



STATE OF WASHINGTON

DEPARTMENT OF AGRICULTURE

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July 15, 2015

To: Derek Sandison, Director
Washington State Department of Agriculture

From: Teresa Norman, Hearing Officer *Teresa Norman*

Re: Public hearing on amending the bean seed and crucifer seed quarantine

July 7, 2015
WSDA Yakima Office
21 North First Ave
Yakima, WA

Background

Chapter 16-301 WAC is a large chapter that covers general seed regulations, including seed inspection, treated seed labeling, germination standards, seed arbitration, phytosanitary field inspections, and quarantines. A request was made at a bean seed industry meeting in the fall of 2014 to amend the bean seed quarantine to address a recent occurrence of halo blight. In addition, the Department received a petition for rulemaking from the Columbia Basin Vegetable Seed Association to amend the crucifer seed quarantine to reduce the risk of an outbreak of the black leg virus, which has had a devastating impact on the crucifer industry in the state of Oregon.

The CR-102s announcing the proposals to amend this chapter were filed with the Code Reviser on May 29, 2015 and were sent to interested parties shortly after filing.

Hearing Process

The hearing in Yakima began at 11:16 a.m. and ended at 12:00 p.m. Victor Shaul gave the technical presentations. The Department received support for the amendments to the bean seed quarantine. When it came to the crucifer seed quarantine, however, stakeholders expressed concern that the amended rules do not provide a good alternative for organic producers. A hot water bath is the only treatment available to organic growers, and while that is

an option, it isn't a good option because it begins the germination process. Stakeholders present at the hearing have asked the Department to provide another alternative, and the best option requires that seed planted in the regulated area of eastern Washington must originate from the regulated area of eastern Washington. Seed originating outside the regulated area must be treated.

Public Comment on the Crucifer Quarantine

Dana Herron, Tri State Seed Co: The Department has a program in place already for the quarantine area so this rule doesn't change much. However, it doesn't have any wiggle room for organic producers and lots of our end users are organic producers. While the quarantine language is good, it needs to provide an option for organic farmers. I suggest an emergency rule be put in place immediately to cover us until regular rulemaking is done. It's a reasonable accommodation.

Dale Gies, High Performance Seed: Been producing crucifer seed for 20 years. Black leg hasn't been found in the Columbia Basin and we want to keep it that way. Our concern is that if we're producing in the pest free area from seed originating in the pest free area, there isn't a reason to treat. The alternative option will allow organic producers in the area to use this system and it still protects the seed industry. I think we need an emergency rule in place right away. The big concern is the stuff coming in for canola planting and that's the likely source of infection.

Austin Davis, CHS Connell Grain: If growing in the regulated area where it is free and you've tested for free, you shouldn't have to treat. And, in order to protect those [organic] markets, you need a non-treated option.

Lindsey du Toit, WSU Mt. Vernon: There's a lot of controversy in Oregon because they did not provide an option for non-treated seed. The rules are good but you need a provision for the organic growers.

Recommendation

The recommendation is to move forward with the bean seed quarantine rulemaking and to continue the rulemaking on the crucifer seed quarantine in order to provide an option for organic producers.

c: Victor Shaul