



## CHELAN — DOUGLAS HORTICULTURAL PEST AND DISEASE BOARDS

400 Washington Street, Wenatchee, Washington 98801, 509/667-6677  
www.co.chelan.wa.us



**White Page: Justification for Chelan-Douglas County Horticultural Pest and Disease Board Assessment**  
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**Date: Feb 4, 2010**

### Introduction

Washington State ranks number 1 in the nation for apple production, produces 2/3rd of all fresh apples consumed in the United States, and is one of the most important tree fruit production areas of the World. Chelan and Douglas Counties are at the geographic center of Washington's highest producing area and ranks number three in terms of state productivity (Pomianek 2010, Smith 2001). In addition, approximately 35% of the total Washington state tree fruit crop moves through Chelan and Douglas counties' processing plants. This includes about 70% of the pears and 60% of the cherries produced in Washington. In order to ship this amount of fruit local businesses and supporting infrastructure provides approximately \$8 million in wages and another \$5 million in supplies per week which amounts to a \$1 billion yearly infusion to the local economy (Pomianek 2010).

Our region ships tree fruit to at least 65 countries and all 50 states; and the Wenatchee district handles 40% of that volume (Pomianek 2010). *The role of pest disease boards, as a significant segment of the production infrastructure, has been used extensively to convince foreign governments that Washington growers and shippers have the mechanisms and discipline to control quarantine pests. Pest board activities contribute to and support the overall system that ensures that Washington product originating from approved production areas will be free of quarantine pests, thereby maintaining foreign market access for the particular commodity* (Archer 2010). This paper examines the legal justification behind the establishment and continued funding of an active Chelan & Douglas County Horticultural Pest & Disease Board.

A series of internal Pest Board and Commissioner Meetings of both counties was held during the months of November 2009 and January 2010. One of the questions that surfaced multiple times during the course of discussions was whether or not there was adequate justification for the continued existence of an active Horticultural Pest and Disease Board. The Board was asked to summarize legal grounds for the continued use of a Pest Board and Agent. The Board found that without an agent the work of the Pest Board would discontinue, due to the fact that Board positions are unpaid voluntary positions and no board member to date is able to simultaneously maintain outside employment and conduct the business of a Pest Board Agent. In addition, the Pest Board found that much of the work of Pest Boards is done by agreement, not by statute. A discussion of the nonregulatory aspect of the position follows

the legal discussion in this paper. An exhaustive search of every regional export agreement as related to the existence of the Pest Board is beyond the scope of this document and will not be attempted.

## **The Purpose of Pest Boards**

The main function of Chelan & Douglas Counties' Horticultural Pest & Disease Board is to assist homeowners and growers in controlling horticultural pests of concern. According to Agrichemical Environmental News (Coates 2000), *"Pest Boards have been established in counties throughout Washington State in an effort to maintain growing areas free of pests and [sic] to ensure unrestricted trade in national and international markets."*

In the past, Pest Boards have operated to benefit the tree fruit industry alone. However, new pests such as the Spotted Wing Drosophila (*Drosophila suzukii*) are capable of attacking other crops, and our local agricultural community is expanding into new cropping systems such as grapes and blueberries. These changing conditions increase the relative benefit of a Pest Board.

## **Organization and Funding**

Currently the Pest Board's operating budget is derived from the Douglas and Chelan county's general funds and recently Chelan and Douglas Counties have experienced extreme financial difficulties which forced them to consider eliminating the Pest Board Agent position. The Pest Board has considered this; and decided it is important to retain the services of an active Pest Board Agent. Therefore, they ask for an assessment as per outlined in the Revised code of Washington (RCW) chapter and section 15.09.131.

