



# RULE-MAKING ORDER

**CR-103E (July 2011)**  
**(Implements RCW 34.05.350)**

**Agency:** Department of Agriculture

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** The department has a crucifer quarantine in place to protect parts of five counties in northwestern Washington, important brassica vegetable seed production areas, from the introduction of black leg and black rot pathogens. This emergency rule will add eastern Washington to the regulated area, and is being adopted at the request of stakeholders to address concerns that black leg could be introduced prior to permanent rule making taking effect.

All other requirements and provisions within chapter 16-301 WAC will remain in effect. The department is pursuing permanent rule making that will include the same or similar rule language as this emergency rule.

**Citation of existing rules affected by this order:**

Repealed:  
 Amended: WAC 16-301-505, 515, 520, 525, 530, 540, 545, 550, 580  
 Suspended:

**Statutory authority for adoption:** RCW 15.49.005; RCW 17.24.041.

**Other authority:** Chapter 34.05 RCW.

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: A public hearing was held on July 7, 2015 for permanent rules on this subject. Public comments were received at that time that will prompt the department to continue the rulemaking process with additional language and another public hearing. Stakeholders are concerned that the black leg virus may be introduced into Washington before permanent rulemaking can be completed and have requested an emergency rule to provide protection until permanent rules are adopted.

**Date adopted:** July 17, 2015

**NAME (TYPE OR PRINT)**

Derek I. Sandison

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: July 17, 2015**

**TIME: 2:10 PM**

**WSR 15-15-134**

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	<u>2</u>	Amended	<u>9</u>	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>2</u>	Amended	<u>9</u>	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____