



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: June 11, 1991

(2) Purpose:
To prevent the introduction and establishment of Potato Y Virus Necrotic Strain (PVY-N) in the state of Washington.

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

- Repealed:
- Amended:
- Suspended:

(4) Authority for adoption:

Statute: Chapter 17.24 RCW
Other Authority:

(5.1) **PERMANENT RULE ONLY**

Pursuant to notice filed as WSR 91-10-095 on May 1, 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:

This quarantine will prevent introduction and establishment of PVY-N in the state of Washington and protect against any related marketing restrictions on the state's potatoes.

(6) Effective date of rule:

Permanent Rules

Emergency Rules

- 31 days after filing
- Other (specify) 6/12/91 *
- Immediately
- 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

JUN 11 1991

TIME: 2:58 ^{PM}
WSR: 91-13-026

NAME (TYPE OR PRINT) C. Alan Pettibone	<i>[Signature]</i> Director
DATE 6/11/91	

NEW SECTION

WAC 16-484-200 DEFINITIONS. The definitions set forth in this section shall apply to WAC 16-484-205 through 16-484-260 unless the context otherwise requires:

(1) "Director" means the director of agriculture of this state, or a duly authorized representative.

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

(3) "Seed potatoes" means white or Irish potatoes, *Solanum tuberosum*, intended for the purpose of propagation or reproduction.

(4) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated pests, life stages, their hosts, and possible carriers from areas identified by the department.

(5) "Exterior quarantine" means a quarantine established against the movement into Washington state of designated pests, life stages, their hosts, and possible carriers from areas identified by the department.

NEW SECTION

WAC 16-484-205 PENALTIES. Any person who violates or fails to comply with any rule adopted under chapter 17.24 RCW shall be guilty of a misdemeanor, and for a second and each subsequent violation of the same rule, shall be guilty of a gross misdemeanor.

NEW SECTION

WAC 16-484-210 QUARANTINE--POTATO VIRUS Y NECROTIC STRAIN. A quarantine is established under this chapter against the disease known as potato virus Y necrotic strain (PVY-N). PVY-N is a serious viral disease of certain species of the family Solanaceae, and is not known to occur in the United States.

NEW SECTION

WAC 16-484-220 AREA UNDER QUARANTINE. The following areas are declared to be under quarantine for PVY-N:

(1) Exterior quarantine. All states and districts of the United States; and

(2) Interior quarantine. All counties in the state of Washington.

NEW SECTION

WAC 16-484-230 REGULATED ARTICLES. (1) The following are hereby declared to be hosts or possible carriers of PVY-N and are prohibited entry into the state from any area under exterior quarantine either directly, indirectly, diverted, or reconsigned except as provided in WAC 16-484-240:

(a) All seed potatoes originating in the Province of Prince Edward Island, Canada, potato inspection districts 1 through 4; and

(b) All seed potatoes of the Atlantic variety originating in the Province of Prince Edward Island, Canada, potato inspection districts 5 and 6; and

(c) All seed potatoes originating in the Province of New Brunswick, Canada, that are progeny of potatoes of the Atlantic variety that originated in Prince Edward Island in 1989 or 1990; and

(d) All other seed potatoes grown on farms where potatoes identified in (b) and (c) of this subsection have been grown; and

(e) All seed potatoes originating in any other location within Canada, except the Province of Newfoundland and the Land District of South Saanich of Vancouver Island of British Columbia that are the progeny of potatoes of the Atlantic variety that originated in Prince Edward Island in 1989 or 1990.

(2) It is prohibited to cut for seed, plant, move, sell, or transport any regulated article identified in subsection (1)(a) through (e) of this section which arrived in the state of Washington prior to the effective date of this quarantine until inspected and released by the department.

NEW SECTION

WAC 16-484-240 CONDITIONS GOVERNING THE MOVEMENT OF REGULATED ARTICLES INTO WASHINGTON STATE. (1) Each shipment of a regulated article shall be accompanied by a certificate issued by the state of origin that clearly identifies each seed lot and shall contain an additional declaration stating that the seed potatoes were tested and found free of PVY-N utilizing a method prescribed by the director.

(2) Persons shipping regulated articles into this state from areas under exterior quarantine shall notify the department's plant protection branch prior to arrival of the nature and quantity of each shipment, its expected date of arrival at destination, the name of the intended receiver, and the destination. The person to whom the regulated articles are shipped shall hold the same until they are inspected and released by the department.

NEW SECTION

WAC 16-484-250 SPECIAL PERMITS AND COMPLIANCE AGREEMENTS. The director may issue special permits or enter into compliance agreements allowing the movement of regulated articles covered in WAC 16-484-230 not otherwise eligible for movement from the area under quarantine, subject to conditions and provisions which the director may prescribe to prevent the escape or spread of PVY-N.

NEW SECTION

WAC 16-484-260 DISPOSITION OF REGULATED ARTICLES ENTERING IN VIOLATION OR FOUND INFECTED WITH PVY-N. Any regulated article (1) entering the state in violation of this quarantine; or (2) entering the state prior to the effective date of this quarantine which is or may be infected with PVY-N; shall be disposed of in a manner prescribed by the director, returned out-of-state, or destroyed at the option and expense of the owner or the owner's agent.