

RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)



Agency: Agriculture	<input checked="" type="checkbox"/> Permanent Rule <input type="checkbox"/> Emergency Rule
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(1) Date of adoption: January 10, 1990

(2) Purpose: These rules provide for mandatory, non-binding arbitration for disputes. The labeling rules provide for requirements to implement truth in labeling requirements of the Washington State Seed Act.

(3) Citation of existing rules affected by this order:
 Repealed:
 Amended: 16-318 WAC
 Suspended:

(4) Authority for adoption:
 Statute: 15.49 RCW
 Other Authority:

(5.1) **PERMANENT RULE ONLY**
 Pursuant to notice filed as WSR 89-23-099 on November 21, 1989 (date).
 Describe any changes other than editing from proposed to adopted version:

(5.2) **EMERGENCY RULE ONLY**
 Pursuant to RCW 34.05.350 the agency for good cause finds:
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
 Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
 Yes No If yes, explain:

(6) Effective date of rule:

Permanent Rules	Emergency Rules
<input checked="" type="checkbox"/> 31 days after filing	<input type="checkbox"/> Immediately
<input type="checkbox"/> Other (specify) _____ *	<input type="checkbox"/> Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JAN 11 1990

TIME: 10:45 AM

WSR: 90-03-026

NAME (TYPE OR PRINT)
C. Alan Pettibone

C. Alan Pettibone

TITLE: Director

DATE: 1/10/90

AMENDATORY SECTION (Amending Order 1700, filed 5/30/80)

WAC 16-318-040 TREATED SEED LABELING REQUIREMENTS. (~~The information required in section 15-49-320 (1) (e) of~~) For all seed that meets the definition of treated seed contained in RCW 15.49.011, the Washington State Seed Act, there shall be conspicuously shown on the analysis tag or label, or on a separate tag or label, attached to each container, (~~For~~) or printed in a conspicuous manner on the side or top of each container the following:

(1) A word or statement indicating that the seed has been treated.

(2) The commonly accepted coined, chemical, or abbreviated chemical (generic) name of the applied substance or description of the process used.

(3) That information required in WAC 16-318-050 through 16-318-090.

NEW SECTION

WAC 16-318-065 INOCULANTS. If seed is treated with an inoculant, the date beyond which the inoculant is not to be considered effective (date of expiration) shall be shown on the label.

NEW SECTION

WAC 16-318-200 LABELING--REQUIREMENTS FOR AGRICULTURAL, VEGETABLE, AND FLOWER SEEDS. Each container of agricultural, vegetable or flower seeds which is sold, offered for sale or exposed for sale, or transported within this state for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the information as described in WAC 16-318-040 through 16-318-090 for treated seeds and WAC 16-318-205 through 16-318-235, which statement shall not be modified or denied in the labeling or on another label attached to the container.

NEW SECTION

WAC 16-318-205 LABELING--GENERAL REQUIREMENTS FOR AGRICULTURAL SEEDS EXCEPT FOR GRASS SEED MIXTURES AND FOR HYBRIDS WHICH CONTAIN LESS THAN NINETY-FIVE PERCENT HYBRID SEED. The label for agricultural seeds, except for grass seed mixtures and for hybrids that contain less than ninety-five percent hybrid seed shall contain the following information:

(1) The name of the kind and variety of each agricultural seed present in excess of five percent of the whole and the percentage by weight of each: PROVIDED, That if the variety as designated in the regulations is not stated, the label shall show the name of the kind and the words, "variety not stated." Hybrids shall be labeled as hybrids.

(2) The lot number or other lot identification.

(3) The origin state or foreign country, if known. If the origin is not known, that fact shall be stated.

(4) The percentage, by weight, of all weed seeds present: PROVIDED, That the maximum weed seed content may not exceed two percent

by weight except as provided in WAC 16-317-080 for small grain, field pea, lentil, and soybean seed.

(5) The name and rate of occurrence in seeds per pound of each kind of restricted noxious weed seed present.

(6) The percentage by weight of agricultural seeds, which may be designated as "crop seeds," other than those required to be named on the label.

(7) The percentage by weight of inert matter.

