

**AOSA/SCST LEGISLATIVE COMMITTEE REPORT
JUNE 2009
CHANGES IN OR CONSIDERING CHANGES IN SEED LAWS OR REGULATIONS
THIS YEAR
STATES REPORTING NO CHANGES**

**Alabama
Arkansas
Delaware
Hawaii
Iowa
Kentucky
Maine
Michigan
Mississippi
Montana
New Hampshire
New Mexico
North Dakota
Oklahoma
Pennsylvania
South Carolina
Tennessee
Virginia
Wisconsin**

**Arizona
Connecticut
Georgia
Indiana
Kansas
Louisiana
Massachusetts
Minnesota
Missouri
Nebraska
New Jersey
North Carolina
Ohio
Oregon
Rhode Island
South Dakota
Texas
West Virginia
Wyoming**

STATES REPORTING CHANGES OR PROPOSED CHANGES

Alaska: Stoney Wright 907-745-4469

Alaska added Purple loosestrife (*Lythrum salicaria*) and Orange hawkweed (*Hieracium aurantiacum*) to their prohibited noxious weed list. The complete list can be found on the State of Alaska web page http://dnr.alaska.gov/ag/ag_pmc.htm

California: John Heaton 916-654-0435

AB 541 was signed into law and codified under California Food and Agriculture Code Sections 52300-52306. This new part of the Seed law establishes a mandatory crop sampling protocol during disputes of contamination of non-GE crops or allegations of unauthorized propagation of GE crops. AB 541 had the support of organizations traditionally on opposite sides of the GE issue and is the first bill passed by the California legislature that brings regulation to genetically engineered (GE) crops.

SB 1280 amended sections 52291 and 52351 of the California Food and Agriculture Code and was related to composition of members on the Seed Advisory Board. Previous law required that nine Board members be registered seed labelers and two members are public members. SB 1280 provided that the composition of the Board may be seven registered seed labelers, two persons that receive or possess seed for sale (dealers), and two public members. In essence therefore, the Board can now have two

seed dealers but the majority of the Board is still composed of seed labelers that must pay the assessment.

AB 856 extended the existing operative period of subvention to the counties for seed law enforcement from July 1, 2009 to January 1, 2010. In addition, AB 856 removed language that in no case shall a county with registered seed labeler operations receive less than \$100 and instead allows that payment to be made at the discretion of the Secretary.

Colorado: Don Brooks 303-239-4142

Here is a summary of important changes effective on January 30th, 2009:

1) Rules now allow some seeds to be tested using a tetrazolium test (TZ test) in place of a standard germination test. The period is still 13 months for the validity of that test, just like a standard germination test (unless the seed is stored in a hermetically sealed container). If a particular kind of seed does not have testing rules written for that kind, then it is allowed to be tested with TZ. There are three exceptions. Three kinds of seeds that do have testing rules written for them and can be tested with TZ are: Indian ricegrass (*Achnatherum hymenoides*), Fourwing saltbush (*Atriplex canescens*) and chokecherry (*Prunus virginiana*). For all lots of seed that are labeled using a TZ test (if in fact the kind of seed can be labeled using a TZ test), the following statement shall appear on the label: "This lot of seed was tested for viability using a tetrazolium test (TZ) in place of a germination test",

2) Any bulk seed, or any seed in bags, bins, crates or any other sort of storage containers, at any establishment that has a valid seed registration shall be considered to be offered for sale, unless such seed is labeled as "not for sale", or kept in an area of the establishment that is clearly marked and designated for "Not For Sale" seed. This rule shall not apply to seed sold or consigned to a merchant, if such seed is to be re-cleaned before it is sold for propagation.

3) Certain cool season grasses can now be labeled for germination for 16 months, instead of the standard 13 months, on a single germination test. The cool season grasses now covered for 16 months on a single germination test are: colonial bentgrass, creeping bentgrass, Kentucky bluegrass, chewings fescue, hard fescue, red fescue, tall fescue, annual ryegrass, intermediate ryegrass and perennial ryegrass. If any of these seeds are in hermetically sealed containers, then the germination test is valid for 24 months.

Florida: George Hayslip 805-488-8731

The last change to our Seed Law (Chapter 578 F.S.) & Rules (Chapter 5E-4, F.A.C.) occurred in November 2008. Specifically, Rule 5E-4.003 and 5E-4.0041 were modified as follows:

5E-4.003 - Nutgrass (*Cyperus rotundus*) and Tropical Soda Apple (*Solanum viarum*) were reclassified from "Prohibited Noxious Weed Seed" (zero tolerance) to "Restricted Noxious Weed Seed" with a maximum tolerance of 1 seed per pound.

5E-4.0041 - Allows for the sale of seed lots found to be contaminated with TSA, at 1 seed per pound within Florida, provided the prescribed labeling requirements are complied with. The rule requires an approved statement

to be printed on each bag of contaminated seed in red ink in a permanent manner in a font size no less than the largest font utilized on the existing container as follows: **“Seed in this container has been determined by laboratory analysis to be contaminated with the noxious weed Tropical Soda Apple at a rate of one seed per pound. This seed is only for distribution, sale, or planting within the State of Florida. Purchaser of this seed should follow the recommendations in the document SS-AGR-130 “Management Practices to Control Tropical Soda Apple” to prevent the establishment and spread of this noxious weed. Copies of this document can be obtained at your local UF/IFAS Extension Offices or found online at <http://edis.ifas.ufl.edu/UW188>.”** The presence of 1 tropical soda apple seed per lb. must also be shown on the analysis label under Noxious Weed Seed. One additional requirement under this Rule is that documentation (such as delivery ticket or invoice) of sale or distribution of seed lots labeled to contain one tropical soda apple seed per pound shall be submitted to the Department’s Seed Compliance Section immediately upon subsequent movement or distribution of seed. This rule change was requested by Florida seedsmen and the Seed Technical Council.