## **The Legal Basis for County Pest Boards in Washington**

The legal authority given to Pest Boards is contained in RCW chapter 15.09. According to RCW 15.09.060 - *Each owner of land containing any plant or plants shall perform or cause to be performed such acts as may be necessary to control and to prevent the spread of horticultural pests and diseases, such pests and diseases are defined under RCW 15.08.010, as now or hereafter amended, or as such pests and diseases are defined by the director of the department of agriculture in accordance with the purpose of this chapter and with the provisions of the Administrative Procedure Act, chapter 34.05 RCW.*

A list of powers and duties outlined in clause (RCW 15.09.050) which Pest Board agents are ensured and entitled include:

- 1) *Receive complaints concerning the infection of horticultural pests and diseases on any parcel of land within the county*
- 2) *Inspect or cause to be inspected any parcel of land within the county for the purpose of ascertaining the presence of horticultural pests and diseases as provided by RCW 15.09.070*
- 3) *Order any landowner to control and prevent the spread of horticultural pests and diseases from his property, as provided by RCW 15.09.080*
- 4) *Control and prevent the spread of horticultural pests and diseases on any property within the county as provided by RCW 15.09.080, and to charge the owner for the expense of such work in accordance with RCW 15.09.080 and 15.09.090.*

No other agency or statute in the State of Washington is allowed this capacity to proactively protect commercial food growers from horticultural pests.

RCW 15.08 is routinely used by Washington State Department of Agriculture (WSDA) when forming interagency agreements with pest boards to control quarantine pests. The authority allowing that action is contained in RCW 17.24.101, *“The director may take such measures as may be required to control or eradicate such pests where such measures are determined to be in the public interest, are technically feasible, and for which funds are appropriated or provided through cooperative agreements.”* These agreements are used for the actual control of quarantined pests once they are established in an area. This set of statutes has been used on multiple occasions for codling moth, apple maggot and cherry fruit fly in Chelan and Douglas Counties (figure 1).

And

*“The director may enter into cooperative arrangements with a person, municipality, county, Washington State University or any of its experiment stations, or other agencies of this state, and with boards, officers, and authorities of other states and the United States, including the United States department of agriculture, for the inspection of bees, plants and plant parts and products and the control or eradication of plant pests, bee pests, or noxious weeds and to carry out other provisions of this chapter.”* (RCW 17.24.111).

Currently Chelan and Douglas Counties are not apple maggot quarantine areas but several neighboring counties are. When a quarantine pest becomes established in an area, the transport of fruit out of that area becomes complicated and impossible in some cases. This situation increases the importance of controlling that particular pest in our area. When a single apple maggot fly is spotted in either county it immediately moves to the highest priority spot on the agent’s case list.

*If apple maggot were to become established in major fruit growing regions of the Pacific Northwest, it could have a serious economic impact on the industry. Direct costs to the fruit grower for additional insecticide applications would account for only a small portion of the potential losses. Export markets would be lost and additional fruit would be channeled to the domestic market. Sprays to control apple maggot would have to be applied late in the growing season when most apple growers apply few insecticides. Such additional sprays may disrupt the IPM systems already in place in commercial orchards* (Brunner and Klaus 1993).

Further, according to Dr. Mike Willet, Vice President Scientific Affairs: Northwest Horticultural Council (Willet 2009), an existing agreement with California and Taiwan stipulates that an active Pest Board is required prior to ship untreated Washington state cherries into or through California. Therefore, some Washington State Cherry producers may have the added expense of treating cherries or lose their market share if the current Pest Board is discontinued in Chelan and Douglas Counties.

In summary, RCW 15.09 is the only state law that allows the entry of a Pest Board agent on to private land for the purpose of controlling horticultural pests and the Pest Board is the only legal entity charged with the task of policing the presence of non quarantined horticultural pests. It is also actively partnered with WSDA in controlling newly arriving quarantine pests.

