

AMENDATORY SECTION

WAC 16-301-495 Definitions. Definitions for some terms in this chapter can be found in chapter 15.49 RCW and chapter 16-301 WAC. In addition, the following definitions apply to this chapter:

"Approved treatment methods" include hot water, hot chlorine or any other methods that can eliminate the presence of regulated pathogens.

"Crucifer" means all plants in the family Brassicaceae (also known as Cruciferae) and specifically includes all *Brassica* species, *Raphanus sativus* - Radish, *Sinapis alba* and other mustards.

"Crucifer production" means any planting of crucifer seed or seedlings for the purpose of producing seed, oil, commercial vegetables or cover crops.

"Crucifer seed" includes any part of a plant capable of propagation including, but not necessarily limited to, seeds, roots, and transplants.

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

"Director" means the director of the Washington state department of agriculture or the director's designee.

"Dormant seed" means viable true seed that displays a delay in or lack of germination when provided favorable germination conditions for the type of seed in question.

"Owner" means the person having legal ownership, possession or control over a regulated article covered by this chapter including, but not limited to, the owner, shipper, consignee, grower, seed dealer, landowner or their agent.

"Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

"Regulated area" means those geographic areas that are protected from the introduction of specified plant pests by the provisions of this quarantine.

"Regulated article" means, with the exception of the exemptions listed in WAC 16-301-525(4), all crucifer seed; seedlings; roots; transplants intended for seed production, oil production, commercial vegetable production or cover crop use; and crop residue remaining from the harvest of infected crucifer plants.

"Seed lot" means a designated quantity of seed that is uniquely identified by a lot number.

"Seed program" means the Washington state department of agriculture seed program.

"Trial ground" means a specific parcel of land approved by the director for experimental or limited production or increase of crucifer seed and for planting seed lots whose quantity of seed is insufficient to allow for pathological testing.

"True seed" means a mature fertilized ovule consisting of an embryo, with or without an external food reserve enclosed by a seed coat.

AMENDATORY SECTION (Amending WSR 14-20-050, filed 9/25/14, effective 10/26/14)

WAC 16-301-505 Diseases regulated by this chapter. (1) **"Regulated diseases"** means those bacterial and fungal diseases of crucifers listed in this section and any new variations or strains of these diseases.

(2) **"Regulated pathogens"** means those bacterial and fungal organisms identified as the (~~casual~~) causal agents for the diseases listed in this section.

(3) The following bacterial and fungal diseases of crucifers, and any new strains or variations of these diseases are regulated by this chapter:

Common Name	Scientific Name
Black leg of ((E)) crucifers	<i>Phoma lingam</i>
Black rot	<i>Xanthomonas campestris</i> <i>pv. campestris</i>

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3), and 17.24.021, and chapter 34.05 RCW. WSR 14-20-050, § 16-301-505, filed 9/25/14, effective 10/26/14. Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-505, filed 12/21/05, effective 1/21/06.]

AMENDATORY SECTION (Amending WSR 14-20-050, filed 9/25/14, effective 10/26/14)

WAC 16-301-515 Crucifer seed quarantine—Quarantined area. (1)

The quarantine area for the crucifer seed quarantine includes all Washington state counties except Adams, Asotin, Benton, Chelan, Clallam, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Island, Kittitas, Klickitat, Lewis, Lincoln, Okanogan, Pend Oreille, Skagit, Snohomish, ((and)) Spokane, Stevens, Walla Walla, Whatcom, Whitman, and Yakima counties.

(2) Regulated articles imported into Washington state must comply with the regulations of this chapter before transport into ~~((the))~~ a regulated area. No additional requirements apply within the quarantine

area but all regulated articles transported into ~~((the))~~ a regulated area must comply with the regulations of this chapter.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3), and 17.24.021, and chapter 34.05 RCW. WSR 14-20-050, § 16-301-515, filed 9/25/14, effective 10/26/14. Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-515, filed 12/21/05, effective 1/21/06.]