(8) For each named agricultural seed, except vegetable seeds as described in WAC 16-318-220 and flower seeds described in WAC 16-318-230:

(a) The percentage of germination, exclusive of hard seed, and the percentage of hard seed, if present, or "total germination and hard seed" as a single percentage.

(b) The calendar month and year the test was completed to determine such percentages.

(9) The name and address of the person who labeled the seed, or who sells, offers, or exposes the seed for sale within this state.

NEW SECTION

WAC 16-318-210 LABELING--FOR SEED MIXTURES FOR LAWN AND/OR TURF PURPOSES. The labeling for seed mixtures for lawn or turf purposes shall be as follows:

(1) The lot number or other lot identification.

(2) The origin state or foreign country, if known. If the origin is not known, that fact shall be stated.

(3) The word "mixed" or "mixture" stated with the name of the mixture.

(4) The heading "pure seed" and "germination" or "germ" used in the proper places.

(5) The commonly accepted name of kind or kind and variety of each agricultural seed component in excess of five percent of the whole, and the percentage by weight, in columnar form, of pure seed in order of its predominance.

(6) The percentage by weight of agricultural seed other than those required to be named on the label (which shall be designated as "crop seed"): PROVIDED, That if the mixture contains no crop seed, the statement, "contains no other crop seed," may be used and may be flagged.

(7) The percentage by weight of inert matter.

(8) The percentage by weight of all weed seeds: PROVIDED, That the maximum weed seed content may not exceed two percent by weight.

(9) For each agricultural seed named under subsection (3) of this section:

(a) The percentage of germination, exclusive of hard seed.

(b) The percentage of hard seed, if present.

(c) The calendar month and year of the most recent test completed to determine such percentages.

(10) The name and address of the person who labeled the seed, or who sells, offers, or exposes the seed for sale within this state.

NEW SECTION

WAC 16-318-215 LABELING--SPECIAL REQUIREMENTS FOR SEEDS THAT ARE COATED. The labeling for seeds that are coated shall include the following information in addition to the requirements of WAC 16-318-205:

(1) The percentage of pure seed with coating material removed.

(2) The percentage of coating material shown as a separate item in close association with the percentage of inert material.

(3) The percentage of germination as determined on four hundred coated seed pellets, with or without seeds.

NEW SECTION

WAC 16-318-220 LABELING--SPECIAL REQUIREMENTS FOR VEGETABLE SEEDS IN PACKETS AS PREPARED FOR USE IN HOME. Labeling for vegetable seeds in packets as prepared for use in home gardens or household plantings or vegetable seeds in preplanted containers, mats, tapes, or other planting devices shall include the following information in addition to that required by WAC 16-318-205:

(1) The year in which the seed was packed for sale as "packed for planting in" or the percentage germination and the calendar month and the year the test was completed to determine that percentage.

(2) For seeds which germinate less than the standard established by the department in WAC 16-304-010:

(a) Percentage of germination, exclusive of hard seed.

(b) Percentage of hard seed, if present.

(c) The words "below standard" in not less than eight-point type.

(3) For seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quality of seed without removing the seed from the medium, mat, tape or device, a statement to indicate the minimum number of seeds in the container.

NEW SECTION

WAC 16-318-225 LABELING--SPECIAL REQUIREMENTS FOR VEGETABLE SEEDS IN CONTAINERS OTHER THAN PACKETS. The labeling for vegetable seeds in containers, other than packets prepared for use in home gardens or household plantings and other than preplanted containers, mats, tapes, or other planting devices shall be deemed to have been met if the seed is weighed from a properly labeled container of more than one pound in the presence of the purchaser.

NEW SECTION

WAC 16-318-230 LABELING--SPECIAL REQUIREMENTS FOR FLOWER SEEDS. The labeling for flower seeds in packets prepared for use in home gardens or household plantings or flower seeds in preplanted containers, mats, tapes, or other planting devices shall include the following information in addition to that required by WAC 16-318-205:

(1) For all kinds of flower seeds:

(a) The name of the kind and variety or a statement of the kind and performance characteristics as prescribed in chapter 15.49 RCW and rules adopted thereunder.

