

WSR 21-12-063
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
[Filed May 27, 2021, 1:14 p.m.]

Subject of Possible Rule Making: Chapter 16-302 WAC, General rules for seed certification, in response to a petition for rule making submitted by the Washington state crop improvement association, the department is considering amending the seed certification rules by:

1. Modifying the inspection standards, inspection frequency, and treatment requirements for certified class chickpea fields related to Ascochyta Blight;
2. Standardizing how varieties containing the Clearfield trait and the AXigen trait are certified;
3. Removing the reference to the herbicide Imazamox in WAC 16-302-685; and
4. Reducing the tolerance of triticale to "none found."

In addition, the department is considering amending the hemp seed certification rules by:

1. Aligning with the Association of Official Seed Certifying Agencies (AOSCA) standards related to hemp by revising standards related to land requirements, isolation requirements, field inspection standards and tolerances, and seed standards for hemp generally, and adding standards applicable to vegetatively propagated hemp, hemp transplants, and feminized hemp seed.
2. Updating references to "industrial hemp" with "hemp" to align with the Federal Seed Act (FSA).

Furthermore, the department is considering adding clarifying language to improve readability and understanding of the rule.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 1. The department is considering modifying the inspection standards, inspection frequency, and treatment requirements for certified class chickpea fields related to Ascochyta Blight because chemistries, management tools and genetics available to mitigate Ascochyta Blight are more available now than in the past. This change will ensure that seed production can continue on the Palouse, while not significantly harming the quality of seed that is produced if Ascochyta Blight is found. The proposed rule amendment focuses on pod lesions in fields because this seed-borne disease requires pod infection for seed infection to occur, therefore, it is reasonable to allow fields to pass inspection that have other signs of infection (leaves, stems) that would not affect the seed.

2. The department is considering standardizing how varieties containing the Clearfield trait and the AXigen trait are certified because Clearfield trait varieties already require bioassay of seed. It is proposed for CoAXium varieties to be handled in the same way that Clearfield varieties are by requiring bioassays to ensure that the certified lot is trait positive and representative of the variety. The proposed changes will reduce risk of nontrait lots being labeled as CoAXium varieties.

3. The department is proposing to replace the direct Clearfield/Imazamox reference with a broader reference to herbicide tolerance so that both Clearfield and CoAXium varieties are addressed for the seed standards. Having generalized verbiage and a standardized description

for all varieties without trade names will ensure consistent application of the standards for all small grain seed certification.

4. The department is proposing to reduce the tolerance in wheat seed for triticale to "None Found" in all classes. This change would improve the quality of wheat seed available in the market.

5. In addition, the department is considering amending the hemp seed certification rules by aligning with AOSCA standards related to hemp by revising standards related to land requirements, isolation requirements, field inspection standards and tolerances, and seed standards for hemp generally, and adding standards applicable to vegetatively propagated hemp, hemp transplants, and feminized hemp seed. Currently the hemp seed certification rules are more stringent than AOSCA standards and by aligning with AOSCA, Washington certification standards will be consistent with certification standards in other states. Decreasing isolation distances consistent with AOSCA standards will allow more land locations to be eligible to produce certified hemp seed while continuing to maintain a high standard of purity.

6. The department is proposing to update references to "industrial hemp" with "hemp" to align with the FSA.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will provide notice to AOSCA, Washington state crop improvement association stakeholders, and direct program level stakeholders via email.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders, including the Washington state 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 509-249-6950, email pmoore@agr.wa.gov, website agr.wa.gov.

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