AMENDATORY SECTION (Amending WSR 14-20-050, filed 9/25/14, effective 10/26/14)

WAC 16-301-520 Crucifer seed quarantine—Regulated areas. ~~((There are two))~~ Two regulated areas are established for ~~((this))~~ the crucifer quarantine, one in western Washington and one in eastern Washington. Each regulated area has specific requirements and prohibitions related to ~~((seed testing and treatment))~~ the regulated articles.

(1) The regulated area in western Washington for this crucifer seed quarantine includes Clallam, Island, Lewis, Skagit, Snohomish, and Whatcom counties.

(2) The regulated area in eastern Washington for this crucifer seed quarantine includes Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lin-

coln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima counties.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3), and 17.24.021, and chapter 34.05 RCW. WSR 14-20-050, § 16-301-520, filed 9/25/14, effective 10/26/14. Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-520, filed 12/21/05, effective 1/21/06.]

AMENDATORY SECTION (Amending WSR 14-20-050, filed 9/25/14, effective 10/26/14)

WAC 16-301-525 Crucifer seed quarantine within the regulated areas—Exemptions. This crucifer quarantine does not apply to:

(1) Experiments or trial grounds of the United States Department of Agriculture;

(2) Experiments or trial grounds of a university such as but not limited to the University of Idaho or Washington State University research stations; or

(3) Trial grounds of any person, firm or corporation that are approved by the director and established in accordance with WAC 16-301-550;

(4) Shipments, movements, or transportation of:

(a) Prepackaged crucifer seed in packages of 1/2 ounce or less if the seeds are free of regulated diseases as required in WAC 16-301-530; or

(b) Vegetable seedlings offered for sale for home garden use in the regulated areas if the seedlings are free of regulated diseases as required in WAC 16-301-530.

(5) Research, variety development, variety maintenance or other crucifer production where the entire crop cycle is confined within a building or greenhouse;

(6) Seed lots with a maximum weight of five pounds that were in inventory prior to January 1, 2007.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3), and 17.24.021, and chapter 34.05 RCW. WSR 14-20-050, § 16-301-525, filed 9/25/14, effective 10/26/14. Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 07-19-122, § 16-301-525, filed 9/19/07, effective 10/20/07; WSR 06-01-111, § 16-301-525, filed 12/21/05, effective 1/21/06.]

AMENDATORY SECTION (Amending WSR 14-20-050, filed 9/25/14, effective 10/26/14)

WAC 16-301-530 Planting crucifer seed in the western Washington regulated area—Requirements. (1) (a) It is a violation of this chapter to plant or establish crucifer seed that is infected with any regulated disease in the western Washington regulated area.

(b) Any seed of a *Brassica* (~~((*or*))~~), *Raphanus*, *Sinapis* species or any other genera in the *Brassicaceae* family planted or established in the western Washington regulated area whose primary use is for any nonvegetable use must be tested for the presence of dormant seed as required by WAC 16-301-510.

(2) Any person who plans to ship, move, or transport any crucifer seed intended for planting purposes into or within the western Washington regulated area must file a Notice of Intent/Quarantine Compliance form with the seed program before planting or offering the seed for sale.

(3) The Notice of Intent/Quarantine Compliance form filed with the seed program must be accompanied by a copy of the:

(a) Laboratory analysis or some other proof (such as a phytosanitary certificate based upon laboratory testing issued from

the state or country of production) demonstrating that the lot is free of regulated diseases; and

(b) Seed analysis certificate(s) showing that the lot is free from dormant seed, if required under WAC 16-301-510.

(4) It is a violation of this chapter for any crucifer seed intended for seed production, oil production, commercial vegetable production or cover crop use to be offered for sale within or into the western Washington regulated area unless accompanied by documentation verifying quarantine compliance.

(a) For small packages such as heat sealed envelopes and tins, quarantine compliance may be placed on a sales invoice or other documentation that is provided to the purchaser of seed. Language must be approved by the seed program.