(b) The calendar month and year the seed was tested or the year for which the seed was packaged.

(2) For seeds of those kinds for which standard testing procedures are prescribed and which germinate less than the germination standard established under the provisions of chapter 15.49 RCW:

(a) The percentage of germination exclusive of hard seeds.

(b) The words "below standard" in not less than eight-point type.

NEW SECTION

WAC 16-318-235 LABELING FOR AGRICULTURAL AND VEGETABLE HYBRID SEED WHICH CONTAINS LESS THAN NINETY-FIVE PERCENT HYBRID SEED. The labeling for agricultural and vegetable hybrid seed which contains less than ninety-five percent hybrid seed shall include the following:

- (1) The lot number or other lot identification.
- (2) The origin state or foreign country, if known. If the origin is not known, that fact shall be stated.
- (3) The kind or variety labeled as "hybrid": PROVIDED, That varieties in which pure seed contain less than seventy-five percent hybrid seed shall not be labeled as hybrids.
- (4) The percent which is hybrid labeled parenthetically in direct association following named variety; i.e., Comet (eighty-five percent hybrid).
- (5) The calendar month and year of a germination test of pure live seed or the year in which the seed was packaged.
- (6) The percentage by weight of inert matter.
- (7) The percentage, by weight, of all weed seeds present: PROVIDED, That the maximum weed seed content may not exceed two percent by weight.
- (8) The name and address of the person who labeled the seed, or who sells, offers, or exposes the seed for sale within this state.

NEW SECTION

WAC 16-318-240 LABELING--PROHIBITIONS. It shall be deemed unlawful if any labeling, advertising, or other representation subject to chapter 15.49 RCW:

- (1) Represents seed to be certified seed or any class thereof unless it has been determined by a seed certifying agency that such seed conforms to standards of purity and identity as to kind, species (and subspecies, if appropriate), or variety, in compliance with the rules and laws of that agency pertaining to such seed.
- (2) Represents seed to be foundation, registered, or certified seed unless it has been inspected and tagged accordingly by a certifying agency meeting certification standards of the department.

NEW SECTION

WAC 16-318-300 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

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

(2) "Director" means the director of the department of agriculture.

(3) "Dealer" means any person who distributes seeds.

(4) "Buyer" means a person who purchases seeds.

(5) "Seeds" mean agricultural or vegetable seeds or other seeds as determined by rules adopted by the department.

(6) "Agricultural seed" includes grass, forage, cereal, oil, fiber, and other kinds of crop seeds commonly recognized within this state as agricultural seeds, lawn seeds, and combination of such seeds, and may include common and restricted noxious weed seeds but not prohibited noxious weed seeds.

(7) "Flower seeds" include seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold as flower seeds in this state.

(8) "Germination" means the emergence and development from the seed embryo of those essential structures which, for the kind of seed in question, are indicative of the ability to produce a normal plant under favorable conditions.

(9) "Label" includes a tag or other device attached to or written, stamped, or printed on any container or accompanying any lot of bulk seeds purporting to set forth the information required on the seed label by chapter 15.49 RCW, and it may include other information including the requirement for arbitration.

(10) "Official sample" means any sample taken and designated as official by the department.

(11) "Vegetable seeds" include the seeds of all crops that are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seeds in this state.

(12) "Arbitration committee" means the committee established by the director under RCW 15.49.101 to hear and make determinations in mandatory, nonbinding, arbitration cases.

(13) "Chairperson" means the person selected by the arbitration committee from among their numbers to preside.

(14) "Person" means an individual, partnership, corporation, company, association, receiver, trustee, or agent.

NEW SECTION

WAC 16-318-305 MATTERS SUBJECT TO MANDATORY ARBITRATION. A civil dispute is subject to arbitration under these rules if it involves a claim of damage caused by the failure of any seed covered by the provisions of chapter 15.49 RCW, the Washington State Seed Act, to perform as represented on the required label, by warranty, or as a result of negligence. This arbitration is a prerequisite to maintaining a legal action against the dealer of the seed. All the following conditions must be met:

(1) The parties have not agreed to submit the dispute to arbitration and to be bound by the arbitration award.

