

# Chapter 16-482 WAC

## SEED POTATO QUARANTINE

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-482-007	Regulated area. [Statutory Authority: Chapter 17.24 RCW. WSR 91-07-016 (Order 2075), § 16-482-007, filed 3/13/91, effective 4/13/91.] Repealed by WSR 07-11-013, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapters 17.24 and 34.05 RCW.
16-482-030	Violation and penalty. [Order 1126, § 16-482-030, filed 10/9/69, effective 11/10/69.] Repealed by WSR 91-07-016 (Order 2075), filed 3/13/91, effective 4/13/91. Statutory Authority: Chapter 17.24 RCW.
16-482-040	Effective date. [Order 1126, § 16-482-040, filed 10/9/69, effective 11/10/69.] Repealed by WSR 91-07-016 (Order 2075), filed 3/13/91, effective 4/13/91. Statutory Authority: Chapter 17.24 RCW.

**WAC 16-482-001 Promulgation—Establishing quarantine.** The commercial production of potatoes both for food and for seed in the state of Washington is one of the major agricultural industries. The introduction and spread of serious bacterial, fungal, viral and nematode diseases of potatoes represents a serious economic threat to the industry. A quarantine is established under this chapter requiring the planting of certified seed potatoes in commercial potato production areas to mitigate this threat.

[Statutory Authority: Chapter 17.24 RCW. WSR 91-07-016 (Order 2075), § 16-482-001, filed 3/13/91, effective 4/13/91; Order 1126, § 16-482-001, filed 10/9/69, effective 11/10/69.]

**WAC 16-482-003 Definitions.** "Department" means the Washington state department of agriculture.

"State National Harmonization Program for seed potatoes" means the United States Department of Agriculture program regarding phytosanitary certification standards for seed potatoes and pest management.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. WSR 07-11-013, § 16-482-003, filed 5/3/07, effective 6/3/07.]

**WAC 16-482-005 Regulated articles.** All seed potatoes used throughout the state for commercial plantings in excess of one acre or for any acreage of seed potato production are regulated articles.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. WSR 07-11-013, § 16-482-005, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 17.24 RCW. WSR 91-07-016 (Order 2075), § 16-482-005, filed 3/13/91, effective 4/13/91.]

(5/3/07)

**WAC 16-482-006 Quarantine area.** All states and territories of the United States and all counties within the state of Washington.

[Statutory Authority: Chapter 17.24 RCW. WSR 91-07-016 (Order 2075), § 16-482-006, filed 3/13/91, effective 4/13/91.]

**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.

(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.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. WSR 07-11-013, § 16-482-010, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 17.24 RCW. WSR 91-07-016 (Order 2075), § 16-482-010, filed 3/13/91, effective 4/13/91; Order 1126, § 16-482-010, filed 10/9/69, effective 11/10/69.]

**WAC 16-482-015 Regulations—Certified seed—Exceptions.** The certified seed requirement shall not be applicable to:

(1) Potatoes planted for personal use or other noncommercial purposes;

(2) Commercial production, other than for production of seed potatoes, of not more than one acre; or

(3) Experimental or seed trial plots as provided in WAC 16-482-016.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. WSR 07-11-013, § 16-482-015, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 17.24 RCW. WSR 91-07-016 (Order 2075), § 16-482-015, filed 3/13/91, effective 4/13/91.]

**WAC 16-482-016 Exceptions—Permit requirement.** The director may allow planting of seed potatoes, otherwise prohibited, by special permit. Such permit shall specify the conditions under which planting is allowed and shall be obtained prior to planting. Prior to issuance of a permit, the director shall consult with a committee composed of one member from the Washington state seed potato commission and two members of the Washington state potato commission, appointed by the respective commission chairs, as to the need for and terms of such permit.

[Statutory Authority: Chapter 17.24 RCW. WSR 94-11-069 (Order 5042), § 16-482-016, filed 5/13/94, effective 6/13/94; WSR 91-07-016 (Order 2075), § 16-482-016, filed 3/13/91, effective 4/13/91.]

**WAC 16-482-017 Recordkeeping requirement.** All commercial potato growers are required to obtain certification documents or tags to verify that all seed potatoes planted in this state comply with the terms of this chapter. Growers

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must retain certification documents for at least three years and provide them to the department within thirty days of a written request. Such documents shall include the total weight of certified seed potatoes and shall be issued by an official certifying agency in the state or country of origin. Falsification of seed potato documents shall subject the grower to penalties provided in law.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. WSR 07-11-013, § 16-482-017, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 17.24 RCW. WSR 91-07-016 (Order 2075), § 16-482-017, filed 3/13/91, effective 4/13/91.]

**WAC 16-482-020 Disposition of material shipped in violation of this quarantine.** (1) Seed potatoes shipped in violation of this quarantine may be returned to the point of origin, diverted to nonseed use, or destroyed at the option and expense of the owner or owners or their responsible agents.

(2) Seed potatoes planted and growing in violation of the terms of this quarantine may be destroyed or placed under quarantine, with terms and conditions for that quarantine specified by the director, at the option and expense of the grower or owners or their responsible agents. Potatoes, placed under quarantine for violation of the terms of this chapter and found to be infested or infected with a viral, fungal, bacterial or nematode disease by subsequent inspection or testing shall be destroyed at the expense of the grower, without compensation.

(3) In addition to the actions specified in subsections (1) and (2) of this section, any grower violating the terms of this quarantine shall be subject to civil and/or criminal penalties provided in law.

[Statutory Authority: Chapters 17.24 and 34.05 RCW. WSR 07-11-013, § 16-482-020, filed 5/3/07, effective 6/3/07. Statutory Authority: Chapter 17.24 RCW. WSR 91-07-016 (Order 2075), § 16-482-020, filed 3/13/91, effective 4/13/91; Order 1126, § 16-482-020, filed 10/9/69, effective 11/10/69.]