## The Philosophical or Nonregulatory Basis for Pest Control Boards

The absolute answer to the question, “What happens if the Pest Board goes away?” is that nothing would happen at first, except that cherry growers would face losing some of their California market or increased fumigation costs. At home, there would be no recourse for growers farming next to people who allow pests to grow on their property, except civil case actions. This would increase costs to individuals and counties. Otherwise, it would be a waiting game with a high risk factor; affecting the most vibrant and largest section of our economy. If we continued to export without telling our markets we have no pest board we could do so until infestations of excluded pests were found in shipments of fruit arriving at importing markets. Then we would lose credibility as well as their market share. If we told them we were removing our Pest Board prior to shipping fruit we could expect immediate removal of shipping agreements in at least some cases. The exact number is not known. Many of the agreements between our shippers and export markets amount to Gentlemen’s’ agreements and tradition.

*The tendency has been to avoid naming particular local entities involved in the pest control process due to the variations in organizational structure that occur from state to state, etc. However, in the preparations and preliminary workups it has been the general practice of USDA/APHIS and industry representatives to provide a broad overview of the production practices, the regulatory infrastructure, and pest control systems to the foreign quarantine officials. This is usually one of the first steps in the long process of reaching a final work plan. The role of the county pest and disease boards makes up an integral part of this presentation. It is common practice to provide copies of the pest related State statutes to the foreign agencies, usually during their site visit(s) to the US producing areas. These statutes may reference the county pest and disease boards and by doing so, it is implied to the foreign officials that the pest boards are actively engaged and are fully integrated into the production system.*

*It is important to note that due to different climatic conditions and other factors, some quarantine pests may not be uniformly distributed throughout Washington State. For this reason, some work plans are negotiated and qualified at the county level. Under such circumstances, counties that do not maintain pest boards may be disadvantaged in meeting or satisfying foreign quarantine agencies’ requirements.*

*This is particularly important in the case of the pest apple maggot. The state recognizes pest-free areas for this insect in eastern Washington. When apple maggot detections occur in counties within the free area, it has been the responsibility of the pest board in that county to treat host trees on any property where the detection occurred. This pest board activity allows USDA/APHIS to certify to our trading partners with concerns regarding apple maggot that any entries into the free area are under official control.*

*In addition to foreign export issues is the matter of California which maintains an exterior quarantine prohibiting the movement of Washington cherries into or through that state unless mitigation measures are taken. A special sampling program has been authorized by California under a permit*

*arrangement and has been used for many years, in lieu of fumigation treatment. A basic requirement of this sampling program is that Washington State Department of Agriculture (WSDA) shall "... maintain California approved mandatory pest control districts for control of cherry fruit fly". (Archer 2010)*

Many if not most of the current long-standing agreements indirectly assume our area has an operating and active pest board (Archer 2010). However, other uncontrolled pests are sources of infestation as well, particularly in areas with a large urban/agricultural interface. A relatively new phenomenon has occurred in Chelan and Douglas counties in that a large number of rural orchards have been removed, subdivided, and left undeveloped as a result of the current housing market downturn.

In our area much of the orchard removals have been converted to summer homes, this illustrates a two-fold form of consequences. Many the people purchasing and building on these lots have no local understanding of our tree fruit industry. Further, many of the new homeowners in Chelan and Douglas Counties often want to let apple sprouts grow so that they might enjoy growing fruit on their own land. An alarming potential consequence is many of these folks live on the west side of the mountains where apple maggot is established. This puts the industry at a heightened threat level due to both an increase of apple maggot transfer within soils, cars, trash, and people traveling to Chelan and Douglas County, and a potential consequent establishment of apple maggot in preexisting orchard sprouts (Klaus 2009).

## Neighboring County Approaches

Pest Boards have been established in Washington State counties where a lack of coordinated pest control has been identified, where there is an important tree fruit commodity located in the county, and where lack of pest control has been identified as a potential or actual barrier to trade. Chelan and Douglas Counties have had an active pest board since at least the early 1970's.

