

FINAL BILL REPORT

HB 1888

C 181 L 07

Synopsis as Enacted

Brief Description: Regarding Brassica seed production.

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

House Committee on Agriculture & Natural Resources
Senate Committee on Agriculture & Rural Economic Development

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 plant species known as rapeseed or canola which are 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.

Summary:

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.

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-appointees 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 by the applicant, district growers, or processors may be filed in superior court. The Director or a grower or processor of in-district crops may bring legal action to enjoin violations or threatened violations of this act.

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.

Statutory provisions governing regulatory authority on the production of rapeseed by variety and location are repealed.

Votes on Final Passage:

House	97	0
Senate	48	0

Effective: April 21, 2007