



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Dept. of Agriculture

- Preproposal Statement of Inquiry was filed as WSR 15-06-051; or**  
 **Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**  
 **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**

- Original Notice**  
 **Supplemental Notice to WSR \_\_\_\_\_**  
 **Continuance of WSR 15-18-071**

**Title of rule and other identifying information:** (Describe Subject) Chapter 16-470 WAC, Quarantine - agricultural pests. The agency is proposing to amend the apple maggot quarantine by:

- (1) Adding municipal solid waste, yard debris, organic feedstocks, organic materials, and agricultural wastes to the list of commodities regulated under the apple maggot quarantine.
- (2) Establishing a special permit to allow transportation and disposition of municipal solid waste from the area under quarantine for disposal at a solid waste landfill or disposal facility in the apple maggot and plum curculio pest-free area; and
- (3) Establishing a special permit to allow transportation and disposition of yard debris, organic feedstocks, organic materials, and agricultural wastes from the area under quarantine for disposal at a solid waste landfill or treatment at a composting facility in the apple maggot and plum curculio pest-free area.

**Hearing location(s):**

Lincoln County Public Works  
27234 SR 25 North  
Davenport, WA 99122  
Main Conference Room

WA Dept. of Agriculture  
21 North First Avenue  
Yakima, WA 98902  
Conference Room 238

WA Dept. of Agriculture  
1111 Washington Street SE  
Olympia, WA 98504  
Conference Room 259

Date: Nov. 8, 2016  
Time: 1:30 PM

Date: Nov. 9, 2016  
Time: 9:00 AM

Date: Nov. 10, 2016  
Time: 10:00 AM

**Submit written comments to:**

Name: Henri Gonzales  
Address: PO Box 42560  
Olympia, WA 98504-2560  
e-mail [wdsrulescomments@agr.wa.gov](mailto:wdsrulescomments@agr.wa.gov)  
fax (360) 902-2092  
by November 10, 2015

**Date of intended adoption:** November 30, 2016  
(Note: This is **NOT** the effective date)

**Assistance for persons with disabilities:**

Contact  
WSDA Receptionist by November 1, 2016  
TTY (800) 833-6388 or (711)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The agency has determined that municipal solid waste, yard debris, organic feedstocks, organic materials, and agricultural wastes are host mediums for apple maggot because they may contain apples, crabapple, and native hawthorn and should be treated as regulated commodities subject to the apple maggot quarantine. The agency is proposing to modify the apple maggot quarantine to include these articles as regulated commodities and also allow the solid waste industry the ability to transport and dispose of municipal solid waste, yard debris, organic feedstocks, organic materials, and agricultural wastes in the pest-free area under a special permit that stipulates the conditions necessary in order to protect the tree fruit industry from a potentially devastating invasive pest.

**Reasons supporting proposal:** The apple maggot is an invasive insect pest native to Eastern North America. Its hosts include apples, crabapple, and native hawthorn. In its larval development stage it can cause extensive damage to fruit. It is economically significant to the Washington apple crop not only due to its ability to cause physical crop damage, but also because fruit from demonstrated apple maggot free areas or locations has greater market access for international shipments. The exclusion of apple maggot from the pest-free areas of the state is a priority pursuant to chapter 17.24 RCW. Chapter 17.24 RCW directs the agency to protect the agricultural and horticultural industries of the state by regulating the movement and quarantining infested areas to prevent the public and private costs that result when an infestation becomes established. As a result, a quarantine was established in 1984 to limit the distribution of this harmful pest. In order to protect the tree fruit industry and also to address the needs of the solid waste industry, the agency is proposing to issue special permits for municipal solid waste, yard debris, organic feedstocks, organic materials, and agricultural wastes that specify the requirements to address the risk associated with transportation and disposition of these host mediums in the apple maggot pest-free areas.

**Statutory authority for adoption:** RCW 17.24.011, 17.24.041 and chapter 34.05 RCW

**Statute being implemented:** RCW 17.24.011, 17.24.041

**Is rule necessary because of a:**

- Federal Law?  Yes  No  
 Federal Court Decision?  Yes  No  
 State Court Decision?  Yes  No  
 If yes, CITATION:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: September 30, 2016**  
**TIME: 3:47 PM**

**WSR 16-20-063**

**DATE**  
September 30, 2016

**NAME** (type or print)  
Brad White

**SIGNATURE**

**TITLE**  
Assistant Director

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None

**Name of proponent:** (person or organization) Washington State Dept. of Agriculture

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... James Marra	1111 Washington Street SE, Olympia, WA 98504-2560	(360) 902-2071
Implementation..... James Marra	1111 Washington Street SE, Olympia, WA 98504-2560	(360) 902-2071
Enforcement..... James Marra	1111 Washington Street SE, Olympia, WA 98504-2560	(360) 902-2071

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name: Henri Gonzales  
 Address: PO Box 42560, Olympia, WA 98504-2560  
 Phone: (360) 902-1802  
 Fax: (360) 902-2092  
 E-mail: [wsdarulescomments@agr.wa.gov](mailto:wsdarulescomments@agr.wa.gov)

No. Explain why no statement was prepared.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:  
Address:

phone ( ) \_\_\_\_\_  
 fax ( ) \_\_\_\_\_  
 e-mail \_\_\_\_\_

No: Please explain: The Washington State Department of Agriculture is not a listed agency under RCW 34.05.328(5)(a)(i).