In the recent past,[sic] other high tree fruit producing counties have seen the danger of relying on general county funding and have passed assessment based funding resolutions (Franklin, Benton, Okanogan, Yakima). The Chelan-Douglas Horticultural Pest and Disease Board is attempting the same.

## Summary

Pest Boards are mechanisms to control horticultural pests. If the Pest Board ceases to exist, countries and states we export to will have to know sooner or later that such is the case. We should not take for granted that export markets will remain if the Pest Board goes away. It comes down to investment risk, and choices. If the choice is to not fund a pest board you can expect the number of horticultural pests to increase, and with the increase, the distinct possibility that at least some export markets will vanish. The alternative is to fund a pest board, continue to control pests, and continue to export fruit.

## References

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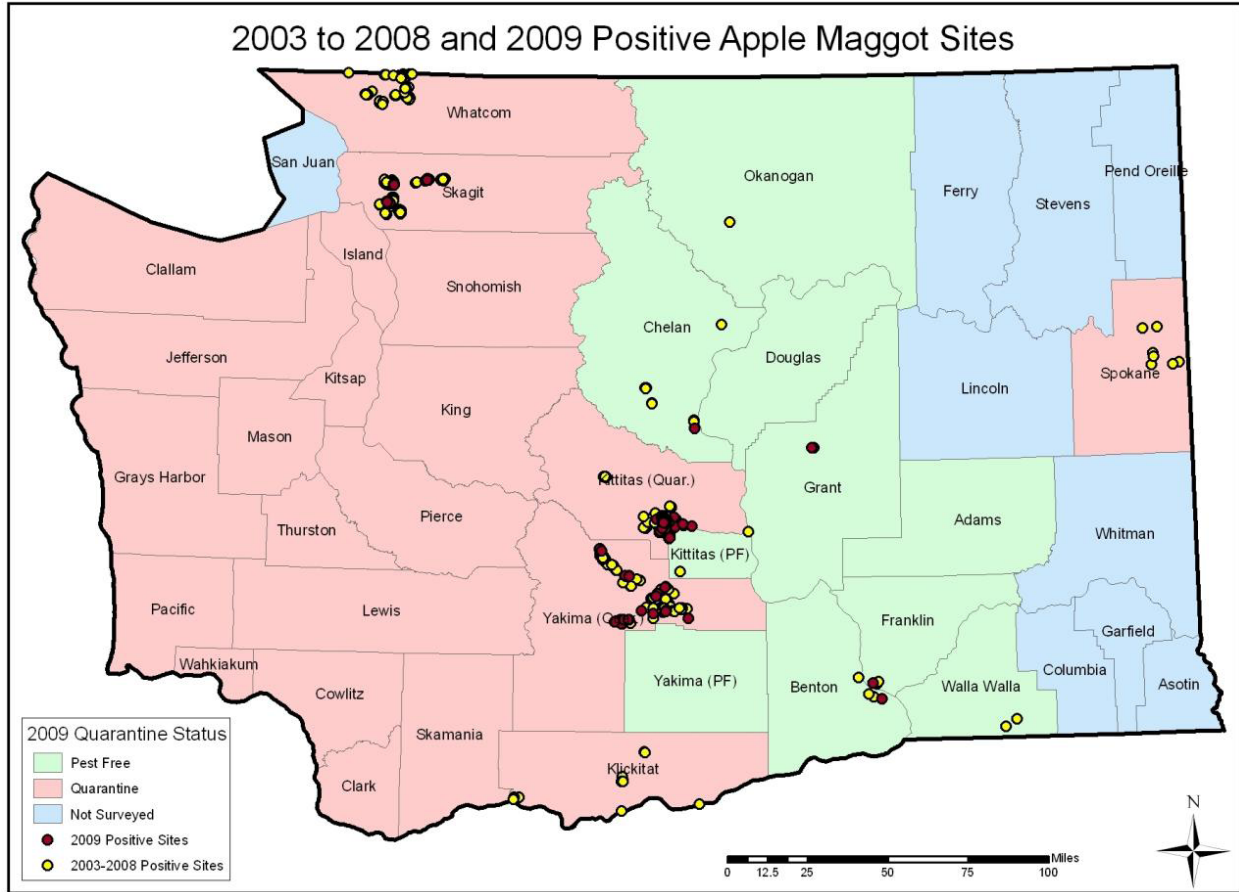
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Figure 1. Washington County Map from WSDA 2009 Apple Maggot Survey Summary Report





