Chapter 16-350 WAC
REGISTRATION AND CERTIFICATION OF FRUIT TREE PLANTING STOCK

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-350-001 Promulgation. [Order 951, Promulgation, filed 7/2/64; Order 890, Promulgation, effective 9/17/62.] Repealed by 00-19-036, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.

16-350-003 Promulgation. [Order 1331, § 16-350-003, filed 1/15/74; Order 1300, § 16-350-003, filed 3/26/73; Order 1275, § 16-350-003, filed 7/6/72.] Repealed by 00-19-036, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.

16-350-060 Grades and standards for Washington certified fruit tree nursery stock. [Statutory Authority: Chapter 15.14 RCW. 90-23-006 (Order 2058), § 16-350-060, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-060, filed 1/15/74; Order 1300, § 16-350-060, filed 3/26/73; Order 951, Regulation 6, filed 7/2/64; Order 890, Regulation 6, effective 9/17/62.] Repealed by 00-19-036, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.

16-350-065 Statutory declaration of unlawful acts. [Statutory Authority: Chapter 15.14 RCW. 90-23-006 (Order 2058), § 16-350-065, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-065, filed 1/15/74; Order 1300, § 16-350-065, filed 3/26/73; Order 951 (part), filed 7/2/64; Order 890 (part), effective 9/17/62.] Repealed by 00-19-036, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.

16-350-070 Effective date. [Order 1331, § 16-350-070, filed 1/15/74; Order 1300, § 16-350-070, filed 3/26/73.] Repealed by 00-19-036, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.

16-350-075 Certifying agency issuance of certificate. [Statutory Authority: Chapter 15.14 RCW. 90-23-006 (Order 2058), § 16-350-075, filed 11/9/90, effective 12/10/90.] Repealed by 00-19-036, filed 9/12/00, effective 10/13/00. Statutory Authority: Chapter 15.14 RCW.

WAC 16-350-010 General. (1) Trees may be registered as rootstock and scion sources for the propagation of certified nursery stock when inspected, tested and found to be discernibly free from harmful virus and virus-like diseases and other conditions by procedures outlined in this program.

(2) Issuance of a certified state of Washington plant tag, stamp or other document under this chapter means only that the tagged, stamped or otherwise documented fruit tree or fruit tree related ornamental stock and rootstock have been subjected to procedures and requirements described in this chapter and determined to be in compliance with its standards and requirements. The department disclaims all express or implied warranties, including without limitation implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

(3) The department is not responsible for disease, genetic disorders, off-type, failure of performance, mislabeling or otherwise, in connection with this chapter. No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

(4) Participation in the fruit tree planting stock certification program is voluntary.

[Statutory Authority: Chapter 15.14 RCW. 00-19-036, § 16-350-010, filed 9/12/00, effective 10/13/00; Order 1331, § 16-350-010, filed 1/15/74; Order 1300, § 16-350-010, filed 3/26/73; Order 951 (part), filed 7/2/64; Order 890 (part), effective 9/17/62.]

WAC 16-350-015 Definitions. (1) "Indicator plant" means any herbaceous or woody plant used to index or test for virus infection.

(2) "Index" means to test for virus infection by means of inoculation from the plant to be tested to an indicator plant, or by any other method approved by the department.

(3) "NRSP-5" means the United States Department of Agriculture National Research Support Project 5.

(4) "Off-type" means appearing by visual examination to be different from the species or variety certified or exhibiting symptoms of a genetic or nontransmissible disorder.

(5) "Scion block" means a planting of registered trees which serves as a source of scion wood for the propagation of certified nursery stock.

(6) "Seed block" means a planting of registered trees which serves as a source of seed for producing rootstock used in the propagation of certified nursery stock.

(7) "Stool bed" means a clonal planting of self-rooted registered trees for the specific purpose of producing vegetatively propagated rootstock used in the propagation of certified nursery stock.

(8) "Virus-like" means a graft-transmissible disorder resembling a virus disease, including, but not limited to, diseases caused by viroids and phytoplasmas.

(9) "Washington certified nursery stock" means nursery grown seedlings, clonal rootstocks and nursery grown trees of the plant genera *Chaenomeles, Cydonia, Crataegus, Malus, Prunus, Pyrus* and *Sorbus*, that comply with the requirements of this chapter.

(10) "Washington certified seed" means seed produced on registered seed trees in compliance with this chapter.

[Statutory Authority: Chapter 15.14 RCW. 00-19-036, § 16-350-015, filed 9/12/00, effective 10/13/00; 90-23-006 (Order 2058), § 16-350-015, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-015, filed 1/15/74; Order 1300, § 16-350-015, filed 3/26/73; Order 951, Regulation 1, filed 7/2/64; Order 890, Regulation 1, effective 9/17/62.]

