

HOUSE BILL REPORT

HB 1888

As Passed House:
February 28, 2007

Title: An act relating to Brassica seed production.

Brief Description: Regarding Brassica seed production.

Sponsors: By Representatives Linville, Newhouse, Grant, Hailey and B. Sullivan.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/14/07 [DP].

Floor Activity:

Passed House: 2/28/07, 97-0.

Brief Summary of Bill

- Authorizes petition, agreement, appeals, and rule-making processes for the establishment and ongoing oversight of Brassica seed production districts by the Department of Agriculture.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 15 members: Representatives B. Sullivan, Chair; Blake, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Dickerson, Eickmeyer, Grant, Hailey, Kagi, Lantz, McCoy, Newhouse, Orcutt, Strow and VanDeWege.

Staff: Meg Van Schoorl (786-7105).

Background:

Plants from the genus Brassica grown as vegetables for human or animal consumption include cabbage, broccoli, rutabaga, and kohlrabi. The genus Brassica also includes species known as rapeseed or canola grown for oil, biofuel, and associated bio-products. When grown in geographic proximity, Brassica species, hybrids, varieties, and variations can form genetic crosses, which could result in loss of quality, purity, and value of the seed produced.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill:

Any grower or processor of a Brassica seed crop may petition the Department of Agriculture Director (Director) to request establishment of a Brassica seed production district. In response to the petition, the Director may adopt rules to establish a district. The petition must include:

- proposed geographic boundaries for the district;
- proposed types of regulations for designated species within the district; and
- signatures of 10 or more growers or processors of affected Brassica seed crops grown within the district, or, if fewer than 10 exist, a list of their names and contact information, and signatures of 50 percent of them.

Once a Brassica seed production district is established, a person wishing to conduct an otherwise prohibited activity within the district must enter into an agreement with the Director. The agreement will be developed by the applicant and the Director in consultation with an advisory committee. The advisory committee must include three or more Director-appointedees with no financial interest in the request or outcome, and at least one of them must be a grower or processor of Brassica seed crops grown within the district. The Director must be satisfied that the agreement terms and conditions are sufficient to mitigate reasonably possible risks from the proposed activity. Appeals to the Director's decision from the applicant or district growers or processors are authorized for filing in superior court. The Director, a grower or processor of in-district crops may bring legal action to enjoin violations or threatened violations of this chapter.

The Director may adopt rules including, but not limited to, production districts and agreements; a centralized notification process for growers intending to plant a crop within a district; isolation distances; exclusion of crops; and control of volunteer and weed plants within a district.

Existing statutory provisions for regulatory authority on the production of rapeseed by variety and location are repealed.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: This bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) The vegetable seed industry has been in Washington for 100 years. Production of canola and rapeseed for biofuels and bio-products is a new industry for the state that could improve air and water quality. We produce Brassica vegetable seed crops and feel it is important to allow canola and vegetable seed crops to co-exist, mutually protected against cross-pollination. In some areas we want to prevent canola from being grown due to its

potential negative impact on vegetable seed production. A grower would not know that cross-pollination had occurred until the seed was in the ground. Currently, vegetable seed growers use a voluntary pinning system through Cooperative Extension to plan for the orderly growth of Brassica seed crops like kohlrabi and broccoli. This is possible because the vegetable seed crops are grown under contract, and the vegetable seed companies have worked together to control isolation distances to maintain seed purity and quality. Canola would not be a contract crop, so the voluntary system would not work. The Canola Commission (Commission) wants the Department of Agriculture to have the regulatory authority because the Commission wants to promote, not restrict, the growth of canola. The emergency clause is needed. In the Mt. Vernon area, there are pilot projects occurring and without controls, these projects could be a problem for vegetable producers. The emergency clause could be needed to help growers decide what to plant this spring. Canola has been traditionally grown as a rotation crop on the eastside of the state, not much in the Columbia Basin and not in Mt. Vernon at all. The emergency clause is not needed - although the prices are coming up, the economics are such that there will be no need in the next year or two to get into areas where vegetable seeds are grown. The process included in this bill will allow for orderly production and protect the economic viability of both the Brassica vegetable and canola seed industries. When the European Union jumped into canola seed production, they paid little attention to protecting the integrity of the vegetable seed crops. The Northwest agricultural industry has benefitted from this mistake, but we should not repeat it.

(Opposed) None.

Persons Testifying: Michael Leavitt, Columbia Basin Vegetable Seed Growers Association; Rick Ames, Columbia Basin Vegetable Seed Field Representatives Association; Steven Benning, Washington Canola Rapeseed Commission; Milo Lyons, Alf Christianson Seed Company; Mary Toohey, Washington State Department of Agriculture; and Jay Gordon, Washington Dairy Federation.

Persons Signed In To Testify But Not Testifying: None.