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### White Page Talking Points

#### Introduction

- Washington State ranks number 1 in the nation for apple production and produces 2/3rd of all fresh apples consumed in the United States
- Chelan and Douglas Counties rank number three in state productivity
- Our region ships fruit to 65 countries and all 50 states; and the Wenatchee district handles 40% of that volume
- Local related businesses provide approximately \$8 million in wages and \$5 million in supplies per week; \$1 billion yearly to the local economy
- Pest boards help convince foreign governments that Washington has the mechanisms and discipline to control quarantine pests
- The Board was asked to summarize legal grounds for the continued use of a pest board
- Pest Board found that much of the work of Pest Boards is done by agreement, not by statute

#### The Purpose of Pest Boards

- Assist homeowners and growers control pests ... to ensure unrestricted trade in national and international markets
- New pests and cropping systems increase the value of the pest board

#### Organization and Funding

- Current Pest Board funding derived from county general funds
- Counties forced to consider eliminating the Pest Board Agent position.
- The Pest Board decided it is important to retain Agent, asked for an assessment

#### The Legal Basis for County Pest Boards in Washington

- *owner of land shall prevent the spread of horticultural pests and diseases RCW 15.09.060*
- Powers and duties of Pest Board agent:
  - ✓ *Receive complaints*

- ✓ *Inspect to ascertain the presence of pests*
  - ✓ *Order any landowner to control*
  - ✓ *Control and prevent the spread of horticultural pests and diseases on any property within the county and to charge the owner for the expense of such work*
- No other agency is allowed this authority
  - pest board and WSDA co-control quarantine pests apple maggot and cherry fruit fly in Chelan and Douglas Counties
  - Chelan and Douglas Counties not under apple maggot quarantine but several neighboring counties are
  - When apple maggot is spotted it moves to the highest priority on agent's case list
  - If apple maggot were to become established:
    - ✓ *additional insecticide applications*
    - ✓ *Export markets lost,*
    - ✓ *fruit would be channeled to the domestic market,*
    - ✓ *Sprays would have to be applied late in the growing season,*
    - ✓ *additional sprays may disrupt the IPM systems*
  - Agreement with California and Taiwan stipulates that an active Pest Board is required
  - Higher costs to ship to California or lose market share

### **The philosophical or nonregulatory basis for Pest Control Boards**

- "What happens if the pest board goes away?"
- At home, no legal recourse for growers except civil case actions. If continue to export, could do so until infestations of excluded pests were found in shipments of fruit
- If we told them we were removing our Pest Board prior to shipping we could expect shipping agreement removals
- Long-standing agreements assume our area has a pest board
- uncontrolled pests are sources of infestation in urban/agricultural interface.
- heightened apple maggot threat from apple maggot transfers from west-side

### **Neighboring County Approaches**

- Chelan and Douglas Counties have had an active pest board since the early 1970's.
- Franklin, Benton, Okanogan, Yakima have passed assessment based funding resolutions

## Summary

- Pest Boards are mechanisms to control horticultural pests and we should not assume that export markets will remain if the Pest Board goes away

**IMPORTING COUNTRY REQUIREMENTS****APPLE MAGGOT (AM)****CODLING MOTH (CM)****WOOLY APPLE APHID (WAA)****FIRE BLIGHT (FB)****PEACH TWIG BORER (PTB)**