WAC 16-350-020 Requirements. (1) The applicant is responsible, subject to the approval of the department, for the selection of the location and the proper maintenance of registered plantings grown under the provisions of this program. The applicant is also responsible for maintaining the identity of all nursery stock entered in this program in a manner approved by the department. Any planting entered in this program must be kept in a thrifty growing condition free of plant pests.

(2) Budding, grafting, or top-working of registered trees is prohibited, except for indexing under the supervision of the department.

(3) Applicants must remove any tree that is infected with virus or virus-like disease or is off-type, following notification by the department.

[Statutory Authority: Chapter 15.14 RCW. 00-19-036, § 16-350-020, filed 9/12/00, effective 10/13/00; Order 1331, § 16-350-020, filed 1/15/74; Order 1300, § 16-350-020, filed 3/26/73; Order 951, Regulation 2(a), filed 7/2/64; Order 890, Regulation 2 (part), effective 9/17/62.]

WAC 16-350-025 Requirements for registered scion blocks. (1) The department will assign a registration number to each registered scion tree.

(2) Only registered trees are permitted in a registered scion block.

(3) Isolation requirements.

(a) *Prunus* trees must be at least one hundred feet from any nonregistered *Prunus* tree.

(b) *Chaenomeles, Cydonia, Crataegus, Malus, Pyrus,* and *Sorbus* trees must be at least sixty feet from any nonregistered plant of the Rosaceae family. The department may waive the isolation distance for registered trees of these genera, if the trees are separated by a physical barrier that would prevent the intermingling of roots.

(4) The ground in a scion block and for a distance of twenty feet on all sides around it must be kept either clean cultivated or in ground cover relatively free of broadleaf weeds.

(5) Registered scion trees must be propagated from foundation scion wood obtained from NRSP-5 or other equivalent sources approved by the department and rootstock that complies with the requirements established in this chapter, except:

(a) Registered scion trees of the genus *Malus* may be propagated with scion wood from other registered *Malus* trees, if all of the following three conditions are complied with:

(i) No registered tree utilized is more that two generations from the foundation source.

(ii) The registered tree providing scion wood for a second generation registered tree is identified and its location is known.

(iii) The department monitors the propagation of second generation registered scion trees.

(b) Registered scion trees may be propagated from trees that have been indexed and found free of all known virus and virus-like diseases by NRSP-5 or other programs approved by the department using equivalent indexing methods.

[Statutory Authority: Chapter 15.14 RCW. 00-19-036, § 16-350-025, filed 9/12/00, effective 10/13/00; 90-23-006 (Order 2058), § 16-350-025, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-025, filed 1/15/74; Order 1300, § 16-350-025, filed 3/26/73; Order 951, Regulation 2(b), filed 7/2/64; Order 890, Regulation 2 (part), effective 9/17/62.]

WAC 16-350-030 Requirements for registered seed blocks. (1) The department will assign a registration number to each registered seed tree.

(2) Only registered trees are permitted in a registered seed block.

(3) *Prunus* seed blocks must be located at least one hundred feet from any nonregistered *Prunus* plants.

(4) The ground in a seed block and for a distance of twenty feet on all sides around it must be kept either clean cultivated or in ground cover relatively free of broadleaf weeds.

(5) Registered seed trees must be propagated from foundation or registered scion wood and rootstock that has been demonstrated to be free of all virus or virus-like diseases.

[Statutory Authority: Chapter 15.14 RCW. 00-19-036, § 16-350-030, filed 9/12/00, effective 10/13/00; 90-23-006 (Order 2058), § 16-350-030, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-030, filed 1/15/74; Order 1300, § 16-350-030, filed 3/26/73; Order 951, Regulation 2(c), filed 7/2/64; Order 890, Regulation 2 (part), effective 9/17/62.]

WAC 16-350-032 Requirements for registered stool beds. (1) Only registered trees are permitted in a registered stool bed.

(2) Registered stool beds must be at least ten feet from nonregistered plants of the Rosaceae family.

(3) The ground in a stool bed and for a distance of at least ten feet on all sides around it must be kept clean cultivated.

(4) Registered stool beds must be planted with foundation or registered planting stock. Certified rootstocks from programs approved by the department may also be used, provided the resulting stock in the stool bed is tested and found free of virus and virus-like diseases prior to harvest of certified rootstock.

[Statutory Authority: Chapter 15.14 RCW. 00-19-036, § 16-350-032, filed 9/12/00, effective 10/13/00; 90-23-006 (Order 2058), § 16-350-032, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-032, filed 1/15/74; Order 1300, § 16-350-032, filed 3/26/73.]

