

**AOSA/SCST LEGISLATIVE COMMITTEE REPORT
JUNE 2008
CHANGES IN OR CONSIDERING CHANGES IN SEED LAWS OR
REGULATIONS THIS YEAR**

STATES REPORTING NO CHANGES

Alabama	Alaska
Arkansas	Connecticut
Delaware	Florida
Georgia	Illinois
Indiana	Iowa
Kentucky	Kansas
Louisiana	Maine
Maryland	Massachusetts
Michigan	Minnesota
Mississippi	Missouri
Nebraska	New Hampshire
New Jersey	New York
North Carolina	North Dakota
Oklahoma	Pennsylvania
Rhode Island	South Carolina
South Dakota	Tennessee
Texas	Utah
Virginia	West Virginia

STATES REPORTING CHANGES OR PROPOSED CHANGES

Arizona: Brenda Ball, Jack Peterson 602-542-0986
Raised the license fee for seed dealers from \$25.00 to \$50.00. Raised the license fee for seed labelers from \$40.00 to \$100.00. Made additions to the prohibited and restricted noxious weed lists. Added a "restricted noxious weed" definition. Allowed labeling by seed count. Defined penalty amounts for specific violations and set higher amounts for repeat violations. Incorporated some RUSSL including adding labeling requirements for flower seeds and ornamental tree and shrubs etc.

California: John Heaton 916-654-0435
No response

Colorado: Jerry Cochran 303-239-4153
House keeping updates on Arbitration language, Certified Seed, and Germination definitions. The definition of germination was changed. The old law defined it as emergence and development from the seed embryo of those essential structures which, for the kind of seed in question, are indicative of the ability to produce a normal plant under favorable conditions and includes live un-germinated seeds which are designated as dormant or hard. The new law simply eliminated

everything underlined above. We also have changes in the law that allows for the designation of a select group of kinds of seeds to be labeled as to germination using a TZ test. Also, cool season grasses will only need to be retested for germination every 16 months, instead of the standard 13 months observed in Colorado. **These two changes, however, are not currently allowed since the rules have to be changed to allow the new procedures and the rules have not yet been changed, but should be later this year.**

Upcoming rewrite in 2009 related to Prohibited and Restricted Noxious Weeds.

Hawaii: Becky Azama 808-973-9538

Hawaii's only change is to prohibit the selling of noxious weed seeds in stores.

Idaho: Rich Killebrew 208-332-8697

Idaho's only change is the addition of the definition of "Condition" to our Rules (IDAPA 02.06.01.010) that becomes effective July 1, 2008.

Montana: Larry Krum 406-444-3730

Added the following noxious weeds: Blueweed (*Echium vulgare*) Flowering rush (*Butomus umbellatus*) Hoary Alyssum (*Berteroa incana*), Japanese Knotweed complex (*Polygonum cuspidatum*, *sachalinense*, & *polystachyum*), Purple Loosestrife or Lythrum (*Lythrum salicaria*, *L. virgatum*, & any hybrid crosses), Scotch Broom (*Cytisus scoparius*)

Nevada: Steve Marty 775-688-1182 X244

Nevada has a proposed change to their seed regulations in the works, whereby species on the state's noxious weed list would be incorporated by reference for the prohibited/restricted seed list. Currently, we have two separate lists, as do many other states. However, this change has not been approved by our State Board of Agriculture and is therefore not official. I can keep you posted and let you know when /if the changes are approved. Please contact me if you have any questions.

New Mexico: Tim Darden 505-646-3107

Proposal to Regulations: Change Seed Certifying Agency designation and also look at fees.

Oregon: Ron Pence 503-986-4620

Legislation to give the agency regulatory authority over Flower Seed went into effect January 1, 2008 and we will begin enforcing it July 1, 2008..

Ohio: David Simmons 614-728-6410

The following were added to 901.5-27-06 prohibited noxious weed seed list in 2007: Kochia (*Bassia scoparia*), Forage Kochia (*Bassia prostrata*), Palmer Amaranthus (Palmer Pigweed), Shattercane (*Sorghum bicolor*), Apple of Peru (*Nicandra physalodes*).

Vermont: Tim Schmalz 802-241-3544

The state of Vermont is currently revising our seed rule, mainly to ensure conformity with the most recent RUSSEL, but also to address labeling of genetically engineered seeds for sale to agricultural and retail consumers within the state. The Vermont seed law contains some specific requirements for labeling and reporting of GE seed material, and the new rule provides more thorough labeling and reporting guidelines for producers and sellers of GE seed.

Washington: Victor Shaul 509-225-2630

Fee adjustments for Seed Testing, Certification & Phytosanitary

Wyoming: Roy Reichenbach 307-777-6590

Consolidate 3 sets of rules and statutes. Moved Prohibited noxious weed list from statute to rules, added a new category called Regulated Weeds. Complete revision of definitions, and tie Seed Law more closely to the Nursery Stock Law (SF0064) and Weed and Pest Law. Some important changes in the Seed Law are listed by page number below.