COUNTRY	EXPORT REQUIRMENTS	COMMMENTS
ARGENTINA	<input type="checkbox"/> Area Free <input type="checkbox"/> Shipment Free <input type="checkbox"/> Cold Treatment	<b>DO NOT</b> certify unless an IP is presented and all of the conditions can be met.
BANGLADESH	No Restrictions	
BRAZIL	<input checked="" type="checkbox"/> Area Free (AM) <input type="checkbox"/> Shipment Free (CM) <input checked="" type="checkbox"/> Chlorine or SOPP (FB) <input checked="" type="checkbox"/> Cold Treatment (AM)	Area Free – AM apples Shipment Free – CM apples and pears Chemical Treatment – Fire blight Cold treatment – AM apples
CAMBODIA	No Restrictions	
CANADA	<input checked="" type="checkbox"/> Area Free (AM) <input type="checkbox"/> Shipment Free <input checked="" type="checkbox"/> Cold Treatment (AM)	
CHILE	All areas regulated due to the presence of apple maggot - fruit is prohibited. All other areas <input checked="" type="checkbox"/> Area Free (AM) <input type="checkbox"/> Shipment Free <input checked="" type="checkbox"/> Chlorine or SOPP (FB) <input type="checkbox"/> Cold Treatment	<b>DO NOT</b> certify unless an IP is presented and all of the conditions can be met
CHINA	<input type="checkbox"/> Area Free <input checked="" type="checkbox"/> Shipment Free (AM), (WAA), (CM) <input type="checkbox"/> Cold Treatment	Pears - prohibited Apples – Work Plan requirements, shipment free of Decay
COLOMBIA	<input type="checkbox"/> Area Free <input checked="" type="checkbox"/> Shipment Free <input type="checkbox"/> Cold Treatment	<b>DO NOT</b> certify unless an IP is presented and all of the conditions can be met.
COSTA RICA	No Restrictions	
CUBA	<input type="checkbox"/> Area Free <input type="checkbox"/> Shipment Free <input type="checkbox"/> Cold Treatment	<b>DO NOT</b> certify unless an IP is presented and all of the conditions can be met
DOMINICAN REPUBLIC	No Restrictions	
EGYPT	No Restrictions	

COUNTRY	EXPORT REQUIREMENTS	COMMENTS
EL SALVADOR	No Restrictions	
EUROPEAN UNION	No Restrictions	
FIJI	No Restrictions	
FRENCH POLYNESIA (Tahiti)	No Restrictions	
GUADELOUPE	No Restrictions	
GUATEMALA	No Restrictions	
HAITI	No Restrictions	
HONDURAS	No Restrictions	
HONG KONG	No Restrictions	
ICELAND	No Restrictions	
INDIA	(X) Area Free (AM) (X) Shipment Free (CM), (AM) ( ) Cold Treatment	Area free of AM based on some IP's.
INDONESIA		<b>DO NOT</b> certify unless an IP is presented and all of the conditions can be met.
ISRAEL		<b>DO NOT</b> certify unless an IP is presented and all of the conditions can be met.
JAPAN	( ) Area Free (X) Shipment Free (AM), (CM) ( ) Cold Treatment	APPLES FOLLOW WORK PLAN REQUIREMENTS.
KUWAIT	No Restrictions	
MALAYSIA	No Restrictions	
MEXICO	( ) Area Free (X) Shipment Free (AM) (X) Cold Treatment (AM)	APPLES FOLLOW WORK PLAN REQUIREMENTS.
MOROCCO	(X) Area Free (AM) (X) Shipment Free (AM) (X) Cold Treatment (AM)	Options – 1. 2. AD attesting to area free from apple maggot. All areas where apple maggot is known to occur must be cold treated and shipment inspected and found free.

