

## WSR 26-02-029

## PROPOSED RULES

## DEPARTMENT OF AGRICULTURE

[Filed December 30, 2025, 10:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-19-044.

Title of Rule and Other Identifying Information: Chapter 16-350 WAC, Registration and certification of fruit tree planting stock. The department of agriculture (department) is proposing updates to this chapter that:

- Reflect changes to horticultural practices of the fruit tree nurseries since the rule was last updated in 2005;
- Align the certification standards with those found in the North American Plant Protection Organization (NAPPO) Regional Standards for Phytosanitary Measures (RSPM) 35;
- Adopt new international terminology for defining the relationship of propagation material to the virus tested foundation source;
- Address certification of tissue cultures; and
- Require molecular testing of prunus for little cherry disease pathogens every three years.

The department is also proposing additional safeguards to the Washington tree fruit industry, aimed at reducing harmful pest introductions into the state.

Hearing Location(s): On February 24, 2026, at 9:00 a.m., via Microsoft Teams. Join on your computer, mobile app, or room device at [Date of Intended Adoption: March 3, 2026.](https://gcc02.safelinks.protection.outlook.com/ap/t-59584e83/?url=https%3A%2F%2Fteams.microsoft.com%2F1%2Fmeetup-join%2F19%253ameeting_OWUzOWNkZGMtZGNiNC00MGQ2LTg4MjUtMWVmNzlhZjY2MzY3%2540thread.v2%2F0%3FContext%3D%257b%2522Tid%2522%253a%252211d0e217-264e-400a-8ba0-57dcc127d72d%2522%252c%2522Oid%2522%253a%2522838c55c7-c187-44ae-8de0-2be684ce5d4a%2522%257d&data=05%7C02%7CAClow%40agr.wa.gov%7Cf8b1452f11384d80294808de3746482f%7C11d0e217264e400a8ba057dcc127d72d%7C0%7C0%7C639008972153832219%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMmIsIkFOIjoiTWFpbCIsIlldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=kMRyYxYRjenvliEsxUvfqQUoyveXBYxrGVZndYxzm%2B0%3D&reserved=0, Meeting ID 261 353 358 425 29, Passcode m9xW6QT6; or dial in by phone +1 564-999-2000,,765143147#, Conference ID 765 143 147#.</p>
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Submit Written Comments to: Gloriann Robinson, Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, email [wsdarulescomments@agr.wa.gov](mailto:wsdarulescomments@agr.wa.gov), fax 360-902-2092, by 5:00 p.m. on February 24, 2026.

Assistance for Persons with Disabilities: Contact Amy Clow, plant protection division rules coordinator, phone 360-902-2041, TTY 800-833-6388, email [aclow@agr.wa.gov](mailto:aclow@agr.wa.gov), by 5:00 p.m. on February 17, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Through a United States Department of Agriculture (USDA) funded grant, the department hired a facilitator to lead a working group of industry stakeholders aimed at increasing use of certified virus-tested stock, improving communication with growers on best practices, and harmonizing the certification rule with national and NAPPO standards. The working group has recommended a number of changes to the rule that would safeguard nursery production in the

state by developing management strategies for the mitigation of pests and pathogens in nursery settings, as well as harmonize standards to support audit-based nursery certification initiatives.

Updating this rule to reflect updated practices and certification standards would result in:

(1) Supporting the continued export of certified planting stock by harmonizing the department fruit tree certification program rules with the recently published national model standard and the recently revised NAPPO RSPM 35 standard, utilizing recommendations from a stakeholder driven working group to conduct rule making.

(2) Demonstrating model best practices to educate orchard growers and nurseries on how certification works to safeguard planting stock through comprehensive pest management.

(3) A reliable supply of pathogen tested nursery trees for re-planting orchards affected by X disease phytoplasma (Western X) and little cherry virus 2 (LChV2), by safeguarding registered mother trees from field vectors for these regionally occurring threats.

(4) Increased utilization of certified planting stock by orchardists in the Pacific Northwest, through building confidence in the department's certified fruit tree program and improved communication with stakeholders.

Reasons Supporting Proposal: Washington's cherry orchards are experiencing high levels of LChV2 and Western X, resulting in an increased demand for virus-tested certified planting stock as the basis of an effective disease management strategy. This places the department's fruit tree certification program at the center of the solution, with an unprecedented number of requests for certification of budwood mother trees, certified seed trees, and rootstock stoolbeds.

Statutory Authority for Adoption: RCW 15.14.015.

Statute Being Implemented: Chapter 15.14 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: The working group consisted of industry stakeholders and department staff, private.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Scott Brooks, 1111 Washington Street S.E., Olympia, WA 98504, 360-485-1235.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The department not a listed agency under RCW 34.05.328 (5) (a) (i).

The proposed rule does impose more-than-minor costs on businesses.

### **Small Business Economic Impact Statement**

Chapter 16-350 WAC

Registration and Certification of Fruit Tree Planting Stock

November 20, 2025

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 26-03 issue of the Register.

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting Gloriann Robinson, Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1802, fax 360-902-2092, TTY 800-833-6388, email [wsdarulescomments@agr.wa.gov](mailto:wsdarulescomments@agr.wa.gov).

December 29, 2025

Alison Halpern  
Acting Assistant Director

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