Page 2: SLAG – in rule, formalize in statute

Page 13: Seed cleaners/conditioners to be licensed

Page 13: Licensing exemption

Page 14: Noxious weed list moved to regulation

Page 16: Remove 12 months germination requirement

Page 16: Add “livestock or other vertebrate animals”

Page 19: State seed analyst to recommend fees to SLAG, and presented to Board of Agriculture.

Page 19: Seed lab to enter into other contracts at approximate cost

Page 21: Penalties increased, Restitution clause added

United States Dept. of Agriculture: Dr Richard Payne 704-810-8884

No changes over the past year.

Canada: Michael Scheffel 613-221-7518

Amendments to the Seeds Regulations

The proposed amendments were posted in the *Canada Gazette*, Part I, on September 16, 2006 for a 75-day comment period. The [amendments](#) were published in the *Canada Gazette*, Part II on November 14th, 2007.

The amendments to the Regulations include, but are not limited to, the following:

- **Update of the scientific names of species listed in Schedules I, II and III:** The names of all plant species listed in the Schedules of the Regulations were reviewed with the objective of updating the names to reflect currently accepted nomenclature.

- **Removal of fractional standards (e.g., 0.1 per kg changes to 0 per kg):** Standards that appear as number of seeds that are less than one but more than zero, in a specified sample weight, appeared in Tables I, I, III, IV, V and XVIII. The fractions were replaced by zero and the Regulations were amended to allow a single seed of a specified weed class in a larger specified sample size with no resulting change in the standards.
- **Clarification of terminology and the intent of the legislation:** Changes have been made to definitions, wording and terminology in order to clarify existing legislation as well as to reflect current practices in the industry.
- **Labeling:** Sections 33 and 34 of the Regulations were amended to allow fastened packages containing 2 kg or less of seed to be exempt from the requirement to be labeled with an official tag as long as the words “Certified Seed” appear in a blue rectangle meeting the colour requirements and length to width ratio of the official tag and the other information requirements are met elsewhere on the package. In addition, CFIA is to be notified each time an approved conditioner proposes to obtain such packages.
- **Grade table changes:**
 - **Minor changes to germination, disease and purity standards for some species:** Changes were made to various tables within Schedule I of the Regulations which resulted in minor changes to germination, disease and purity standards for some species.
 - **Changes to grade names for forage and turf mixtures:** Amendments were made to Tables XIII and XIV of Schedule I that remove the Varietal Blend grade names. Mixtures previously labeled as varietal blends can now be labeled as Certified mixtures and use the official mixture tags (CFIA 0038).
 - **Additions to, or movement of, species within the grade tables:** Hemp (*Cannabis sativa* L. subsp. *sativa*), canola quality *Brassica juncea*, radish (oilseed or forage), Chinese cabbage and mustard greens are some of the species added to the grade tables.
- **Standards:** The scope of paragraph 6(2)(h) was expanded to indicate that seed intended for land reclamation, soil conservation, green cover, wildlife grazing or habitat, wetland restoration and similar purposes shall meet the minimum weed seed and other crop seed standards set out in Table XIII of Schedule I, if of a kind or species not set out in Schedule I.
- **Foreign grading of seed:** Amendments to paragraph 13(3)(b) were made in order to allow the grading of seed with a Canada pedigreed grade name prior to import and to allow for the possibility for the development of an accreditation program recognizing foreign graders. These amendments to the Regulations respond to current realities in the industry where the grade of a seed lot produced outside of Canada is determined by an accredited grader in Canada and the seed is then labeled with the grade name in the foreign country before being imported into Canada. Furthermore, changes to subsection 34(5) specify that when seed is imported into Canada labeled with a Canada pedigreed grade name, the

accredited grader number of the grader responsible for grading that seed lot shall appear on each package of seed.

- **Labeling of bulk pedigreed seed:** Amendments to section 37 of the Regulations were made to indicate that bulk seed must meet the information requirements outlined in section 19, subsection 20(4), section 21 and section 35 with respect to quantity, treatment with a pest control product, restrictions to registration and unregistered varieties. The information is to be provided on accompanying documentation at the time of sale of the seed.
- **Import requirements:** Subsection 40(5) was amended to indicate that onion or garlic sets, tree seeds, shrub seeds, ginseng seeds, aquatic plant seeds, true potato seeds or flower seeds, except wildflower seed mixtures and herb seeds, are exempted from certain import requirements. This is currently being done in practice.

For [full details and information on all of the amendments to the Seeds Regulations](#) please visit the CFIA Web site at www.inspection.gc.ca or call 1 800 442-2342.

Proposed Amendments

Proposed amendments to the Seeds Regulations with respect to the removal of KVD requirements when importing wheat into Western Canada were published on May 24, 2008 for a 30-day comment period. Details can be found at the following site.

<http://www.inspection.gc.ca/english/corpaffr/newcom/2008/20080524e.shtml>

With respect to Giant Foxtail, the CFIA is proposing to reclassify Giant Foxtail as a Class 2 Primary Noxious (from Class 1 Prohibited Noxious). Consultation documents for the general public will be available on-line in the near future and the public consultation will be carried out this summer. A small consultation, ending on May 30, 2008, was carried out with a targeted group of stakeholders.

Please do not hesitate to contact Mike Scheffel or his staff if you require additional information.

Respectfully submitted:
Randy Judd Legislative Committee Chair