RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Dept. of Agriculture

☒ **Permanent Rule**
☐ **Emergency Rule**

Effective date of rule:
Permanent Rules
☒ 31 days after filing.
☐ Other (specify) _____ **(If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)**

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: At industry request, this rulemaking order amends chapter 16-462 WAC (grape planting stock) by:

1) Exempting registered and certified stock grown in a fully enclosed greenhouse, screenhouse or laboratory from the isolation distance from noncertified or nonregistered grapevines;
2) Repealing the requirement that different varieties of grapevines in registered blocks must be separated by a minimum distance;
3) Modifying the requirements for propagating registered stock by allowing an extra generation under controlled conditions;
4) Recognizing the responsibility of Washington State University for inspecting and indexing the Northwest Foundation Block at WSU-Prosser;
5) Repealing the requirement that grapevines used for the production of certified planting stock must be pruned to allow fruiting;
6) Requiring that certified grape planting stock must be free of regulated pests and diseases;
7) Adding vine mealy bug to the list of pests that certified grape planting stock must be free of; and
8) Increasing the clarity and readability of the language.

Citation of existing rules affected by this order:
Repealed:
Amended: WAC 16-462-010, 015, 020, 021, 025, 030, 035, 050, and 055
Suspended:

Statutory authority for adoption: Chapter 15.14 and 34.05 RCW

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)
Adopted under notice filed as WSR 06-15-116 on July 19, 2006.
Describe any changes other than editing from proposed to adopted version: None
If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:
Name: phone ( ) _____
Address: fax ( ) _____
e-mail _____

EMERGENCY RULE ONLY
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.

Reasons for this finding:

DATE ADOPTED
September 8, 2006

NAME (TYPE OR PRINT)
Valoria H. Loveland

SIGNATURE
Valoria H. Loveland

TITLE
Director

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

SEP 8 2006

TIME 844 AM PM
WSR 06-19-009

(COMPLETE REVERSE SIDE)

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:

Federal statute:	New	0	Amended	0	Repealed	0
Federal rules or standards:	New	0	Amended	0	Repealed	0
Recently enacted state statutes:	New	0	Amended	0	Repealed	0

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

New	0	Amended	9	Repealed	0

The number of sections adopted in the agency's own initiative:

New	0	Amended	0	Repealed	0

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	0	Amended	0	Repealed	0

The number of sections adopted using:

Negotiated rule making:	New	0	Amended	0	Repealed	0
Pilot rule making:	New	0	Amended	0	Repealed	0
Other alternative rule making:	New	0	Amended	9	Repealed	0

AMENDATORY SECTION (Amending WSR 99-12-025, filed 5/25/99, effective 6/25/99)

WAC 16-462-010 Grape planting stock program--General. (1) Grapevines or parts of grape plants may be designated as registered stock or certified stock, if they and the stock from which they were produced have been inspected, indexed, and tested in accordance with procedures and requirements outlined in ((~~rule~~)) this chapter and found to be in compliance with all standards and requirements established in this chapter.

(2) The issuance of a state of Washington plant tag, stamp, or other document under this chapter means only that the tagged, stamped or otherwise documented planting stock has been subjected to standards and procedures described in this chapter and determined to be in compliance with its standards and requirements. The department disclaims all ((~~express~~)) expressed or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

(3) The department is not responsible for disease, genetic disorders, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter. No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

(4) Participation in the grape planting stock certification program is voluntary.

AMENDATORY SECTION (Amending WSR 02-11-100, filed 5/20/02, effective 6/20/02)

WAC 16-462-015 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

((~~(1)~~)) "Aseptic shoot tip propagation" means aseptically removing a vegetative shoot tip from growth arising from a dormant cutting from a foundation plant or from green growth (i.e., softwood) from a foundation plant during the growing season and aseptically transferring this shoot tip to a suitable vessel containing an appropriate culture medium.