COUNTRY	EXPORT REQUIRMENTS	COMMENTS
NEW CALEDONIA	No Restrictions	
NEW ZEALAND	No Restrictions	
NICARAGUA		<b>DO NOT</b> certify unless an IP is presented and all of the conditions can be met.
NORWAY	No Restrictions	
PANAMA	No Restrictions	
PERU		<b>DO NOT</b> certify unless an IP is presented and all of the conditions can be met.
PHILIPPINES		<b>DO NOT</b> certify unless an IP is presented and all of the conditions can be met.
POLAND	No Restrictions	
ROMANIA	No Restrictions	
RUSSIA	<input type="checkbox"/> Area Free <input checked="" type="checkbox"/> <b>Shipment Free (AM)</b> <input type="checkbox"/> Cold Treatment	
SAUDI ARABIA	No Restrictions	
SINGAPORE	No Restrictions	
SRI LANKA	No Restrictions	
TAIWAN	<input type="checkbox"/> Area Free <input checked="" type="checkbox"/> <b>Shipment Free (AM), (CM) (PTB)</b> <input type="checkbox"/> Cold Treatment	Apples - Work Plan Commodity 3% Sample Ratio Pears – Follow EXCERPT Requirements
THAILAND	No Restrictions	
TRINIDAD & TOBAGO		<b>DO NOT</b> certify unless an IP is presented and all of the conditions can be met.
TURKEY	No Restrictions	

COUNTRY	EXPORT REQUIRMENTS	COMMENTS
UNITED ARAB EMIRATES	No Restrictions	
URUGUAY	( ) Area Free ( ) Shipment Free ( ) Cold Treatment	Apples – <b>DO NOT</b> certify unless an IP is presented and all of the conditions can be met. Pears – <b>PROHIBITED</b> , originating in an area free of fire blight
VENEZUELA	( ) Area Free ( ) Shipment Free ( ) Cold Treatment	<b>DO NOT</b> certify unless an IP is presented and all of the conditions can be met.
VIETNAM	No Restrictions	
YEMEN	No Restrictions	

**Area Free** – Cannot ship to that country if the area of production is infested.

**Shipment Free** – Can ship to the country based on the shipment being inspected and found free.

**Cold Treatment** – If the area of production is infested, we can ship to that country after the appropriate cold treatment has been completed and certified by WSDA.

Chemical Treatment – Chlorine or SOPP treatments for fire blight monitored by WSDA can be attested to on a phytosanitary certificate.

- The information contained in this attachment is subject to change based on each of the countries import requirements.
- The information in this attachment is only for apple maggot, codling moth, peach twig borer, fire blight, and wooly apple aphid. Many of these countries have additional phytosanitary requirements for the importation of apples and pears than are mentioned. Consult your supervisor for all requirements prior to certifying export shipments.
- Consult your supervisor for current up to date information if requested to certify apples from any apple maggot regulated area.
- Explanation of “*Do not certify unless an IP is presented and all of the conditions can be met.*” Ken Shanks comments: As you can see some countries that we export to require an import permit. This document issued by the agriculture departments in the importing country details their import requirements such as cold treatments, pests, diseases, that we have to inspect for prior to issuing a phytosanitary certificate for that country. If we do not have an import permit (IP) in hand, we do not know what to inspect for.
- Explanation of “*Working Plan*” Ken Shanks comments: Scenario, Mexico has a work plan for apples, Japan has a work plan for cherries, etc. The work plan is an inspection document negotiated between USDA-APHIS and the plant quarantine department in the importing country. In the case of Japan it is MAFF (Ministry of Agriculture, Forestry, and Fisheries). High levels of Agriculture departments from each country work together to develop a plan to export product from one to the other.
- Clarity of AM free country: Ken Shanks comments: AM free area means an apple maggot free area within the state of Washington. Chelan, Douglas, Okanogan, Grant Counties are all apple maggot free areas based on trapping by WSDA and eradication by the county pest board if there is a find such as on the canal on Cherry Street in Wenatchee this past year. Yakima county has both an apple maggot (AM) free area and a quarantined area in the county.

