



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule

(1) Date of adoption: May 12, 1992

(2) Purpose: To streamline and simplify the rapeseed production field registration process by recognizing the declared dominant type and requiring specific registration of only the "off-type" varieties within each district.

(3) Citation of existing rules affected by this order:

- Repealed:
- Amended: Chapter 16-570 WAC
- Suspended:

(4) Authority for adoption:

Statute: 15.66.025; 15.65.055 RCW
Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 92-08-055 on March 26, 1992 (date).

Describe any changes other than editing from proposed to adopted version:

None

(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

- 31 days after filing
- Other (specify) _____ *
- Immediately
- Later (specify) _____

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

CODE REVISIONS OFFICE
STATE OF WASHINGTON
FILED

MAY 12 1992

TIME: 10:28 AM
WSR 92-11-013

NAME (TYPE OR PRINT)

SIGNATURE

Man Pettibone

Director

DATE
5/12/92

AMENDATORY SECTION (Amending Order 1946, filed 8/3/87)

WAC 16-570-030 DUTIES OF RAPESEED PRODUCTION DISTRICT BOARDS, PERSONS, PRODUCERS. (1) Duties of the board shall include:

(a) Proposing and clearly defining district/subdistrict boundaries to be submitted to the director for establishment by rule. District and subdistrict boundaries shall follow geographical and/or topographical characteristics or provide for buffer zones to provide for isolation. Consideration is to be given to existing crop production to minimize negative impact to sensitive crops and shall also be extended beyond district and state lines to minimize impacts to producers in contiguous districts or states and cooperate to avoid the need for buffer zones which could prevent producers from raising rapeseed near district or state lines.

(b) Producers and industry shall have the ability to petition the board to recommend to the director to adopt subdistricts within an initial production district, should production for multiple markets develop.

(c) The board shall designate the Washington State University extension offices to facilitate the production districts in the registration of rapeseed production fields, in accordance with subsection (2) of this section.

(d) The board shall examine the economic potential for the differing types of rapeseed, and with input from affected producers, propose the dominant type for the district and/or subdistricts. In proposing the district and/or subdistrict boundaries and the dominant types of rapeseed for production, the board shall avoid negative impacts to already existing crops. The board shall propose and recommend to the director, rules establishing a dominant rapeseed type. A public hearing shall be held no later than March 15th, with rules adopted no later than May 15th of any production year after 1986. Hearings need not be held each year if there is no petition to change existing rule(s). The board shall inform producers of the areas and type(s) that are approved for production. This may be accomplished by utilizing producer meetings, local news and radio media, and the use of Washington State University cooperative extension personnel.

(e) The board shall serve as the first level for disputes involving production of conflicting types by conducting an inquiry to determine the facts of the dispute. If resolution is not reached at the board level the board shall then render an advisory opinion to be submitted to the director for additional action.

(f) The board shall have the authority to recommend to the director production of "off type" rapeseed (other than the authorized dominant type) or rapeseed production in an area where it is otherwise prohibited under the following criteria:

(i) The producer of the "off type" rapeseed must petition the board to allow "off type" rapeseed production.

(ii) The petition shall contain the following information:

(A) Producer name, address, telephone number and location within district/subdistrict.

(B) Crop year.

(C) Variety name and species of rapeseed to be produced.

(D) Principal use of proposed production (i.e., industrial or food oil, seed, forage, cover crop etc.).

(E) Variety traits - Erucic acid and glucosinolate levels.

(F) Contracting company - (if any).

(G) Acreage to be produced.

(H) Exact legal description and reference to local landmarks of proposed acreage.

(I) Evidence of isolation of at least one-half mile, or at such greater distance as required by rule within the respective district and/or subdistrict, from other rapeseed production or other sensitive crops.

(J) Signed statements from all landowners/operators within one-half mile of the proposed production site stating that they will not plant a conflicting type during the proposed crop year.

(2) Persons or producers of "off type" rapeseed shall register all fields prior to planting, by location(r-type) and variety of all rapeseed to be produced, with the district board at the extension office designated by the district board.

(3) Seed certification requirements.

(a) Only certified seed shall be used for Washington production: PROVIDED, That the variety dwarf essex may be used for seed purposes without certification as certified seed is no longer available.

(b) All rapeseed varieties utilized for Washington production shall be accompanied by phyto-sanitary certification that it is free from phoma lingam (black leg) fungus. In the event that low level phoma lingam (black leg) fungus is present, the seed must be treated with environmental protection agency and/or Washington state approved chemicals for the control of phoma lingam (black leg) fungus, and recertified as free from viable phoma lingam fungus after treatment.

(4) Any person selling or offering rapeseed for sale in the state of Washington, either in person, through dealerships or through radio, video or printed media, must be licensed by the Washington state department of agriculture seed branch.

(5) Any volunteer or uncontrolled rapeseed may be subject to the Washington state noxious weed control board and chapter 17.10 RCW. Any transport of unbagged rapeseed for the purpose of conveyance, shall be in suitably covered or sealed containers or vehicles to avoid the spread of volunteer or otherwise uncontrolled rapeseed. All harvesting and planting equipment shall be properly cleaned and adequate precautions taken to avoid the spread of rapeseed prior to movement from any farm or production area.

(6) The director shall have the authority to require destruction prior to bloom of any rapeseed production that does not meet the rules of the director or any established production district. In the event that the person or producer of said production does not comply with the destruction order prior to bloom, the director is authorized to have the production destroyed by a third party and the cost of such destruction is to be charged to the producer of said production.