



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Agriculture

- Permanent Rule
 Emergency Rule

(1) Date of adoption: May 27, 1992

(2) Purpose:

To avoid conflicting language and to establish bean seed quarantine sections dealing specifically with seedborne viral diseases.

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

Repealed:

Amended: Chapter 16-316 WAC, 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 92-09-075 on April 15, 1992 (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:

A 5/27/92 effective date would avoid any break between the expiration date of emergency orders (WSR 92-06-050, WSR 92-06-048, WSR 92-06-049) and the starting date of this rule. This would allow industry to continue to comply with this rule and maintain (over.....)

(6) Effective date of rule:

Permanent Rules

Emergency Rules

31 days after filing

Immediately

Other (specify) 5/27/92 *

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

MAY 27 1992

TIME 3:00

WSR 92-12-025

NAME (TYPE OR PRINT)

C. Alan Pettibone

SIGNATURE

TITLE

Director

DATE

5/27/92

NEW SECTION

WAC 16-316-266 DEFINITIONS. The following definitions apply to the entire chapter.

- (1) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent, or employee thereof.
- (2) "Department" means the Washington state department of agriculture.
- (3) "Director" means the director of the department of agriculture or the director's duly authorized representative.
- (4) "Common bean" means *Phaseolus vulgaris* L.
- (5) "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.
- (8) "Approved trial grounds" means a specific parcel of land 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, phytosanitary certificates, laboratory sanitary certificates, and other letters, tags, stamps, or similar documents certifying seed quality or condition.
- (15) "Seedborne viral diseases" includes bean common mosaic virus, adzuki common mosaic virus, and other similar viral diseases causing mosaic mottle and other symptoms similar to those of bean common mosaic virus.

AMENDATORY SECTION (Amending Order 2005, filed 5/22/89)

WAC 16-316-270 BEAN SEED CERTIFICATION FEES.

- (1) Applications: Due July 1, however, may be accepted after due date at the discretion of the certifying agency.
 - (a) Application fee:
 - Per variety, per grower..... \$15.00
 - (b) Acreage fee:
 - (i) One inspection: (per acre)..... \$ 1.75
 - One inspection is required for certification of Great Northern, Red Mexican, pinto, pink, and small white beans.
 - (ii) Two inspections: (per acre)..... \$ 3.50
 - Includes windrow inspection which is required for: Certification of snap beans, kidney beans, and eligibility for shipment into Idaho. For phytosanitary certification see WAC 16-316-327.

(iii) Acreage fee is refundable if acreage is withdrawn before inspection.

(c) Late application penalty fee:..... \$30.00

This additional fee shall be charged per grower for applications received after July 1.

(2) Reinspection: (each field)..... \$40.00

If a field is rejected for reasons other than ((bacterial)) seedborne diseases at the first inspection, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(3) Production fee includes sampling and tagging per cwt.:..... \$ 0.40

The production fees shall be billed at the completion of tests.

(4) Purity and germination tests: Fees as established by the director of agriculture.

(5) Fees for retagging or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(6) Bean seed entered into the certification program shall comply with bean seed quarantine rules. See WAC 16-494-001 through ((16-494-062)) 16-494-170.

AMENDATORY SECTION (Amending Order 2078, filed 3/27/91, effective 4/27/91)

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 <u>found</u>	0.1%	0.2%
Other crops	none <u>found</u>	0.1%	0.1%
Total seed-borne diseases	none <u>found</u>	((0.5%-----1.5%)) <u>none</u> <u>found</u>	<u>none</u> <u>found</u>
((Bacterial-bean-blight-and-wilt----- Anthracnose----- Mosaic-seed-borne----- Except as noted in subsection (6) of <u>this section</u>	none none none	none none 0.5%	none none 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, including those planted with a dominant I-gene cultivar, showing virus-like mosaic symptoms will not be accepted as free of ((bean-common-mosaic-virus)) seedborne virus diseases until

((plant)) seed samples are tested serologically, or with serology and a grow out test and found to be free of ((bean-common--mosaic--virus)) seedborne virus diseases.

AMENDATORY SECTION (Amending Order 2078, filed 3/27/91, effective 4/27/91)

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 windrow inspection.

(2) A ((greenhouse)) grow out test to verify presence of seedborne diseases may be required if the certifying agency deems it necessary.

(3) A serology (ELISA) test or serology plus a grow out test for ((bean-common-mosaic-virus-or-adzuki-mosaic-virus-disease)) seedborne diseases is required to certify seed.

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

AMENDATORY SECTION (Amending Order 2078, filed 3/27/91, effective 4/27/91)

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 <u>found</u>	none <u>found</u>	2/100 lbs.
Badly damaged seed	(Max.)		2%	2%
Inert matter	(Max.)		2%	2%
Splits & cracks	(Max.)		2%	2%
Weed seed	(Max.)		none <u>found</u>	none <u>found</u>
((Bean-common-mosaic-virus-disease-or-adzuki--mosaic-virus-disease)) <u>Seedborne virus diseases</u> <u>(based on an ELISA or ELISA and a grow out test)</u>	(Max.)	none <u>found</u>	none <u>found</u>	((0-0%)) <u>none</u> <u>found</u>
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 2078, filed 3/27/91, effective 4/27/91)

WAC 16-494-010 DEFINITIONS. The following definitions apply to the entire chapter.

