

WAC 16-326-040 Requirements for growing Brassica seed in all of Brassica seed production district 2. (1) *Brassica napus* var. *biennis*, winter type canola or rapeseed, may not be planted in *Brassica* seed production district 2.

(2) A minimum isolation distance of two miles must be preserved from the nearest edge of any *Brassica* seed crop to any other *Brassica* seed crop. The location pinned first has priority and establishes a basis for the isolation distance for other *Brassica* seed crops. Any person subsequently pinning any other location for a *Brassica* seed crop is responsible for maintaining the two-mile minimum isolation distance. Exceptions to this two-mile minimum distance can occur only in the following three situations:

(a) An exception that allows an isolation distance of less than two miles will occur when a written agreement between two or more contractors and/or growers complies with the conditions specified in subsection (3) of this section. All locations to be planted under such a written agreement between the parties must be pinned.

(b) An exception to the minimum isolation distance may be allowed under conditions of a *Brassica* production agreement, as described in RCW 15.51.040. All locations to be planted under such a *Brassica* production agreement must be pinned.

(c) *Brassica* seed crops grown for forage or cover crops may be planted or grown within the two-mile minimum isolation distance, if the forage or cover crop is not allowed to bloom or to produce pollen from April 1 through August 15 of any year. Forage or cover crops that comply with requirements of this subsection are not required to be pinned.

(3) Written agreements between parties to voluntarily allow planting of locations, any portion of which are within the minimum isolation distance of two miles (as referenced in subsection (2)(a) of this section), must comply with all of the following conditions:

(a) The agreement must be signed by authorized representatives of the contractors for the *Brassica* seed crops grown for planting, and by the growers of *Brassica* seed crops grown for fuel or oil. If one or more of the affected *Brassica* seed crops for planting is not being produced under contract, or if the contractor waives signature authority for this agreement, the grower of the crop must enter into the agreement instead.

(b) The agreement must, at a minimum, specify:

- The date of the agreement;
- The approximate dates during which the affected crops will be in the field;
- The name, business name (if applicable), telephone number and address of each affected grower;
- The location and acreage of each planting affected by the agreement;
- The contractor (if applicable) for each location; and
- *Brassica* seed crop species and variety for each location.

(c) These written agreements cannot extend beyond one harvest per agreement.

(d) Copies of the written agreement must be retained by each person who signs it for a minimum of three years.

(4) Pinning for *Brassica* seed crops intended to produce seed for planting starts each year on the first business day **after** January 31 for summer annual species or varieties (such as mizuna and Chinese cabbage) and on the first business day **after** May 31 for overwintered species or varieties (such as cabbage, broccoli, and turnip). Pinning

for *Brassica* seed crops to produce seed intended for oil or fuel starts the first business day **after** June 30.

[Statutory Authority: RCW 15.51.050 and chapter 34.05 RCW. WSR 12-08-009, § 16-326-040, filed 3/23/12, effective 4/23/12. Statutory Authority: Chapters 15.51 and 34.05 RCW. WSR 08-04-005, § 16-326-040, filed 1/24/08, effective 2/24/08.]