



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 16-01-201; 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 16-08-116

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 adding the southeast portion of Lincoln County to the area under quarantine.

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
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 is proposing to add the southeast portion of Lincoln County to the area under quarantine for apple maggot. Changes to the existing rule may better prevent or minimize possible movement of apple maggot from infested areas into uninfested areas, secure access to international and interstate markets, and protect the commercial tree fruit industry from an economically significant pest by quarantine modification.

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. Data collected from the 2015 apple maggot survey provides evidence that the state's apple maggot population has altered its range. Modification of the existing quarantine is necessary in order to respond to this change.

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: 3:46 PM

WSR 16-20-062

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

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).