



LE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Agriculture

- Permanent Rule
- Emergency Rule

(1) Date of adoption: October 21, 1992

(2) Purpose:

To establish a quarantine for pine shoot beetle

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

Repealed:

Amended: Chapter 16-470

Suspended:

(4) Authority for adoption:

Statute: Chapter 17.24 RCW, Insect Pests and Plant Diseases

Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR _____ on _____ (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: Pine shoot beetle is a serious pest of pine trees and threatens the nursery stock, Christmas tree and pine lumber industry in the state of Washington. At present there is no regulatory frame work in place to prevent artificial movement of the pest into Washington state.

(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

- 31 days after filing
- Other (specify) _____ *
- Immediately
- Later (specify) _____

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

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CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

OCT 22 1992

TIME: 9:43
WSR: 92-22-016

NAME (TYPE OR PRINT)

C. Alan Peribone

POSITION

[Signature], Deputy Director

TITLE
Director

DATE
10/21/92

RULES RELATING TO PINE SHOOT BEETLE QUARANTINE

WAC 16-470-010 -- DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter, 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) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

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

(5) "Commercial orchard" means an orchard in which fruit is grown for commercial purposes and with the use of approved and accepted integrated pest management programs pursuant to statutes, guidelines or rules approved by the agricultural extension service or regulatory officials of the state of origin.

(6) "Commercial fruit" means fruit that is:

(a) Grown in a commercial orchard and commercially packed and labeled;

(b) Fruit grown in a commercial orchard and destined to a commercial processing plant or packing plant.

(7) "Honey bee" means bees of the species Apis mellifera.

(8) "Colony" means any natural group of bees having a queen.

(9) "Hive" means any receptacle or container made or prepared for the use of bees, or box or other container taken possession of by bees, including movable frames, combs, or substances deposited into the hive by bees.

(10) "Queen" means the fertile female honey bee, singly, in a shipping cage with attendant honey bees or in plurality with other queens in a shipping cage having common honey bee attendants.

(11) "Nuclei" means a shipping container or hive having five or less combs of bees and a queen.

(12) "Package" means a combless shipping container of bees with or without a queen.

(13) "Apiarist" means any person who owns bees or is a keeper of bees.

(14) "Net(s)" means fabricated material which is designed and utilized to prevent the escape of bees from bee colonies or hives during transit.

(15) "Pine Shoot Beetle" means the insect of the family Scolytidae commonly know as the pine shoot beetle, Tomicus piniperda (Linnaeus), in any stage of development.

(16) "Pine nursery stock" means all woody plants, shrubs and trees, including ornamental pine such as bonsai, of the genus Pinus spp.

(17) "USDA APHIS" means the United States Department of Agriculture, Animal and Plant Health Inspection Service.

WAC 16-470-150 PINE SHOOT BEETLE QUARANTINE -- ESTABLISHING QUARANTINE. The director has determined that the pine shoot beetle, Tomicus piniperda (Linnaeus), has been newly discovered in portions of the United States and is not present in the state of Washington and that the introduction of this pest would cause serious economic loss to the horticultural industries, forestry industry and the Christmas tree industry in the state as well as having serious, negative environmental consequences. To prevent this loss, a quarantine is hereby established against this pest, its host plants and possible carriers.

New Section

WAC 16-470-153 PINE SHOOT BEETLE QUARANTINE -- REGULATED ARTICLES. The following articles are regulated under the terms of the Pine Shoot Beetle Quarantine:

- (1) The pine shoot beetle in any living stage of development;
- (2) The plants of the genus Pinus spp. whether balled and burlapped or cut live for the use as Christmas trees;
- (3) Logs or other timber from the pine (genus Pinus spp.), fir (genus Abies spp.), and spruce (genus Picea spp.) with the bark intact; and
- (4) Ornamental foliage from the genus Pinus spp. bearing terminal buds or shoots.

New Section

WAC 16-470-156 PINE SHOOT BEETLE QUARANTINE -- AREA UNDER QUARANTINE. The following areas are declared to be under quarantine for Pine Shoot Beetle:

- (1) In the state of Illinois, the county of Kane;
- (2) The entire state of Indiana;
- (3) In the state of Michigan, the county of Monroe;
- (4) In the state of New York, the counties of Erie and Niagara;
- (5) In the state of Ohio, the counties of Ashland, Ashtabula, Cuyahoga, Geauga, Huron, Lake, Lorain, Mahoning, Medina, Portage, Richland, Summit, Trumbull, and Wayne;
- (6) In the state of Pennsylvania, the counties of Crawford, Eire and Lawrence; and
- (7) Any other county of any state in the United States where the presence of the pine shoot beetle is confirmed by USDA APHIS or the affected state regulatory agency.

New Section

WAC 16-470-159 PINE SHOOT BEETLE QUARANTINE -- CONDITIONS FOR MOVEMENT OF REGULATED ARTICLES. Regulated articles, listed in WAC 16-470-153 shall be allowed entry into the state of Washington, provided that the following conditions have been met.

- (1) Live specimens of pine shoot beetle, Tomicus piniperda (L.), may be sent into the state only if accompanied by a valid permit issued by USDA APHIS.
- (2) Pine nursery stock may be shipped into Washington state

if:

(a) Stock has been produced in a greenhouse that has been inspected by an authorized representative of the state department of agriculture, is found to be free from pine shoot beetle and is screened to prevent entry of the pine shoot beetle; or

(b) Stock is less than 24 inches in height and has been thoroughly inspected by an authorized representative of the state department of agriculture and is found to be free from pine shoot beetle; or

(c) Stock has been treated in a manner approved in writing by the director to kill all life stages of the pine shoot beetle.

(3) Logs or other timber from the pine (genus Pinus spp.), fir (genus Abies spp.), and spruce (genus Picea spp.) with the bark intact will be allowed entry provided that the shipment is fumigated with methyl bromide at normal atmospheric pressure at the rate of 48 g/m³ (3 lb/1000 ft³) for 16 hours at 21° C. (70° F.) or above, or 80 g/m³ (5 lbs./1000 ft³) for 16 hours at 4.5° C.-22.5° C. (40° F. - 69° F.).

(4) After inspection and/or treatment, regulated articles must be moved through the quarantine area when the ambient temperature is less than 10° C. (50° F.) or in an enclosed container or vehicle or enclosed by a covering adequate to prevent access by the pine shoot beetle.

(5) All regulated articles originating from quarantined areas and shipped into the state of Washington must be accompanied by a certificate of inspection issued by the state department of agriculture or other responsible regulatory agency attesting that the articles have been treated or otherwise meet the conditions prescribed in subsections (1) through (3) of this section.

New Section

WAC 16-470-162 PINE SHOOT BEETLE QUARANTINE -- SPECIAL PERMITS. The director may issue special permits allowing entry of articles or commodities otherwise prohibited in WAC 16-470-153. The permit shall state all mandatory provisions or conditions under which entry is allowed.

New Section

WAC 16-470-165 PINE SHOOT BEETLE QUARANTINE -- NOTIFICATION REQUIREMENT. The plant services division of the department of agriculture shall be notified by U.S. mail or telefax prior to the shipment of regulated articles listed in WAC 16-470-153 into this state from a quarantined area listed in WAC 16-470-156. Such notice shall include, but not be limited to a description of the contents of the shipment; the shipper; the consignee; the method of treatment used, if applicable; and the approximate date of delivery.