosaic Virus disease is required to certify seed.

(4) The combined results of field inspections, laboratory test, and greenhouse test, when required, will determine final certification.

AMENDATORY SECTION (Amending Order 1611, filed 4/30/79)

WAC 16-316-290 SEED STANDARDS. Seed standards shall be as follows:

(1)

Purity		Found- ation	Regis- tered	Blue Tag Certi- fied
Pure seed	(Min.)	98%	98%	98%
Other crops & varieties	(Max.)	none	none	2/100 lbs.
Badly damaged seed	(Max.)		2%	2%
Inert matter	(Max.)		2%	2%
Splits & cracks	(Max.)		2%	2%
Weed seed	(Max.)		none	none
<u>Bean Common Mosaic Virus disease or Adzuki Mosaic Virus disease</u>	(Max.)	none	none	0.0%
Germination (minimum)			85%	85%

(2) Total inert matter, splits and cracks, and badly damaged seed shall not exceed 2% except for foundation class.

(3) Test reports will show percent of discolored beans for information only.

(4) Rough handling of bean seed in the combine or cleaning plant reduces germination materially. Precautions must be taken against such treatment and the seed safeguarded against high drops.

AMENDATORY SECTION (Amending Order 1846, filed 12/31/84)

WAC 16-494-001 ESTABLISHING QUARANTINE. (~~(Halo-Blight-Pseudomonas-phaseolicola--(Burk)--Bows--Common--Bean--Blight--Xanthomonas-phaseoli--(F.F.Sm)--Bows--Fuscous--Blight--Xanthomonas-phaseoli--var--fuscans--(Burk)--Bean--anthracnose--disease--Colletotrichum lindemuthianum--(Sacc--S-Magn)--Scrib--Brown-spot-disease--Pseudomonas syringae--(Van-Hall)--(only-strains-virulently-pathogenic--to--Phaseolus sp)--Bean--Bacterial--Wilt--Corynebacterium--flaccumfaciens--(Hedges) Bows--and-any-new-strains-or-variations-of-the--above--bacterial--and fungus-diseases-are-hereinafter-referred-to-as-diseases~~) The production of edible beans and bean seed is an important industry in the state of Washington. The economic well-being of that industry is threatened by the introduction of bean seed contaminated with viral, bacterial and fungal diseases not established in the commercial production areas in Washington. The director has determined that a quarantine will be effective in preventing the introduction of ((said)) these viral, bacterial and ((fungus)) fungal diseases of beans, and that control of ((the-said-bacterial-and-fungus)) these diseases of beans will provide the ((common)) bean growers of the state of Washington with a source of ((common)) seed beans for planting purposes which are ((disease-free)) tested for the presence of these diseases.

AMENDATORY SECTION (Amending Order 1846, filed 12/31/84)

WAC 16-494-010 DEFINITIONS. (1) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. ~~((This term--shall--import--either--the--singular--or--the--plural--as--the--case--may--be--))~~

(2) "Department" means the Washington state department of agriculture.

(3) "Director" means the director of the department of agriculture or ~~((his))~~ the director's duly authorized representative.

(4) "Common bean" means *Phaseolus vulgaris* L.

(5) ~~((("Beans"--means--Phaseolus--sp--))~~ "Adzuki bean" means *Vigna angularis*.

(6) "Bean" means common beans and adzuki beans.

(7) "Origin" means the county within the state of Washington, or the state, territory or country where a specific seed lot was grown.

~~((7))~~ (8) "Approved trial grounds" means a specific parcel of land ~~((determined-by-mutual-agreement-between-persons--and))~~ approved by the director for experimental or limited production or increase of bean seed.

(9) "University" means the Washington State University, college of agriculture and home economics.

(10) "Dominant I-gene cultivar" means a cultivar which has resistance to all known strains of Bean Common Mosaic Virus (B.C.M.V.) due to the presence of the dominant I-gene. Dominant I-gene cultivars will not show mosaic mottle symptoms or transmit the virus through seed when inoculated with any strain of B.C.M.V.

(11) "Recessive I-gene cultivar" means a cultivar which may be susceptible to some strains of Bean Common Mosaic Virus and may show mosaic mottle symptoms.

(12) "Diseases" means those viral, fungal and bacterial diseases of beans enumerated in WAC 16-494-013 and any new variations or strains of these identified in the future.

(13) "Serology" means precipitation, agglutination, immunodiffusion, or labeled antibody test methods (such as ELISA) that use the specificity of antigen-antibody reactions to detect and identify antigenic substances and the organisms such as viruses and bacteria that carry them.

