

Chapter 16-474 WAC

EASTERN FILBERT BLIGHT QUARANTINE

WAC

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WAC 16-474-001 Eastern filbert blight—Establishing quarantine. A quarantine is established under chapters 17.24 and 15.13 RCW to protect the Washington hazelnut industry from exotic strains of the eastern filbert blight disease. Eastern filbert blight is a highly infectious plant disease affecting hazelnuts (also called filberts) and closely related species. It is caused by the fungus *Anisogramma anomala*. Until recently, varieties of hazelnuts grown in the Pacific Northwest were resistant to the local strain of *A. anomala*. However, more virulent strains of *A. anomala* have been found in the eastern portion of the United States. If these more virulent, exotic strains are introduced into Washington, the disease resistance of local commercial and ornamental varieties of hazelnuts will decline and may be lost, resulting in potentially devastating economic consequences to growers, loss of ornamental or landscape hazelnut plants, and environmental consequences of removing habitat and food sources for wildlife.

[Statutory Authority: RCW 17.24.041, 15.13.260 and chapter 34.05 RCW. 13-01-006, § 16-474-001, filed 12/6/12, effective 1/6/13.]

WAC 16-474-005 Eastern filbert blight—Definitions. "Department" means the Washington state department of agriculture.

"Eastern filbert blight" means a disease of hazelnut plants caused by the fungus *Anisogramma anomala*.

"Hazelnut plant" means plants and plant parts of any species in the genus *Corylus*.

"Micropropagate" means plant propagation using aseptic laboratory techniques and artificial culture medium.

"Pest free area" means an area where eastern filbert blight does not occur, as demonstrated by scientific evidence, and where this condition is being officially maintained.

"Phytosanitary certificate" means a certificate issued by a government agency under authority of state or federal statute, which declares or establishes the pest status of a shipment of plants or plant parts under accepted inspection or sampling procedures. Phytosanitary certificates are patterned after model certificates of the International Pest Protection Convention.

[Statutory Authority: RCW 17.24.041, 15.13.260 and chapter 34.05 RCW. 13-01-006, § 16-474-005, filed 12/6/12, effective 1/6/13.]

WAC 16-474-010 Eastern filbert blight—Area under quarantine. The area under quarantine consists of all states

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and territories of the United States outside of the state of Washington.

[Statutory Authority: RCW 17.24.041, 15.13.260 and chapter 34.05 RCW. 13-01-006, § 16-474-010, filed 12/6/12, effective 1/6/13.]

WAC 16-474-015 Eastern filbert blight—Regulated articles. All plants and plant parts of any species of the genus *Corylus* are regulated, except edible nuts that are free of green twigs and other plant debris that may harbor *Anisogramma anomala*.

[Statutory Authority: RCW 17.24.041, 15.13.260 and chapter 34.05 RCW. 13-01-006, § 16-474-015, filed 12/6/12, effective 1/6/13.]

WAC 16-474-020 Eastern filbert blight—Restrictions. (1) Regulated articles from any area east of the Rocky Mountains, including all of Montana, Wyoming, Colorado, and New Mexico, are prohibited unless accompanied by a phytosanitary certificate with one of the following declarations:

(a) The hazelnut plants originate from a pest free area for eastern filbert blight.

(b) The hazelnut plants are micropropagated and shipped in artificial culture medium in sealed containers.

(2) Regulated articles from any area except the area addressed in subsection (1) of this section must be accompanied by a phytosanitary certificate stating that the hazelnut plants have been inspected by the certifying agency during the last active growing season and found free of eastern filbert blight.

[Statutory Authority: RCW 17.24.041, 15.13.260 and chapter 34.05 RCW. 13-01-006, § 16-474-020, filed 12/6/12, effective 1/6/13.]

WAC 16-474-025 Eastern filbert blight—Disposition of articles not in compliance. The department will refuse admittance into the state of all regulated articles not complying with the requirements of this rule. If regulated articles enter the state in violation of eastern filbert blight quarantine provisions, the owner or the owner's responsible agent will be given the option of destroying the material in a manner that will prevent dissemination of any *Anisogramma anomala* or immediately sending it out-of-state.

[Statutory Authority: RCW 17.24.041, 15.13.260 and chapter 34.05 RCW. 13-01-006, § 16-474-025, filed 12/6/12, effective 1/6/13.]

WAC 16-474-030 Eastern filbert blight—Permits. The department may issue permits waiving portions of this chapter and specifying conditions under which regulated material may be imported from the quarantine area in the following situations:

(1) The material is *Corylus* planting stock being imported by Washington State University or USDA for experimental or trial purposes; or

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(2) No more than twenty-five plants are being imported by a grower as source material for micropropagation, and these plants will be isolated and held until the department determines them to be free of *Anisogramma anomala*. As a condition of the permit, the permit holder may be required to hold these source plants in an enclosed facility during the micropropagation process and to destroy them upon its completion.

[Statutory Authority: RCW 17.24.041, 15.13.260 and chapter 34.05 RCW. 13-01-006, § 16-474-030, filed 12/6/12, effective 1/6/13.]