(2) The claim or counterclaim where relief is sought is, or includes, a monetary amount in excess of two thousand dollars.

(3) Any statutory period of limitations with respect to such claim had not expired.

NEW SECTION

WAC 16-318-310 ARBITRATION REQUIREMENT--LABELING. For each container of agricultural, vegetable or flower seeds which is sold, offered for sale, or exposed for sale, or transported within this state for sowing purposes, there shall be conspicuously shown on the analysis tag, or a separate tag or label attached to each container, or printed in a conspicuous manner on the side or top of each container the following:

Requirement for arbitration - The Washington State Seed Act, chapter 15.49 RCW, requires mandatory arbitration of disputes involving allegedly defective seed. See WAC 16-318-300 through 16-318-420 or contact the Washington state department of agriculture, seed branch, (509) 575-2750, or such alternate wording as may be approved, in writing, by the director to meet the needs of the industry.

NEW SECTION

WAC 16-318-315 FILING OF A COMPLAINT FOR ARBITRATION. To submit a demand for mandatory arbitration, a buyer shall make and file with the director of the department of agriculture a sworn complaint against the dealer.

- (1) Such complaint shall contain:
 - (a) A statement setting forth the nature of the claim and damages.
 - (b) The dollar amount involved in the claim.
 - (c) The remedy sought.
- (2) The complaint must be accompanied by a filing fee of one hundred dollars to cover the costs of processing the complaint.
- (3) The buyer shall send the dealer that is the subject of the complaint a copy of the complaint by registered mail.

NEW SECTION

WAC 16-318-320 REQUIREMENT TO RESPOND TO COMPLAINT. Within twenty days within receipt of the sworn complaint, the dealer shall file an answer to the complaint with the director by United States registered mail.

- (1) If no answer is filed within the stated time:
 - (a) It will be deemed that the claim is denied.
 - (b) The failure to file a timely response will be recorded and made a part of the official record.
- (2) Failure to file a timely response shall not operate to delay the arbitration process.

NEW SECTION

WAC 16-318-325 ACCEPTANCE OF FILING BY TELEFAX. Complaints, responses to complaints, counterclaims and other communications from parties to the dispute to the committee may be transmitted electronically by telefax except where this chapter specifically requires transmission by registered mail. Such transmissions shall be regarded with the same validity as if sent by United States mail.

NEW SECTION

WAC 16-318-330 ARBITRATION COMMITTEE. The director shall create an arbitration committee composed of five members, including the director, or a department of agriculture employee as his or her designee, and four members. Four alternates shall also be appointed by the director according to the requirements of RCW 15.49.111.

(1) Each alternate member shall serve only in the absence of the member for whom the person is an alternate.

(2) The arbitration committee shall elect a chairperson and a secretary from among its members.

(a) The chairperson shall conduct meetings and deliberations of the committee and direct its other activities.

(b) The secretary shall keep accurate records of all meetings and deliberations and perform other duties as assigned by the chairperson.

(3) The committee shall be called into session at the direction of the director or the chairperson.

(4) The members of the committee shall receive no compensation for their duties but shall be reimbursed for travel expenses according to established state travel and per diem rates.

Expense reimbursement shall be borne equally by the parties to the arbitration.

(5) A committee member, delegated with investigative responsibilities outside of the hearing under WAC 16-318-395, may not participate in making the final decision and award.

NEW SECTION

WAC 16-318-335 REFERRAL TO ARBITRATION COMMITTEE. Within fifteen days of the receipt of the answer or forty-five days of the receipt of a complaint, the director shall refer the claim to the arbitration committee established by RCW 15.49.101 for investigation, finding and recommendation. The buyer and seller shall be notified by certified mail:

(1) That the claim has been submitted to the arbitration committee.

(2) The names of the members of the arbitration committee and the alternates.

Within ten days after receipt of notification from the director, either buyer or seller may petition the director that a member of the arbitration committee be disqualified for cause and replaced by an available alternate member: PROVIDED, That either buyer or seller may petition the director at any time during the process upon discovering facts that establish grounds for disqualification. Such decision shall be solely at the discretion of the director.