(14) "Official certificate" means a document issued by an official testing agency including but not limited to seed certification tags, bulk seed certification certificates, phyto-sanitary certificates, laboratory sanitary certificates, and other letters, tags, stamps or similar documents certifying seed quality or condition.

(15) "Quarantine Area I" means all areas west of the Continental Divide except those counties within the state of Washington subject to internal quarantine and the states of Alaska and Hawaii.

(16) "Quarantine Area II" means areas east of the Continental Divide, the counties in the state of Washington subject to internal quarantine, the states of Alaska and Hawaii and foreign countries.

#### NEW SECTION

WAC 16-494-012 REGULATED ARTICLES. Seeds of common beans and adzuki beans intended for planting purposes, bean plants and parts of plants, and crop residue from the harvest of infected beans are regulated under the provisions of this chapter.

#### NEW SECTION

WAC 16-494-013 REGULATED DISEASES. The following viral, bacterial and fungal diseases of beans, and any new strains or variations of these identified in the future, of beans are regulated under the provisions of this chapter:

- Bean Common Mosaic Virus
- Adzuki Mosaic Virus
- Halo Blight (*Pseudomonas Syringae* pv. *phaseolicola* (Young et. al.))
- Common Bean Blight (*Xanthomonas Campestris* pv. *phaseoli* (Smith) Dye)
- Fuscos Blight (*Xanthomonas phaseoli* var. *fuscans* (Burk.)
- Bean anthracnose disease (*Colletotrichum lindemuthianum* (Sacc. & Magn.) Scrib.)
- Brown spot disease (*Pseudomonas syringae* pv. *syringae* (Van Hall)) strains virulently pathogenic to *Phaseolus*
- Bean Bacterial Wilt (*Corynebacterium flaccumfaciens* ssp. *flaccumfaciens* (Hedges) Dows.)

#### AMENDATORY SECTION (Amending Order 1846, filed 12/31/84)

WAC 16-494-020 BEAN SEED--QUARANTINED AREA. ((All)) The entire counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom in the state of Washington, ((except-these-counties-east-of-the-crest-of-the--Cascade Mountains;)) and all areas outside the state of Washington are established as a quarantine area. The quarantine area is further divided into two portions defined in WAC 16-494-010 (15) and (16) for the purposes of regulation.

AMENDATORY SECTION (Amending Order 1846, filed 12/31/84)

WAC 16-494-030 BEAN SEED--REGULATED AREA. ((All-counties-east-of-the-crest-of-the-Cascade-Mountains.)) The entire counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima in the state of Washington are established as a protected area within the state.

AMENDATORY SECTION (Amending Order 1846, filed 12/31/84)

WAC 16-494-042 ((CONDITIONS-FOR-PLANTING-BEAN-SEED-IN-WASHINGTON STATE)) GENERAL REQUIREMENTS FOR PLANTING BEAN SEED IN THE REGULATED AREA. ((1)-No-beans-shall-be-planted-in-the-regulated-area-listed-in WAC-16-494-030-which-are-found-to-be-or-are-known-to--be--contaminated with-the-diseases-listed-in-WAC-16-494-001.

(2)-Requirements-for-planting-Eastern-Washington-grown-bean-seed:  
 (a)--Bean--seed--must-have-been-entered-into-the-Washington-state bean-phyto-sanitary-certificate-inspection-program-or--the--Washington state--seed--certification-inspection-program.--See-WAC-16-316-327-and 16-316-270.

(b)-All-commercial-dry-beans-for-seed,-except-kidney--beans,-are exempt-from-the-above:--PROVIDED,-That-the-commercial-dry-beans-pass-a laboratory/greenhouse--test--approved--by-Washington-State-University, College-of-Agriculture-and-Home-Economics,-and--they--have--not--been shipped-east-of-the-Continental-Divide.

(c)--All-commercial-dry-beans-to-be-used-only-for-dry-edible-purposes,-except-kidney-beans,-are-exempt-from-(a)--of--this--subsection: PROVIDED,-That-the-seed-has-never-been-shipped-outside-the-state.

(3)--Requirements--for-planting-imported-bean-seed-originating-in areas-west-of-the-Continental-Divide,-excluding-the-area-west--of--the crest-of-the-Cascade-Mountains,-Hawaii-and-Alaska:

(a)-Imported-bean-seed-shall-not-be-shipped,-transported-or-moved into--the--regulated-area-listed-in-WAC-16-494-030-for-planting-unless the-beans-are-accompanied--by--an--origin--phyto-sanitary--certificate showing--that--the--beans-are-free-from-the-diseases-listed-in-WAC-16-494-001-on-the-basis-of-at-least-one-field-inspection-and-one--windrow inspection.--The-windrow-inspection-portion-of-the-phyto-sanitary-certificate-requirement--may-be-waived-when-the-bean-seed-is-accompanied by-an-official-certificate-issued-by-an-approved-testing-agency--stating--the--seed--is-free-from-disease,-based-on-an-approved-laboratory/greenhouse-test-of-a-five-pound-sample-from-each-ten--thousand--pounds or-fraction-thereof.

