



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)  
(Implements RCW 34.05.310)**

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: November 14, 2017

TIME: 12:13 PM

WSR 17-23-081

**Agency:** Department of Agriculture

**Subject of possible rule making:** Revisions to Chapter 16-470 WAC Quarantine-Agricultural Pests. As a result of a petition from the Washington State Tree Fruit Association, the department is considering amending the apple maggot quarantine by adding soil in potted apple maggot host plants to the list of regulated commodities under the apple maggot quarantine rule. The department will also consider criteria for whether and how such plants may enter the pest-free area if risk is mitigated; whether special permits or other forms of documentation would allow transport of such plants into the pest-free area; and, whether fees may be needed to cover department costs when any type of special permitting is allowed.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 17.24.011 and 17.24.041, and chapter 34.05 RCW

**Reasons why rules on this subject may be needed and what they might accomplish:** The agency has identified soil in potted apple maggot host trees as a potential pathway for the introduction of apple maggot into the pest-free area. Potted apple maggot host trees that have previously fruited or have fruit present may be infested with apple maggot. Potted host trees shipped from the quarantine area where apple maggot occurs that have fruited could result in apple maggot pupating in the potting media. If those trees move to pest-free areas within the state, there is a risk of apple maggot becoming introduced into the pest-free area.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** None

**Process for developing new rule (check all that apply):**

Negotiated rule making

Pilot rule making

Agency study

Other (describe) Department staff will discuss any proposed amendments with affected stakeholders. Affected

stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

Name: Brad White, Assistant Director  
Plant Protection Division  
Washington State Department of Agriculture

Address: PO Box 42560  
Olympia, WA 98504-2560

Phone: (360) 902-1907

Fax: (360) 902-2094

TTY: (800) 833-6388 or 711

Email: [bwhite@agr.wa.gov](mailto:bwhite@agr.wa.gov)

Web site: <https://agr.wa.gov/LawsRules/Rulemaking/> /

Other:

(If necessary)

Name: Jim Marra, Pest Program Manager  
Plant Protection Division  
Washington State Department of Agriculture

Address: PO Box 42560  
Olympia, WA 98504-2560

Phone: (360) 902-2071

Fax: (360) 902-2094

TTY: (800) 833-6388 or 711

Email: [JMarra@agr.wa.gov](mailto:JMarra@agr.wa.gov)

Web site: <https://agr.wa.gov/LawsRules/Rulemaking/>

Other:

Additional comments:

<b>Date:</b> 11/14/2017	<b>Signature:</b> 
<b>Name:</b> Brad White	
<b>Title:</b> Assistant Director	