(3) No person may serve on the committee in any arbitration where he or she has a financial or personal interest in the result of the arbitration unless the parties, in writing, waive such disqualification.

NEW SECTION

WAC 16-318-340 SCHEDULING OF HEARING. The chairperson of the arbitration committee shall fix the time and place for each hearing and shall notify each party in writing of the scheduled hearing at least seven days in advance of the hearing date.

(1) Such notice shall include:

(a) The names and addresses of the parties to whom notice has been given.

(b) The address and telephone number of the chairperson of the arbitration committee.

(c) The names and addresses of the members of the arbitration committee.

(d) The time, place, and subject of the hearing.

(e) A statement of the legal authority under which the hearing is being held including the sections of statute and rules involved.

(2) To the extent possible, the chairperson of the arbitration committee shall attempt to schedule the hearing at a time and place mutually agreeable to the parties: PROVIDED, That if a mutually agreeable time and place cannot be found, the chairperson may set the time and place.

(3) The chairperson of the committee may allow all or a part of the hearing to be conducted by telephone, television, or other electronic means when the rights of the parties will not be prejudiced thereby and each party has an opportunity to participate.

NEW SECTION

WAC 16-318-345 REPRESENTATION BY COUNSEL. Any party in the arbitration may be represented by counsel. A party intending to be so represented shall notify the other party and the committee chairperson of the name and address of the counsel at least three days in advance of the hearing at which the counsel is first scheduled to appear. When an arbitration is initiated on behalf of a buyer by counsel or when a dealer replies through a counsel, such notice shall be deemed to have been given. The director shall make provision for legal support through the office of the attorney general, as requested by the arbitration committee.

NEW SECTION

WAC 16-318-350 WAIVER OF ORAL HEARING. The parties may provide, by written agreement submitted to the chairperson, that the hearing shall be conducted on the pleadings submitted without oral argument or testimony.

NEW SECTION

WAC 16-318-355 RECORD OF THE HEARING. The secretary of the arbitration committee shall maintain summary minutes of the hearing and shall provide for a tape recording of all oral proceedings. Any party may request copies of all tapes or transcription of testimony. The costs of the duplication or transcription shall be entirely borne by the requesting party.

NEW SECTION

WAC 16-318-360 ATTENDANCE AT HEARINGS. The hearing shall be open to the parties to the dispute and other persons having a financial interest. The committee chairperson shall have the authority to

require that any witness or witnesses retire from the hearing during the testimony of other witnesses. The admission of other persons to the arbitration hearing shall be at the discretion of the chairperson of the arbitration committee.

NEW SECTION

WAC 16-318-365 COMMITTEE INVESTIGATION. Upon referral of a complaint for investigation to the committee, the arbitration committee shall make a prompt and full investigation by the proceedings specified in this chapter of the matters in the complaint and report its award to the director within sixty days of such referral unless the parties in the dispute agree in writing to the chairperson to a later date: PROVIDED, That if the committee decides to grow a representative sample of the seed that sixty-day period shall be extended an additional thirty days.

NEW SECTION

WAC 16-318-370 EVIDENCE. The parties may produce such evidence as they desire and such additional evidence as the arbitration committee may deem necessary to understand the dispute and determine an award. The committee shall be the judge of the admissibility and relevance of all evidence offered. Conformity to strict legal rules of evidence shall not be required. All evidence shall be taken in the presence of the parties concerned, except where a party has waived that right or is absent after receiving proper notice.

NEW SECTION

WAC 16-318-375 EVIDENCE BY AFFIDAVIT. Evidence may be submitted for consideration of the arbitration committee in the form of witness by affidavit. The committee shall consider such evidence and give to it only such weight as the committee deems appropriate after consideration of any objections made to its admission. All parties shall be entitled to examine such documents and shall be entitled to a copy upon request and payment of duplication costs.

NEW SECTION

WAC 16-318-380 DISCOVERY. Use of discovery is limited in mandatory arbitration cases.

(1) The following types of discovery may be requested of the arbitration committee:

- (a) Deposition.
- (b) Written interrogatories.
- (c) Request for production of documents.