(b)--The-bean-seed-planted-for-seed-increase-or-with-intention-of seed-increase-shall-be-planted--in--fields--entered--into--either--the Washington--state-bean-seed-phyto-sanitary-certificate-inspection-program-or-the-Washington-state-seed--certification--inspection--program. See-WAC-16-316-327-and-16-316-270.

(c)--All--commercial--beans,-except-kidney-beans,-are-exempt-from (b)-of-this-subsection:--PROVIDED,-That-the-seed-is-accompanied--by--a phyto-sanitary--certificate-or-by-an-official-certificate-issued-by-an approved-testing-agency-stating-the-bean-seed-is-free--from--the--diseases--listed--in--WAC--16-494-001,-based--on-an-approved-laboratory/greenhouse-test.

(4)-Requirements-for-planting-imported-bean-seed-originating-from areas-east-of-the-Continental-Divide-or-in-foreign-countries-or-other-wise-ineligible-for-planting-in-regulated-areas-of-Washington:

(a)-Bean-seed-must-first-be-planted-into-an-approved-trial-ground that-meets-the-requirements-of-the-department.

(b)-Bean-seed-up-to-a-maximum-of-one-pound--per--variety--may--be planted--in--an--approved-trial-ground-intended-for-research-purposes,

with no restrictions, except as noted in this rule to include notification to the department of intent to plant and inspection procedures to be complied with for trial grounds (see WAC 16-494-044).

(c) Bean seed over one pound intended for introduction or seed increase must first be planted in an approved trial ground not to exceed five acres for each variety. PROVIDED, That the bean seed must have first passed a laboratory/greenhouse test as approved by the Washington State University, College of Agriculture and Home Economics, notification has been given the department of intent to plant, and inspection procedures are to be complied with for trial grounds (see WAC 16-494-044).

(5) Bean seed planted for harvest as green beans for cannery or freezing that is in compliance with this quarantine is not required to be entered into an inspection program. PROVIDED, That the department reserves the right to request complete listing and location of all the plantings and other information the department may deem necessary. Further, if for any reason it is decided that the plantings are not to be harvested as green beans the Seed Branch of the Department, 2015 South 1st Street, Yakima, Washington 98903, shall be notified and the plantings placed under an inspection program.

(6) This quarantine shall not apply to the shipment, movement, or transportation of beans prepackaged in packages of eight ounces or less for home garden use in the regulated area if, as far as is known, the beans are free of diseases.

(7) The department shall be notified in writing prior to shipping, moving or transporting of any person's intent to ship, move or transport any common beans into the regulated area listed in WAC 16-494-030. The notice of intent shall be accompanied by a copy of the phytosanitary certificate issued for common beans. (1) No beans shall be planted, or sold, shipped, or transported for seed purposes in the regulated area which are found to be or are known to be contaminated with any disease listed in WAC 16-494-013.

(2) The department shall be notified in writing, prior to shipping, of any person's intent to ship, move, or transport any bean seed into the regulated area. This notice of intent shall be accompanied by a copy of the official certificate issued for that bean seed.

#### NEW SECTION

WAC 16-494-043 ADDITIONAL REQUIREMENTS FOR PLANTING BEAN SEED GROWN IN THE REGULATED AREA. (1) Bean seed shall have been entered into the Washington state bean phytosanitary certificate inspection program or the Washington state seed certification inspection program as provided in WAC 16-316-270 and 16-316-327.

(2) When the director determines that an emergency condition exists because of a shortage of seed for planting purposes, beans grown for processing as edible beans may be accepted for planting purposes: PROVIDED, That the lot has been tested by means recommended by the university and approved by the director and found to be apparently free of regulated diseases.

#### AMENDATORY SECTION (Amending Order 1846, filed 12/31/84)

WAC 16-494-044 ((INSPECTION PROCEDURES FOR TRIAL GROUNDS)) ADDITIONAL REQUIREMENTS FOR PLANTING BEAN SEED GROWN IN QUARANTINE AREA I. ((1) applications for planting in a trial ground must be submitted to the department prior to May 15 of the growing year, and accompanied with detailed varietal planting plan.