(1) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof.

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

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

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

(5) "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.

(8) "Approved trial grounds" means a specific parcel of land 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.

(17) "Seedborne viral diseases" includes bean common mosaic virus, adzuki mosaic virus, and other similar viral diseases causing mosaic mottle and other symptoms similar to those of bean common mosaic virus.

AMENDATORY SECTION (Amending Order 2078, filed 3/27/91, effective 4/27/91)

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)
 Fuscous 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 2078, filed 3/27/91, effective 4/27/91)

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.

AMENDATORY SECTION (Amending Order 2078, filed 3/27/91, effective 4/27/91)

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

BEAN SEEDBORNE VIRAL DISEASE QUARANTINE

NEW SECTION

WAC 16-494-100 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE--ESTABLISHING THE QUARANTINE. The production of dry 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 infected with bean seedborne viral diseases. The director has determined that a quarantine is needed to protect the Washington dry bean industry and to provide the bean growers of this state a source of bean seed for planting purposes that is tested for the presence of these diseases and that bean seedborne viral diseases cannot be effectively regulated under the terms of the existing bean seed quarantine.

NEW SECTION

WAC 16-494-110 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE--REGULATED ARTICLES. Seeds of common beans intended for planting purposes, bean plants and parts of plants, and crop residue from the harvest of beans are regulated under the terms of the bean seedborne viral disease quarantine.

NEW SECTION

WAC 16-494-120 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE--REGULATED DISEASE. Seedborne viral diseases of beans, such as but not limited to bean common mosaic virus, and adzuki mosaic virus are regulated under the terms of the bean seedborne viral disease quarantine.

NEW SECTION

WAC 16-494-130 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE--QUARANTINED AREA. 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 and all areas outside the state of Washington are established as a quarantine area for the bean seedborne viral disease.

NEW SECTION

WAC 16-494-140 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE--REGULATED AREA. The entire counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Walla Walla,

Whitman, and Yakima are established as a protected area for bean seed-borne viral diseases in Washington.

NEW SECTION

WAC 16-494-150 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE--REQUIREMENTS FOR PLANTING BEAN SEED IN THE REGULATED AREA. No bean seed shall be planted, or sold, shipped, or transported for seed purposes, or knowingly received, into the regulated area which are known to be contaminated with bean seedborne viral diseases and which do not comply with the requirements of the bean seed quarantine in WAC 16-494-001 through 16-494-064.

Bean seed, that otherwise qualifies, may be received for planting purposes, planted, sold, shipped, or transported if that seed meets one of the following criteria:

(1) The bean variety (cultivar) is known to be uniform for the dominant I-gene. Documentation of evidence of uniformity must accompany the seed shipment. Undocumented cultivars are subject to serology and/or grow out testing to determine freedom from bean seedborne viral diseases.

(2) The bean seed has been tested by the serology method (ELISA) and has been found to be free from bean seedborne viral diseases.

(3) The bean seed has been tested by the serology method and has been found to be positive for seedborne viral diseases and on a subsequent grow out test, the sample is found free from bean seedborne viral diseases.

(4) All serology tests shall be based on an official one pound sample of untreated bean seed for each fifty thousand pounds of bean seed or fraction thereof.

(5) All bean seed from outside the regulated area shall be accompanied by an official certificate documenting compliance with this section.

NEW SECTION

WAC 16-494-160 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE--IDENTIFICATION AND DISPOSITION OF DISEASED BEAN SEED. All bean seed that is determined to be contaminated by bean seedborne viral diseases and which does not meet the requirements of WAC 16-494-150 shall be destroyed or diverted to dry edible or other nonseed purposes. For seed that is diverted to dry edible or other nonseed purposes, documentation of disposition of the seed shall be provided to the department of agriculture upon request.

(1) Seed fields entered in the Washington state bean seed phytosanitary certificate inspection program or the Washington state seed certification inspection program as provided in WAC 16-316-270 and 16-316-327 that display symptoms of bean seedborne viral diseases during the growing season shall be subject to testing provided in WAC 16-494-150 (3) and (4) to determine final disposition.

(2) When the director determines that it is probable, based on visual symptoms and serological analysis, that a seed field may be infected with bean seedborne viral diseases and determines that a threat of infection of other fields exists, the director may prescribe aphid control or other requirements, through a notice of destruction as provided in WAC 16-494-063, deemed necessary to prevent infection of adjacent properties.

(3) The true identity of bean seedborne viral diseases shall be based on testing methods recommended by the university results of which, when positive, will be evidence to identify the disease as

being subject to the department's requirements. 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.

NEW SECTION

WAC 16-494-170 BEAN SEEDBORNE VIRAL DISEASE QUARANTINE--PENALTIES. (1) 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 bean seedborne viral diseases, at the option and the expense of the grower or their responsible agent.

(2) Any grower violating the terms of this quarantine, shall be subject to the criminal and/or civil penalties provided in chapter 17.24 RCW.