(b) Larger containers must bear a label issued by the seed program indicating that the seed is in compliance with this chapter.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3), and 17.24.021, and chapter 34.05 RCW. WSR 14-20-050, § 16-301-530, filed 9/25/14, effective 10/26/14. Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 07-19-122, § 16-301-530, filed 9/19/07, effective 10/20/07; WSR 06-01-111, § 16-301-530, filed 12/21/05, effective 1/21/06.]

NEW SECTION

WAC 16-301-531 Planting crucifer seed in the eastern Washington regulated area—Requirements. (1) (a) It is a violation of this chapter to plant or establish crucifer seed that is infected with any regulated disease in the eastern Washington regulated area.

(b) Any seed of a *Brassica*, *Raphanus*, *Sinapis* species or any other genera in the Brassicaceae family to be planted in the eastern Washington regulated area must be laboratory tested and found to be free from black leg of crucifers (*Phoma lingam*).

(2) Any seed of a *Brassica*, *Raphanus*, *Sinapis* species or any other genera in the Brassicaceae family from an origin outside the regulated areas to be planted in the eastern Washington regulated area must be treated with either a fungicide appropriate to control black leg, hot water or other treatments authorized by the department.

(3) Any seed of a *Brassica*, *Raphanus*, *Sinapis* species or any other genera in the Brassicaceae family to be planted in the eastern Washington regulated area must be tagged with a tag issued by the department indicating that the seed has met the requirements of this chapter.

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NEW SECTION

WAC 16-301-533 ~~((Offering))~~ Requirements for planting crucifer seed ~~((for sale))~~ in the eastern Washington regulated area. Any seed of a *Brassica*, *Raphanus*, *Sinapis* species or any other genera in the Brassicaceae family to be planted in the eastern Washington regulated area must be tagged with a tag issued by the department indicating that the seed has met the requirements of this chapter.

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AMENDATORY SECTION (Amending WSR 14-20-050, filed 9/25/14, effective 10/26/14)

WAC 16-301-540 Crucifer transplants grown in greenhouses in the regulated areas—Requirements. (1) All crucifer transplants produced in greenhouses in the regulated areas must be subjected to pest control procedures that reduce the presence of diseases or insects that may inhibit identifying regulated diseases.

(2) The interiors of greenhouses in the regulated areass used to produce crucifer transplants must be free of crucifer weeds.

(3) One hundred meter buffers, free of crucifer weeds, must surround all greenhouses in the regulated areas used to produce crucifer transplants.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3), and 17.24.021, and chapter 34.05 RCW. WSR 14-20-050, § 16-301-540, filed 9/25/14, effective 10/26/14. Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-540, filed 12/21/05, effective 1/21/06.]

AMENDATORY SECTION (Amending WSR 14-20-050, filed 9/25/14, effective 10/26/14)

WAC 16-301-545 Crucifer seed lots that test positive for any regulated disease—Requirements. (1) If a crucifer seed lot tests positive for any regulated disease, the infected seed lot may be treated with an approved seed treatment.

(2) After treatment, the seed lot must be tested for the presence of regulated diseases using appropriate pathological testing methods.

(3) If the pathological testing yields negative test results, the seed lot will be considered in compliance with this chapter.

(4) It is a violation of this chapter to plant seed in the regulated areas that tests positive for any regulated disease subsequent to any approved treatment method.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3), and 17.24.021, and chapter 34.05 RCW. WSR 14-20-050, § 16-301-545, filed 9/25/14, effective 10/26/14. Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-545, filed 12/21/05, effective 1/21/06.]

AMENDATORY SECTION (Amending WSR 14-20-050, filed 9/25/14, effective 10/26/14)

WAC 16-301-550 Planting seed in ((a)) the western Washington regulated area—Protocols when certain documentation is unavailable. When no documentation exists verifying that a crucifer seed lot is free from regulated diseases, the following protocols must be followed before the seed is planted in the western Washington regulated area:

(1) A crucifer seed lot will be classified as a suspect seed lot if the seed lot lacks the documentation verifying that the lot complies with the crucifer seed quarantine requirements of this chapter.