~~(2) A minimum of three field inspections shall be made during the growing season and one windrow inspection.~~

~~(3) A disinfectant shall be applied to machinery used in the production of bean seed and footwear of personnel inspecting prior to movement to other bean fields.~~

~~(4) If any diseases listed in WAC 16-494-001 are detected by field inspections or subsequent laboratory/greenhouse tests, then none of the seed shall be released for general planting but shall again be planted in an approved trial ground for one additional year and undergo inspection procedures by the department.)~~ (1) Bean seed from quarantine area I shall not be shipped, transported, or moved into the regulated area for planting unless the beans are accompanied by an origin official certificate showing that the beans are apparently free from the regulated diseases. Such certification shall be on the basis of at least one growing season field inspection and one windrow inspection or on an approved laboratory/greenhouse test.

(2) Bean seed planted for seed increase or with intention of seed increase shall be planted in fields entered into either the Washington state bean seed phyto-sanitary certificate inspection program or the Washington state seed certification inspection program as provided in WAC 16-316-270 and 16-316-327.

#### NEW SECTION

WAC 16-494-045 ADDITIONAL REQUIREMENTS FOR PLANTING BEAN SEED GROWN IN QUARANTINE AREA II. (1) Bean seed shall first be planted into an approved trial ground that meets the requirements of the department.

(2) Bean seed, up to a maximum of one pound per variety, may be planted in an approved trial ground intended for research purposes, with notification to the department, plant certification program, of intent to plant and adherence to the inspection procedures in WAC 16-494-047 and such isolation and other requirements as the director may prescribe.

(3) Bean seed over one pound, intended for introduction or seed increase, shall first be planted in an approved trial ground not to exceed five acres for each variety. In addition, prior to planting, this bean seed shall have passed a laboratory/greenhouse test as recommended by the university, notification shall have been given the department, plant certification program, of intent to plant and inspection procedures in WAC 16-494-047 shall have been complied with for trial grounds.

#### NEW SECTION

WAC 16-494-046 QUARANTINE--EXCEPTIONS AND EXEMPTIONS. (1) Bean seed planted for harvest as green beans for cannery or freezing, otherwise in compliance with this quarantine, is not required to be entered into an inspection program: PROVIDED, That the department reserves the right to request complete listing and location of all the plantings and other information the department may deem necessary. Further, if at any time prior to harvest, the grower decides that the plantings are not to be harvested as green beans, the department shall be notified and the plantings placed under an inspection program.

(2) Bean varieties (cultivars) from a quarantine area that are known to be uniform for the dominant I-gene are exempt from the serology testing requirement for Bean Common Mosaic Virus. Documentation or evidence of uniformity must accompany the seed shipment.



Undocumented cultivars are subject to a serology test to determine freedom from seedborne Bean Common Mosaic Virus based on a one-pound, untreated bean seed sample for each fifty thousand pounds of bean seed or fraction thereof.

(3) This quarantine shall not apply to the shipment, movement, or transportation of beans prepackaged in packages of eight ounces or less for home garden use in the regulated area if the beans are free of diseases.

#### NEW SECTION

WAC 16-494-047 INSPECTION PROCEDURES FOR TRIAL GROUNDS. (1) Applications for planting in a trial ground must be submitted to the department prior to May 15 of the growing year, and must include a detailed varietal planting plan, a description of the exact location of the trial ground, and a description of any bean plantings within one quarter mile of the trial ground.

(2) A minimum of three field inspections shall be made during the growing season and one windrow inspection.

(3) A disinfectant shall be applied to machinery used in the production of bean seed and to footwear of personnel performing inspections prior to movement to other bean fields.

(4) If any regulated diseases are detected by field inspections or subsequent laboratory/greenhouse tests, none of the seed shall be released for general planting but shall again be planted in an approved trial ground for one additional year and undergo inspection procedures by the department.

#### AMENDATORY SECTION (Amending Order 1846, filed 12/31/84)

WAC 16-494-062 IDENTIFICATION AND DISPOSITION OF DISEASED BEAN SEED AND INFECTED BEAN FIELDS. (1) ~~((Any bean seed found or known to be contaminated with disease shall not be planted in Washington state.))~~ Any bean field planted with seed in violation of the requirements of this quarantine shall be subject to destruction, in full or in part, or quarantined, as determined necessary by the director, to prevent the spread of regulated diseases at the option and the expense of the grower or their responsible agents.

(a) Fields that are placed under a quarantine order shall be entered into the Washington state bean seed phyto-sanitary inspection program as provided in WAC 16-316-327 with all costs of inspection to be borne by the grower or the grower's agent.