((~~(2)~~)) "Certified grape planting stock" means vines, rooted cuttings, cuttings or grafted plants taken or propagated directly from foundation vines, registered vines or certified in compliance

with the provisions of this chapter.

((~~(3)~~)) "Department" means the department of agriculture of the state of Washington.

((~~(4)~~)) "Director" means the director of the department of agriculture or the director's designee.

((~~(5)~~)) "Foundation block" means a planting of grapevines established, operated and maintained by Washington State University, or other equivalent sources approved in writing by the director, that are indexed and found free from viruses designated in this chapter and that are not off-type.

((~~(6)~~)) "Index" means determining whether a virus infection is present by means of inoculation from the plant to be tested to an indicator plant or by any other testing method approved by the department.

((~~(7)~~)) "Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.

"Mother vine" means a grapevine used as a source for propagation material.

((~~(8)~~)) "Off-type" means appearing under visual examination to be different from the variety listed on the application for registration and certification, or exhibiting symptoms of a genetic or nontransmissible disorder.

((~~(9)~~)) "Registered block" means a planting of registered grapevines maintained by a nursery and used as a source of propagation material for certified grapevines.

((~~(10)~~)) "Registered vine" means any vine propagated from a foundation block approved by the director, identified to a single vine source, and registered with the Washington state department of agriculture, in compliance with provisions of this chapter.

((~~(11)~~)) "Virus-like" means a graft-transmissible disorder with symptoms resembling a characterized virus disease, including, but not limited to, disorders caused by viroids and phytoplasmas.

AMENDATORY SECTION (Amending WSR 02-11-100, filed 5/20/02, effective 6/20/02)

WAC 16-462-020 Requirements for participation in the grape planting stock program. (1) The applicant shall be responsible, subject to the approval of the department, for the selection of the location and the proper maintenance of registered blocks and planting stock.

(2) The applicant must maintain records identifying the foundation source of registered vines and certified planting stock. The applicant must make these records available to the department upon request.

(3) The applicant shall take suitable precautions in cultivation, irrigation, movement and use of equipment, and in other farming practices, to guard against spread of soil-borne

pests to planting stock entered in this program. The applicant shall keep all registered blocks and certified planting stock clean cultivated except for approved cover crops.

(4) Following notification by the department the applicant shall remove and destroy immediately any registered vine or certified planting stock found to be off-type or affected by a virus or virus-like disease or a quarantine pest.

(5) Registered blocks and certified planting stock must be located at least one hundred feet from any land on which noncertified or nonregistered grapevines have been grown within the past ten years. This does not apply to registered and certified stock grown in a fully enclosed greenhouse, screenhouse or laboratory provided the facility does not contain noncertified grapevines.

AMENDATORY SECTION (Amending WSR 02-11-100, filed 5/20/02, effective 6/20/02)

WAC 16-462-021 Requirements for registered blocks. (1) All registered grapevines must be identified by the number assigned to the single vine source in the foundation block from which they were taken.

(2) With the exception of practices allowed in subsections (3) ((~~and~~)), (4), and (5) of this section, registered plants must be propagated directly from cuttings taken from a foundation block.

(3) Plants propagated from a foundation block by aseptic shoot tip propagation and grown entirely under laboratory or greenhouse conditions may serve as a source of softwood cuttings or shoot tip culture used to establish a registered block or registered grapevines.

(4) Registered grapevines may be propagated from other registered grapevines within the same registered block for the purpose of increasing the size of the registered block or for replacement grapevines.

(5) ((~~Grapevines of different varieties in registered blocks must be separated by a minimum of twelve feet within the row. The distance between rows of different varieties must be a minimum of eight feet.~~)) The department may permit participating nurseries to propagate registered grapevines from other registered grapevines for the purpose of establishing or increasing other registered blocks within the nursery under the following conditions:

(a) Mother vines were propagated directly from a foundation vine;

(b) Propagation is under environmentally controlled conditions to prevent the introduction of pests; and

(c) Mother vine is no more than two years old, or has been tested and found free of regulated viruses within the past two years.