Idaho: Rich Killebrew 208-332-8697

Idaho has current Pure Seed Law legislation that contains no fee changes.

It has passed the House and the Senate and we are waiting for the Governor's signature for a July 1, 2009 effective date.

Except for a few miscellaneous housekeeping changes, the following is a summary of our 2009 Legislation:

- 1) Add a Native Plant Seed representative to our Seed Lab Advisory Board, thus adding a ninth industry representative to the Board
- 2) Modifying the terms that representatives and alternate representatives serve on the Seed Lab Advisory Board to a 3-year term
- 3) Modifying the election of the Chairman of the Seed Lab Advisory Board to the first Board meeting after June 1 of each year, from the first meeting after July 1 of each year
- 4) Modify the current 'standing' arbitration council to 'as needed'
- 5) Establish the procedure by which an 'as needed' arbitration council would be called

Illinois: Jim Larkin 217-785-8212

The Cool Season Grass Bill which extends the germination date on seed labels has a good chance of becoming part of our seed law this year. This is the fourth year we have tried to get this change in our seed law. I can not guarantee at this time it will become part of our seed bill but if it does I will let you know.

Maryland: Lois Capshaw 410-841-5960

Governor O'Malley signed into law today a change to the Maryland Seed Law. The changes are: A sell-by date is required and the valid test date period has increased from 9 months to 15 months on the labels of all cool season grass seed.

Nevada: Steve Marty 775-688-1182 X244

The State of Nevada altered its seed regulations last year. The State noxious weed list was adopted, by reference, as the State noxious weed seed list. Species not listed on the State noxious weed list, but previously listed as prohibited, were retained.

Amendment to NAC 587 to add Nevada Noxious weeds (NAC 555.010) by reference into the Prohibited noxious weed seeds list (NAC 587.173), and to update the restricted noxious weed seed list (NAC 587.175).

This change has been requested by federal agencies that have recently purchased seed for rehabilitation projects and later found it to be infested with noxious weed seed from weed species not currently listed in NAC 587.173 or NAC 587.175.

Nevada Noxious Weeds currently on the Prohibited noxious weed seeds list would be deleted since they would be added back to that list by reference. Similarly, puncture vine (*Tribulus terrestris*) would be deleted from NAC 587.175 since it would be added to the Prohibited noxious weed seeds list by reference.

Contact Steve Marty with any questions.

New York: Margret Kelly 518-457-2087

Updated the general seed certification standards to be in harmony and compliance with the Federal Seed Act and State Seed law.

Utah: Steve Burningham 801-538-7183

Nine new weed seeds were added to the state prohibited noxious weed seed list in Utah last June, 2008.

These are the nine newly listed prohibited noxious weed seeds.

Black henbane	<i>Hyoscyamus niger</i>
Oxeye daisy	<i>Chrysanthemum leucanthemum</i>
St. Johnswort	<i>Hypericum perforatum</i>
Sulfur cinquefoil	<i>Potentilla recta</i>
Yellow toadflax	<i>Linaria vularia</i>
Dalmation toadflax	<i>Linaria dalmatica</i>
Poison hemlock	<i>Conium maculatum</i>
Houndstongue	<i>Cynoglossum officinale</i>
Saltcedar (Tamarisk)	<i>Tamarix ramosissima</i>

This was the only change in the Utah Seed Act.

Vermont: Tim Schmalz 802-241-3544

There have been some changes to the Vermont seed rule, as of August 2, 2008. Mainly updating the rule to reflect changes to the RUSSEL through 2005, and additions to reflect Vermont's genetically Modified Seed labeling and reporting law, enacted in 2003. Major changes include:

1. Extension for label period for cool season turf grasses to 15 months, Addition of tree and shrub seed labeling requirements,
2. Description of VT rules regarding fees and payment due dates for registration and hundredweight bulk seed sales,

3. Addition of a GE seed labeling and reporting section.
The complete text of the rule is available at:

<http://www.vermontagriculture.com/ARMES/plantindustry/plantPathology/seedCertification/documents/2008finalseedrule.pdf?Title=06&Chapter=035>.

The seed law text is also available online at:
<http://www.leg.state.vt.us/statutes/sections.cfm?Title=06&Chapter=035>.

Washington: Victor Shaul 509-225-2630

We have instituted a Quality Timothy Seed Program.

This program allows for the testing of Timothy seed lots at a greater amount than the AOSA rules. The testing is based on an official sample of certified seed. Seed lots that are found free of contaminants that are detrimental to Timothy hay production can then be tagged with a 'Quality Timothy Tag'.

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

While we are anticipating further regulatory change, the only thing to mention at this time is the amendment to the Seeds Regulations from last summer that removed the kernel visual distinguish ability (KVD) requirements on imports of seed wheat into the Canadian Wheat Board Area.

The full amendment and the regulatory impact analysis statement are available at the following website:

<http://www.gazette.gc.ca/rp-pr/p2/2008/2008-08-06/html/sor-dors228-eng.html>

If you need additional information I would be pleased to provide it. Please do not hesitate to contact Mike Scheffel or his staff if you require additional information.

Respectfully submitted:
Randy Judd, Chair