(b) Fields that are placed under a quarantine order may be subject to additional requirements for inspection, control or isolation, as deemed necessary by the director, to prevent the spread of regulated diseases.

(2) Any bean field determined to be infected with ((the diseases listed in WAC 16-494-004)) a regulated disease shall be reported within seventy-two hours after discovery to the department, plant certification program.

(3) The department encourages the aid of all interested parties, including growers and seed company representatives, in the prompt reporting of suspected infected bean fields in order that timely investigation may be made.

(4) Any bean fields within the boundaries of ((Washington state)) the regulated area which show contamination ((of)) by a regulated disease, as provided in subsection (5) of this section, shall be destroyed in part or in total as may be required to eliminate the disease, by or at the expense of the grower and/or landlord: PROVIDED,

That the director may authorize any other method of control at the director's discretion. The director (~~(or representative of the director)~~) shall notify the grower, seed company representatives and/or the grower's landlord of the method and extent of the destruction and safeguards against disease spread in order for the parties to comply.

(5) The (~~(true)~~) identity of a regulated disease on growing plants or plants in windrow will be based on (~~(a)~~) the observance of the visual symptoms of (~~(a-regulated)~~) the disease (~~(, and (b) when)~~). If the department deems it necessary to establish true identity or pathogenicity, a laboratory and/or greenhouse (~~(tests to)~~) test may be conducted by the department in cooperation with (~~Washington State University~~) the university.

(~~(i)~~) (a) In cases of disagreement concerning the presence of a regulated disease between the department plant pathologist and a qualified plant pathologist representing the commercial company or grower, the definitive verification of identity or pathogenicity shall (~~(include)~~) be determined by isolation of the suspected pathogen and inoculation of seedlings of a known susceptible host using (~~(the Washington State University approved)~~) accepted scientific and professional techniques (~~(, the verification to be conducted in cooperation with Washington State University, College of Agriculture and Home Economics)~~).

(~~(i)~~) (b) Until verification of the suspected pathogen as specified in this section is completed, the involved planting shall be placed under quarantine for a period of thirty days subject to conditions and review or extension as determined by the director. Entry into the quarantined area is to be restricted to the grower or grower's agents, department employees, (~~(Washington State University plant pathologists)~~) and/or persons authorized in writing by the director. Persons granted entry into the quarantined area will be required to take all necessary sanitary precautions as prescribed by the director to safeguard against the possible spread of the suspected regulated disease.

(6) The true identity of the regulated disease when found in or on seed will be based on testing methods (~~(approved)~~) recommended by the (~~(Washington State University, College of Agriculture and Home Economics)~~) university results of which, when positive, will be evidence to identify the disease as being subject to the department's requirements (~~(unless the)~~). The owner of the seed, at owner's expense, may request verification of pathogenicity. Such verification shall be made using accepted scientific and professional techniques.

(7) Exemptions and special situations:

(a) Any field of beans (~~(, commercial or garden)~~) first found infected during windrow inspection, is exempt from total destruction if the diseased portion and an (~~(appropriate)~~) area (not less than a fifty-foot radius) surrounding the infected site is promptly destroyed (~~(, PROVIDED, That none of the remaining bean seed produced in the infected field may be replanted in Washington state)~~) or harvested with the beans from the infected area directed, under department supervision, to processing. Seed from the remainder of the field shall be tested by a serology test. Only seed apparently free from regulated diseases may be used for seed purposes in the regulated area.

(b) (~~(All commercial dry)~~) Any field of beans to be used only for dry edible purposes (~~(, except kidney beans)~~) are exempt from destruction if the diseased portion of the field is destroyed (~~(and/or verification as provided in subsection (5) of this section)~~) and all the crop residue is promptly and completely destroyed after harvest.

(c) Beans for processing or fresh consumption are exempt from destruction if the diseased portion of the field is destroyed or harvested within ten days after first detection and/or verification as provided in subsection (~~(5)~~) (4) of this section and the crop residue is promptly and completely destroyed after harvest.

NEW SECTION

WAC 16-494-063 NOTICE OF DESTRUCTION. When the director finds personal property planted in violation of the terms of this quarantine or infected as described in WAC 16-494-062, the director shall issue a written notice of quarantine or destruction to the owners and occupants thereof. The notice shall identify the property under quarantine, order the destruction of infested plants or prescribe the terms of entry, inspection, partial destruction and/or treatment of regulated articles.

NEW SECTION

WAC 16-494-064 PENALTIES. In addition to actions specified in WAC 16-494-062, any grower violating the terms of this quarantine, shall be subject to civil and/or criminal penalties provided in law.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-494-015 VIOLATIONS AND PENALTY.