

WSR 22-23-127
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
[Filed November 21, 2022, 9:19 a.m.]

Subject of Possible Rule Making: Chapter 16-302 WAC, General rules for seed certification. The department is considering amending this chapter by:

Providing clarity and transparency:

- Making clerical, typographical, and formatting changes throughout the chapter to improve clarity and readability;
- Addressing inconsistencies throughout the chapter between crop standards;
- Removing references to chapters that have been previously repealed;
- Adding a new section for definitions;
- Correcting information within the tables to accurately reflect the current national standards; and
- Repealing WAC 16-302-390 since it contains references to fees that are no longer applicable.

Updating existing language:

- Aligning with other seed certification states for blended and mixture tagging of certified seed;
- Adding a Pacific Northwest sod quality seed standard and tagging process;
- More closely aligning with Association of Official Seed Certify[ing] Agencies (AOSCA) newly adopted seed and field standards for applicable crops produced in Washington;
- Adding standards for foundation classes in relation to maximum damaged seed, inert matter, splits, and weed seed maximums that are currently not listed;
- Adding language for standards that are currently in place, but not currently listed in rule;
- Adding an application deadline to meet the needs of dryland seed production; and
- Aligning weed seed scientific names with nomenclature updates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.005, [15.49].021, [15.49].310, [15.49].370, and 15.140.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Making clerical/formatting changes, addressing inconsistencies between crop standards, removing references to repealed chapters, updating section numbers, adding definitions, correcting information within the tables, and repealing WAC 16-302-390 will provide stakeholders with the most accurate standards and allow them to conduct business more efficiently with the agency.

Aligning with other seed certification states for blended and mixture tagging of certified seed and adding a Pacific Northwest sod quality standard and tagging process will add uniformity among Washington, Oregon, and Idaho, making it easier for the grass industry to conduct business.

Sections which do not match the AOSCA standards are proposed to be updated for all applicable crop kinds to add unity among states and align with established national standards.

The current standards for production of field corn parent material is not in alignment with current industry practices or AOSCA field

standards. Adding definitions and standards to rule will better serve industry. This update will put into rule what is already in practice and define the expectation for field application and standards.

The current application due dates for seed production in dryland areas are unrealistic for industry to meet. The establishment of a quality crop takes additional time in the dryland areas compared to irrigated regions of the state. Adding application deadlines allowing for a petition for dryland production area to submit a late application will allow industry to better assess the crop establishment before submitting an application for seed certification.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will notify AOSCA, Washington State Crop Improvement Association, Idaho Crop Improvement Association, Oregon Seed Certification, and the Oregon department of agriculture via email.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders, including the Washington State Crop Improvement Association, Oregon Seed Certification, Idaho Crop Improvement Association, and individual seed companies that may be affected. 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 Paula Moore, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, phone 509-314-1032, fax 509-545-4395, TTY 800-833-6388, email pmoore@agr.wa.gov, website <https://agr.wa.gov/Inspection/SeedInspection/ContactUs.aspx>.

Additional comments: Washington turfgrass commission is in favor of adding a Pacific Northwest sod quality exam and tags, in addition to aligning the blending standards and policy to align with Oregon state seed certification. The commission supports the proposal to make these updates to chapter 16-302 WAC.

November 16, 2022
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