AMENDATORY SECTION (Amending WSR 02-11-100, filed 5/20/02, effective 6/20/02)

WAC 16-462-025 Foundation, registered, and certified grape planting stock--Inspections. (1) Inspections and indexing of registered grapevines and certified planting stock will be performed by the department at times determined to be suitable for the detection of virus and virus-like disease symptoms. Washington State University will inspect and index the foundation block.

(2) The department will index registered grapevines by methods listed in Appendix 1 of the North American Plant Protection Organization (NAPPO) Grapevine Standard.

(3) The department will conduct at least two inspections of registered grapevines during each growing season.

(4) ((~~Except for varieties to be used solely as rootstock, registered grape vines used for the production of certified planting stock must be pruned to allow some fruiting.~~

~~(5)~~)) The department will inspect certified planting stock at least three times per year, twice during the growing season and once during or after harvest.

((~~(6)~~)) (5) The department will refuse or withdraw registration or certification for any planting stock that is infested or infected with any ((~~quarantine~~)) regulated pest.

AMENDATORY SECTION (Amending WSR 02-11-100, filed 5/20/02, effective 6/20/02)

WAC 16-462-030 Certified grape ((~~nursery~~)) planting stock--Application and fees. (1) The applicant shall furnish all information requested on the application form and shall give consent to the department to take samples from any planting stock enrolled in the program as registered or certified grapevines for inspection or indexing.

(2) Application for registration and certification shall be filed with the department by January 1 of each year accompanied by a one hundred seventy-five dollar application fee.

(3) Inspection, phytosanitary certification, indexing and testing fees are due upon completion of services.

(4) Fees for inspection, phytosanitary certification, and testing shall be assessed at the appropriate rate established in chapters 16-401 and 16-470 WAC. Mileage for inspections and other on-site services shall be charged at a rate established by the state office of financial management.

AMENDATORY SECTION (Amending WSR 99-12-025, filed 5/25/99, effective 6/25/99)

WAC 16-462-035 Certified grape ((~~nursery~~)) planting stock--Tagging and identity. (1) Certification tags issued by the department must be securely attached by the grower to each certified planting stock, including rooted cuttings, cuttings and grafted plants.

(2) Any person selling Washington certified grape ((~~nursery~~)) planting stock is responsible for the identity of such ((~~nursery~~)) planting stock. Persons issued tags authorized by this chapter must account by variety for stock produced and sold. They must keep and allow the department to inspect and copy records necessary to verify this.

AMENDATORY SECTION (Amending WSR 02-11-100, filed 5/20/02, effective 6/20/02)

WAC 16-462-050 Certified grape planting stock--Requirements. Certified plants must be ((~~apparently~~)) free of grapevine fanleaf virus, grapevine leafroll-associated viruses, grapevine corky bark disease agent, grapevine rupestris stem pitting virus, arabis mosaic virus, tomato ringspot virus, grape phylloxera, and vine mealy bug. It must also be free of root knot nematode, crown gall and other visible diseases or serious pest injuries.

AMENDATORY SECTION (Amending WSR 02-11-100, filed 5/20/02, effective 6/20/02)

WAC 16-462-055 Certified grape planting stock--Grades and standards. All field-grown certified stock offered for sale must be bundled in accordance with commercial practice and correctly identified by one or more legible printed labels.

(1) Grades for rooted cuttings are as follows:

(a) Grade No. 1 must have one live cane at least nine inches long and must be well rooted.

(b) Grade No. 2 must have one live cane at least six inches long and must be well rooted.

(2) Cuttings must have at least three buds and be at least

nine inches long. The basal bud must be within one-half inch of the basal end.

(3) Two-year plants shall meet the same standard as rooted cutting Grade No. 1.

(4) In order to allow for variations incident to proper grading and packing, not more than a combined total of five percent by count, of the plants or cuttings in any lot may fail to meet the requirements of the grades set forth in this section.