WAC 16-350-035 Requirements for certified nursery planting stock. (1) All nursery stock being grown for certification must be propagated on certified rootstock. Certified rootstock must comply with at least one of the following conditions:

(a) Rootstock propagated directly from registered trees.

(b) Rootstock originating from other approved certification programs, if the rootstock was propagated directly from mother plants that have been tested and found free of all known virus and virus-like diseases.

(c) *Prunus persica* seedlings grown from commercial seed, if the seed lot has been tested for transmissible virus content, and not more than five percent of the seed tested positive for transmissible virus content.

(d) Pome fruit seedlings.

(2) Growers must keep records identifying the scion, rootstock, and interstock sources for all Washington certified stock. Upon request, these records must be made available to the department.

(3) Seed may be designated as Washington certified seed only if both of the following conditions are complied with:

(a) The seed was produced on registered seed trees; and

(b) The seed lot has been tested for transmissible virus content, and not more than five percent of the seed tested positive for transmissible viruses.

(4) Washington certified nursery stock must be identified by a blue certification tag.

(5) When it is offered for sale, Washington certified nursery stock must be identified as to variety, interstock and rootstock.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 05-03-042, § 16-350-035, filed 1/11/05, effective 2/11/05. Statutory Authority: Chapter 15.14 RCW. 00-19-036, § 16-350-035, filed 9/12/00, effective 10/13/00; 90-23-006 (Order 2058), § 16-350-035, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-035, filed 1/15/74; Order 1300, § 16-350-035, filed 3/26/73; Order 951, Regulation 2(d), filed 7/2/64; Order 890, Regulation 2 (part), effective 9/17/62.]

WAC 16-350-040 Inspection and testing for certification of nursery planting stock. (1) The department will conduct all inspections, testing and indexing prescribed in this chapter in a manner and at times the department has determined to be suitable. The methods and procedures used for making the virus and virus-like disease determinations will conform to the standards of NRSP-5.

(2) The department will refuse certification of planting stock that has been propagated from registered trees found to be infected by a virus or virus-like disease, or if other requirements of this chapter have not been complied with.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 04-11-025, § 16-350-040, filed 5/11/04, effective 7/1/04. Statutory Authority: Chapter 15.14 RCW. 00-19-036, § 16-350-040, filed 9/12/00, effective 10/13/00; Order 1331, § 16-350-040, filed 1/15/74; Order 1300, § 16-350-040, filed 3/26/73; Order 951, Regulation 3, filed 7/2/64; Order 890, Regulation 3, effective 9/17/62.]

WAC 16-350-045 Application and fees. (1) The applicant must provide the department with all information documenting the eligibility of all registered and certified stock and must allow the department to take samples for indexing or testing purposes.

(2) An application for certification must be filed with the department by June 1 of each year accompanied by an application fee. The application fee will consist of $100.00 plus $10.00 for each registered *Prunus* tree and $2.00 for each registered pome tree.

(3) The application fee will apply toward the annual assessment on the gross wholesale price of all fruit trees and fruit tree related ornamental nursery stock produced in Washington and sold within the state or shipped from the state during any license period, as set forth in RCW 15.13.310. No refund of the application fee will be allowed.

[Statutory Authority: Chapters 15.14 and 34.05 RCW. 04-11-025, § 16-350-045, filed 5/11/04, effective 7/1/04. Statutory Authority: Chapter 15.14 RCW. 00-19-036, § 16-350-045, filed 9/12/00, effective 10/13/00; 90-23-006 (Order 2058), § 16-350-045, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-045, filed 1/15/74; Order 1300, § 16-350-045, filed 3/26/73; Order 1275, § 16-350-045, filed 7/6/72; Order 951, Regulation 4, filed 7/2/64; Order 890, Regulation 4, effective 9/17/62.]

WAC 16-350-050 Tagging and identity. (1) The department authorizes the use of official certification tags for the identification of nursery stock or seed that meet the requirements of this program. These tags will be supplied by the department to all growers participating in the program. Participating growers will reimburse the department for all certification tags supplied. This reimbursement will be based on the cost incurred by the department.

(2) Any person selling Washington certified nursery stock or Washington certified seed is responsible for the identity of the stock bearing each tag and for such nursery stock or seed meeting the requirements of this program. Persons issued tags authorized by the program must account for stock produced and sold, keep such records, and make them available to the department upon request.

[Statutory Authority: Chapter 15.14 RCW. 00-19-036, § 16-350-050, filed 9/12/00, effective 10/13/00; 90-23-006 (Order 2058), § 16-350-050, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-050, filed 1/15/74; Order 1300, § 16-350-050, filed 3/26/73; Order 951, Regulation 5, filed 7/2/64; Order 890, Regulation 5, effective 9/17/62.]