(2) The arbitration committee may allow and condition use of discovery on a showing of necessity and an unavailability by other means.

NEW SECTION

WAC 16-318-385 ARBITRATION IN THE ABSENCE OF A PARTY. The arbitration may proceed in the absence of any party who, after due notice, fails to be present or fails to request an adjournment or postponement. An award may not be made solely on the failure to appear. The arbitration committee, in these cases, shall require the party who is present to present such evidence or information as the committee deems necessary to determine an award.

NEW SECTION

WAC 16-318-390 ORDER OF PROCEEDINGS. When an oral hearing is held, the order of procedure for conducting arbitration hearings shall be as follows:

(1) The chairperson shall open the hearing on behalf of the committee stating the place, time and date of the hearing; the members of the arbitration committee and the parties to the arbitration and their counsel, if any; and recital of the buyer's claim, any counterclaim, and the dealer's response, if any.

(2) The parties shall have the opportunity to present an opening statement.

(3) The complaining party shall have the opportunity to present the claim for damages, the proof and witnesses and shall submit to questions and other examination by the arbitration committee.

(4) The defending party shall present the defense and his or her proof including witnesses and shall submit to questions or other examination by the arbitration committee.

(5) Each party shall have the right of cross-examination.

(6) The arbitration committee may vary this procedure: PROVIDED, That both parties are provided a full and equal opportunity to present their evidence and proofs.

(7) The names and addresses of all witnesses shall be recorded and made a part of the record.

(8) Both parties shall have an opportunity to present a summary statement.

NEW SECTION

WAC 16-318-395 EXPERT EVIDENCE AND PERFORMANCE TESTS. The committee may delegate one of its members to seek advice from experts in the seed industry and/or the seed inspection service of the department of agriculture or the Washington State Crop Improvement Association; may cause to be obtained and grow out a representative sample of the seed; may delegate a portion of the investigation to one of its members who reports back to the committee as a whole at the hearing; or may cause to be performed such other tests of seed quality as may be deemed necessary to render a decision. The results of any such investigation or tests shall be entered into the record at the arbitration hearing. The costs of any such tests necessary to determine an award shall be considered in the award.

NEW SECTION

WAC 16-318-400 CONSERVATION OF PROPERTY. The chairperson, on behalf of the arbitration committee, may issue such orders as may be deemed necessary to safeguard the seed and/or the crop in the field that is the subject of the dispute without prejudice to the rights of the parties or to the final determination of the dispute.

NEW SECTION

WAC 16-318-405 REOPENING OF A HEARING. An arbitration hearing may be reopened by the following:

- (1) The chairperson of the arbitration committee with the assent of a majority of the committee members may reopen a hearing.
- (2) A hearing may be reopened by the chairperson with assent of a majority of the committee upon petition of either party prior to the final committee report.
- (3) A hearing may not be reopened if such action would cause the sixty-day time limit (ninety days with a grow out test) to be exceeded without the written consent of both parties.

NEW SECTION

WAC 16-318-410 EXPENSES. The expenses for witnesses for either side shall be borne entirely by the party producing such witnesses. The expenses of expert witnesses deemed necessary by the committee shall be borne by the department according to established state travel and per diem rates. The costs of grow out tests or other tests that may be required that exceed the amount of the filing fee may be allocated by the committee in making the award.

NEW SECTION

WAC 16-318-415 ARBITRATION COMMITTEE REPORT. The arbitration committee shall prepare a written report of its findings within the established time frames. The report shall include findings of fact and conclusions, the award and allocations as to costs, if any.

(1) If a quorum is present, a simple majority of the arbitration committee shall be sufficient to make a decision.

(2) Any member disagreeing with an award may prepare a dissenting opinion and that opinion shall be included in the committee report.

(3) The report shall be sent to the director.

The director shall promptly send copies of the report to the parties by registered mail.

NEW SECTION

WAC 16-318-420 AWARD UPON SETTLEMENT. If the parties to a dispute settle that dispute during the course of an arbitration, the committee, at the request of the parties, may set forth the terms of the agreed settlement in the award.