

WSR 21-15-115
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
[Filed July 21, 2021, 8:47 a.m.]

Subject of Possible Rule Making: Chapter 16-325 WAC, Seed potato isolation district; and chapter 16-482 WAC, Seed potato quarantine. In response to a petition received from the Washington seed potato commission, the department is considering changes to the seed potato rules in order 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 considering amending the two identified chapters to:

1. Clarify definitions and requirements that all potato plantings within the isolation district, in excess of one acre must be enrolled in the seed potato certification program described in chapter 16-324 WAC;

2. Add a requirement that all potato plantings within the isolation district be certified seed potatoes;

3. Add a requirement that all lots of commercial seed potatoes entering the isolation district for planting or further sale, must be tested and found negative for bacterial ring rot by an approved laboratory at origin;

4. Establish a requirement and timeframe in which the receiver must notify the department of all lots of commercial seed potatoes entering the isolation district;

5. Require shipments of potatoes be held for twenty-four hours after notification is sent to allow the department time to contact the receiver for inspection;

6. Add a violation section regarding the disposition of material shipped into the isolation district in violation of these chapters; and

7. Add language in the seed potato quarantine rule (WAC 16-482-010) that commercial potatoes entering the seed potato isolation district are also subject to the requirements under chapter 16-325 WAC.

As the department moves forward with the requested changes, additional changes may be identified to increase clarity and ensure the rules conform to current industry practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.14.015, 15.15.010, 17.24.011, and 17.24.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The production of high quality seed potatoes within Washington requires conditions that are as free as possible from insect pests and plant diseases. When the production of other potatoes (plants or plant parts of *Solanum tuberosum*) is intermixed with or in close proximity to a seed potato production area, there is an increased risk of introducing pests and diseases. As a protection, the seed potato isolation district was established in Whatcom County in 1998 and requires any potato production in excess of one acre, within its boundaries to be enrolled in the seed potato certification program. Seed potatoes are currently defined as vegetatively propagated tubers of *Solanum tuberosum* used for propagation or production. To further strengthen the protections of the district, the department is considering adding research and breeding lots to the definition of seed potatoes. Additionally, the department is also considering adding

a requirement that any potatoes planted within the isolation district of less than one acre must be planted with certified seed potatoes.

Rule amendments are also being considered which would bolster protections for the seed potato isolation district by adding testing requirements for bacterial ring rot by an approved laboratory and prior notification (potentially within forty-eight hours) to the Washington state department of agriculture of all potatoes entering the isolation district, as well as disposition of material shipped into the isolation district in violation of this chapter.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholder groups. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad White, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1907, fax 360-902-2094, TTY 800-833-6388 or 711, email bwhite@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>; or Cindy Cooper, Plant Services Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2062, fax 360-902-2094, TTY 800-833-6388 or 711, email CCooper@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>.

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