(2) Suspect seed lots must:

(a) Not be offered for sale in the western Washington regulated area.

(b) Be treated by an approved treatment method.

(c) Be sown in a greenhouse and the seedlings must pass inspection by seed program inspectors before transplanting to the field.

(3) Any greenhouse operation used to grow crucifer seedlings for transplant must:

(a) Physically separate suspect seed lots from other crucifer production within that greenhouse.

(b) Monitor and document the location and identity of each suspect seed lot during production.

(4) It is a violation of this chapter for seedlings from a suspect seed lot to be topped, clipped, chopped or undergo any other treatment to toughen them or reduce their size.

(5) All seedlings from a suspect seed lot that exhibit symptoms of regulated diseases must be physically separated from asymptomatic transplants in that lot.

(6) Before shipping seedlings from a suspect seed lot, the seedlings must be inspected by seed program inspectors for the presence of regulated diseases.

(a) If no symptoms of regulated diseases are detected during this inspection, the suspect seed lot is considered in compliance with this chapter and may be sold and planted within the western Washington regulated area.

(b) If seedlings display symptoms of regulated diseases, laboratory testing for the diseases is mandatory.

(c) If seedlings from a suspect seed lot test negative for regulated pathogens after appropriate pathological testing, the suspect seed lot is considered in compliance with this chapter and may be sold and planted within the western Washington regulated area.

(d) If the presence of a regulated disease is confirmed by laboratory testing, all seedlings from a suspect seed lot may be subject to a quarantine order or destruction order under WAC 16-301-570.

(7) Any crucifer seed production fields, plant beds, or greenhouse production that will be planted with or receives production from suspect seed lots that are determined to be free from regulated diseases under subsection (6) of this section must be entered into the Washington state phytosanitary inspection program as required under WAC 16-301-235.

(8) (a) It is a violation of this chapter to plant seedlings from a suspect seed lot that tests positive for any regulated disease in the western Washington regulated area.

(b) Any suspect seed lot testing positive for any regulated disease may be subject to a quarantine order or a destruction order under WAC 16-301-570.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3), and 17.24.021, and chapter 34.05 RCW. WSR 14-20-050, § 16-301-550, filed 9/25/14, effective 10/26/14. Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-550, filed 12/21/05, effective 1/21/06.]

AMENDATORY SECTION (Amending WSR 14-20-050, filed 9/25/14, effective 10/26/14)

WAC 16-301-580 Diseased crucifer seeds and infected fields—

Regulations. (1) When the director determines that a field is infected with a regulated pathogen and threatens to infect other fields, the director may issue a notice of destruction prescribing control measures or other requirements needed to prevent the infection of adjacent properties.

(2) Unless the crop is within two weeks of harvest, any crucifer crop within ~~((the))~~ a regulated area that is infected with a regulated pathogen may be subject to immediate destruction, in part or in total. The owner is responsible for the expenses incurred to destroy a diseased crucifer crop.

(3) The following requirements apply to crops that are within two weeks of harvest:

(a) Residues must be destroyed or incorporated into the ground immediately after harvest;

(b) Harvested seed must be isolated from other seed lots until it is treated with hot water and/or chlorine seed treatments;

(c) Harvest equipment must be steam cleaned before entering any other fields; and

(d) WSDA personnel in consultation with WSU extension personnel must monitor these postharvest activities.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3), and 17.24.021, and Chapter 34.05 RCW. WSR 14-20-050, § 16-301-580, filed 9/25/14, effective 10/26/14. Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-580, filed 12/21/05, effective 1/21/06.]

REPEALER

The following section of the Washington Administrative Code is re-
pealed:

WAC 16-301-500 Crucifer articles regulated by this chapter.