



# RULE-MAKING ORDER

## R-103 (June 2004) (Implements RCW 34.05.360)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** This rule increases the isolation distances for Rapeseed fields from fields of other Rapeseed varieties and from fields of other crucifer species that can cross pollinate with Rapeseed.

**Citation of existing rules affected by this order:**

Repealed:  
 Amended: 16-302-480  
 Suspended:

**Statutory authority for adoption:** RCW 15.49.310

**Other authority :** RCW 34.05

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR 06-11-146 on May 23, 2006.  
 Describe any changes other than editing from proposed to adopted version: None.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
 Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
 e-mail \_\_\_\_\_

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- 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.
- 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:

**Date adopted:** July 19, 2006

**NAME (TYPE OR PRINT)**

Valoria Loveland

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

JUL 19

TIME: 1120  
 WS# 06-15-136

AM  
PM

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	1	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended		Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended		Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending WSR 00-24-077, filed 12/4/00, effective 1/4/01)

**WAC 16-302-480 Field standards for rapeseed certification.**

Field standards for the production of rapeseed are as follows:

(1) A portion of a rapeseed field may be certified if the area to be certified is clearly defined.

(2) A field producing foundation, registered or certified rapeseed, also known as Canola (*Brassica napus*), must be the minimum specified isolation distance from fields of any other variety ~~((or))~~ of *Brassica napus*, from fields of the same variety that do not meet the varietal purity requirements for certification, as ~~((given))~~ well as from fields of *Brassica rapa*, *Brassica oleracea*, and *Brassica juncea* as indicated in the following table:

<u>Class</u>	<u>Fields of Cross Pollinated Varieties Including Hybrids</u>	<u>Fields of Self Pollinated Varieties</u>
Foundation	<del>((+320 feet))</del> <u>1 mile</u>	660 feet
Registered	<del>((+320 feet))</del> <u>1 mile</u>	660 feet
Certified	<del>((660 feet))</del> <u>1 mile</u>	330 feet
Different class of same variety	165 feet	165 feet

These isolation distances are minimum and must be met in all cases. ~~((When isolating fields of different usage kinds, i.e., industrial type from edible type, it is recommended that distances of three miles for foundation and registered, and two miles for certified be used.))~~

(3) Volunteer plants may be cause for rejection or reclassification of a rapeseed field.

(4) Specific standards for rapeseed are:

<u>Factor</u>	<u>Maximum permitted in each class</u>		
	<u>Foundation</u>	<u>Registered</u>	<u>Certified</u>
Other varieties*	None found <sup>1</sup>	None found <sup>1</sup>	1.00%

\* Other varieties are considered to include *Brassica rapa*, *Brassica oleracea*, *Brassica juncea*, off-type plants of *Brassica napus* and plants that can be differentiated from the variety being inspected.

<sup>1</sup> None found means none found during the normal inspection procedures. None found is not a guarantee to mean the field inspected is free of the factor.

(5) Inspection will be made by the certifying agency when the crop is in the early flowering stage.