

## WSR 23-17-083

## PERMANENT RULES

## DEPARTMENT OF AGRICULTURE

[Filed August 15, 2023, 10:52 a.m., effective September 15, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule making amends chapters 16-325 WAC, Seed potato isolation district and 16-482 WAC, Seed potato quarantine. In response to a petition received from the Washington seed potato commission, the department of agriculture (department) is amending the seed potato rules to strengthen protections for the seed potato isolation district (isolation district) located in a portion of Whatcom County.

In consideration of the petition, the department is amending the two identified chapters to:

- Expand the definition of "seed potatoes";
- Clarify that the requirement to be enrolled in the certification program includes all plantings for commercial use and adds the option for certified seed to be used for each growing season in commercial potato plantings of one acre or less instead of enrollment in the certification program;
- Add a requirement that all lots of potatoes entering the isolation district for planting or further sale, except for those intended for immediate human consumption (example: Potatoes sold in grocery stores), must be tested and found negative for bacterial ring rot by an approved laboratory at origin;
- Add a requirement that shipments entering or transiting the isolation district must be covered in a manner that safeguards pathogen dispersal;
- Establish a prior notification requirement for seed potatoes entering the isolation district;
- Require shipments of potatoes be held for 24 hours after delivery to allow the department time to contact the receiver for inspection;
- Add a violation section regarding the disposition of potatoes in the isolation district found to be in violation of this chapter;
- Clarify in the seed potato quarantine rule (WAC 16-482-010) that all lots of potatoes entering the seed potato isolation district, except for those intended for immediate human consumption, are also subject to the requirements under chapter 16-325 WAC.

Citation of Rules Affected by this Order: New WAC 16-325-030; and amending WAC 16-325-010, 16-325-020, and 16-482-010.

Statutory Authority for Adoption: RCW 15.14.015, 15.15.010, 17.24.011, and 17.24.041.

Adopted under notice filed as WSR 23-13-084 on June 15, 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 1, Amended 3, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 15, 2023.

Derek I. Sandison  
Director

## OTS-4629.2

AMENDATORY SECTION (Amending WSR 98-09-071, filed 4/20/98, effective 5/21/98)

**WAC 16-325-010 Definitions.** The definitions in this section shall apply throughout this chapter.

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

(2) "Director" means the director of the department of agriculture or a duly appointed representative.

(3) "Potato" means plants or plant parts of *Solanum tuberosum*.

(4) "Seed potatoes" means vegetatively propagated tubers of *Solanum tuberosum* used for propagation, research, breeding, or production.

(5) "Seed potato certification program" means the program in which certified seed potatoes are produced, as set forth in chapter 16-324 WAC.

AMENDATORY SECTION (Amending WSR 98-09-071, filed 4/20/98, effective 5/21/98)

**WAC 16-325-020 Regulations for potato production within the seed potato isolation district.** All potato plantings in excess of one acre must be enrolled in the seed potato certification program described in chapter 16-324 WAC. All commercial potato plantings of one acre or less must either be enrolled in the seed potato certification program or planted exclusively with certified seed potatoes. Affected growers shall be responsible for all associated fees as required in chapter 16-324 WAC. All potatoes entering the isolation district for planting, processing or further sale, except for those intended for immediate human consumption, must be derived from tested mother lots and found negative for bacterial ring rot by an approved laboratory at origin. This requirement does not apply to shipments merely transiting through the district where the potatoes will not be planted, processed, or sold within the district. Shipments entering or transiting through the isolation district must be covered in a manner that safeguards pathogen dispersal.

The receiver must give prior notification to the department of all lots of seed potatoes entering the isolation district and hold all shipments for 24 hours after delivery, to allow the department to contact the receiver for inspection. Notification may be by email or facsimile to:

- Email: [PlantServices@agr.wa.gov](mailto:PlantServices@agr.wa.gov); or

- Facsimile: 360-902-2094.

Documentation must include bacterial ring rot test results from a laboratory approved by the director and a bill of lading showing address of shipper and receiver.

#### NEW SECTION

**WAC 16-325-030 Violations.** (1) At the option and expense of the owner or owners or their responsible agents, potatoes shipped into or planted in the isolation district in violation of this chapter may be returned to the point of origin or destroyed. Destruction will be done in a manner that safeguards pathogen dispersal as approved by the department and shall be monitored by the department.

(2) Anyone violating the terms of this chapter or chapter 16-482 WAC may be subject to civil and/or criminal penalties as provided in law.

#### **OTS-4630.1**

AMENDATORY SECTION (Amending WSR 07-11-013, filed 5/3/07, effective 6/3/07)

**WAC 16-482-010 Regulations—Certified seed requirement.** (1) Except as provided in WAC 16-482-015, all seed potatoes planted within the state for commercial or for seed production shall be certified seed, produced as a part of a certified seed potato program in the state or country of origin that meets the requirements of Article 4 of the State National Harmonization Program for seed potatoes. All potatoes entering the seed potato isolation district must comply with the requirements of chapter 16-325 WAC including, but not limited to, the requirement that all potatoes entering the district, except those intended for immediate human consumption, must be tested and found negative for bacterial ring rot by an approved laboratory at origin.

(2) The department may sample and test any lot of seed potatoes or conduct field inspections for the purpose of testing and verification of compliance with this chapter.