



# PREPROPOSAL STATEMENT OF INQUIRY

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

Do **NOT** use for expedited rule making

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FILED

DATE: October 23, 2019

TIME: 8:40 AM

WSR 19-21-173

**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 pots and on root balls of apple maggot host plants, and nonhost plants originating from the quarantine area that have been exposed to fruiting 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 compliance agreements 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 agreement is allowed.

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

**Reasons why rules on this subject may be needed and what they might accomplish:** The agency has identified soil in pots and on root balls of apple maggot host trees, and nonhost plants that have been in the drip line of fruiting hosts, as a potential pathway for the introduction of apple maggot into the pest free area. The growing media of apple maggot host trees that have previously fruited or have fruit present may be infested with apple maggot. Host trees shipped from the quarantine area where apple maggot occurs that have fruited or nonhost trees that have been exposed to fruited hosts 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:**

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(If necessary)

Name: Cindy Cooper, Plant Services Program Manager  
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Other:

Additional comments:

<b>Date:</b> October 23, 2019	<b>Signature:</b> 
<b>Name:</b> Brad White	
<b>Title:</b> Assistant Director	