



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Agriculture

- Preproposal Statement of Inquiry was filed as WSR 15-23-081 ; 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 \_\_\_\_\_

Title of rule and other identifying information: (Describe Subject) WAC 16-301-490 through 580, Crucifer seed quarantine.

**Hearing location(s):**  
 Department of Agriculture  
 Conference Room 238  
 21 North First Ave.  
 Yakima, WA 98902

Date: May 12, 2016 Time: 11:00 a.m.

**Submit written comments to:**  
 Name: Henri Gonzales  
 Address: P.O. Box 42560  
 Olympia, WA 98504  
 e-mail [WSDARulesComments@agr.wa.gov](mailto:WSDARulesComments@agr.wa.gov)  
 fax (360) 902-2092 by 5:00 p.m. 5/12/2016

**Assistance for persons with disabilities:** Contact  
 The Agency Receptionist by calling  
 TTY 1-800-833-6388 or (711) no later than 4/28/16

**Date of intended adoption:** May 26, 2016  
 (Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** This proposal will change the process for the field inspection of trial grounds, and is being pursued both as a result of the recent change to the crucifer quarantine to include eastern Washington, as well as a result of a petition for rulemaking received on this topic. In addition, changes to the rule language will increase clarity and readability.

**Reasons supporting proposal:** To keep black leg out of Washington, the department has adopted permanent rules adding eastern Washington to the regulated area of the crucifer quarantine, and requiring testing of all crucifer seed lots. As a result of these changes to the crucifer quarantine, it has become necessary to change the trial ground process to make it applicable to eastern Washington production practices.

**Statutory authority for adoption:** RCW 15.49.005 and 17.24.041 and chapter 34.05 RCW

**Statute being implemented:** Chapter 15.49 RCW Seeds

- Is rule necessary because of a:**
- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

**DATE**  
 April 6, 2016

**NAME** (type or print)  
 Jason Ferrante

**SIGNATURE**

**TITLE**  
 Assistant Director

### CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

**DATE: April 06, 2016**  
**TIME: 11:33 AM**  
**WSR 16-08-128**

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

None.

**Name of proponent:** (person or organization) Michael Hubbard, Hubbard Agricultural Science, Inc.

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Victor Shaul	Yakima	(509) 249-6950
Implementation.... Victor Shaul	Yakima	(509) 249-6950
Enforcement..... Victor Shaul	Yakima	(509) 249-6950

**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:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

Only three entities currently run affected trials in Washington state. Two are large commercial companies and one is a university. No businesses that meet the definition of a small business under RCW 19.85.020(3) are impacted by the proposed rule.

**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 in RCW 34.05.328(5)(a)(i).