

**AOSA/SCST LEGISLATIVE COMMITTEE REPORT
JUNE 2010**

**CHANGES IN OR CONSIDERING CHANGES IN SEED LAWS OR REGULATIONS THIS YEAR
STATES REPORTING NO CHANGES**

**Alabama
Arizona
California
Delaware
Hawaii
Illinois
Kansas
Louisiana
Maryland
Michigan
Mississippi
Montana
New Hampshire
New Mexico
North Dakota
Oklahoma
Pennsylvania
South Carolina
Texas
Virginia
West Virginia
USDA**

**Alaska
Arkansas
Connecticut
Georgia
Idaho
Iowa
Kentucky
Maine
Massachusetts
Minnesota
Missouri
Nevada
New Jersey
New York
Ohio
Oregon
Rhode Island
South Dakota
Utah
Vermont
Wyoming**

STATES REPORTING CHANGES OR PROPOSED CHANGES

Colorado: *Laura Pottorff, M.S. 303-239-4153*
Nursery, Seed and Phytosanitary Program Manager
Colorado Department of Agriculture

Changes to Colorado's seed law:

20.5 Adopted December 9, 2008 - Effective January 30, 2009

Statutory Authority

These amendments to these rules are proposed for adoption by the Commissioner of the Colorado Department of Agriculture ("CDA") pursuant to his authority under the Colorado Seed Act (the "Act"), § 35-27-114(1)(b), C.R.S.

Purpose

The purposes of these proposed rule amendments are as follows;

The purpose of these proposed rules is:

- 1) To adopt a new Rule 1.2 (j), to define a new term, "tetrazolium test".
- 2) To adopt a new Rule, 3.1 requiring that all lots of seed that are being labeled from the results of a tetrazolium test, in place of a germination test, be required to disclose that information on the label.
- 3) To amend existing Rules 7.1 and 7.2 to delete obsolete statements concerning effective dates for certain noxious weeds.
- 4) To amend existing Rule 8.1 to add the term "stated as a percentage" to the introductory

header sentence, after the word "Colorado" and add the word "Kind" above the first column and the symbol "%" above the second column.

- 5) To amend existing Rule 8.1 to add 16 kinds of seed and their germination standards.
- 6) To adopt a new Rule 8.2 specifying that all vegetable and herb seeds not listed in 8.1 shall have a specific germination standard of 50%.
- 7) To adopt a new Rule 9.3 to require all seed contained within any building or other structure owned or operated by a seed registrant that is not for sale to be clearly marked
- 8) To adopt a new Rule, 11.1 to update the reference materials for methods of analyzing and testing seed samples to incorporate the most current methods in the Association of Official Seed Analysts Rules for Testing Seeds, 2008 edition.
- 9) To adopt new Rules 11.1(a) and 11.1(b) to specify by rule what kinds of seeds will be allowed to be analyzed with the results of a tetrazolium test.
- 10) To adopt a new Rule 11.2 which states that the time that a germination test is valid is 13 months, unless it is stored in hermetically sealed containers, in which case it shall be valid for 24 months.
- 11) To adopt a new Rule 11.3 specifying what kinds of cool season grasses will be allowed to be labeled as to germination for a period of 16 months instead of the standard 13 months, as allowed under in §35-27-113(1) (a), C.R.S.
- 12) To adopt a new Rule 11.4 which establishes the length of time during which a tetrazolium test is valid for labeling purposes.
- 13) To amend existing Rule 12 to update the tolerance and methods of determination used in the enforcement of these rules to incorporate the most current tolerances and methods in the Association of Official Seed Analysts Rules for Testing Seeds, 2008 edition.
- 16) To amend Rule 14 to delete outdated references to Section Chief and Plant and Insect Section and to replace them with the term "Seed Program Coordinator".
- 17) To amend existing language in several places to correct typographical errors.

This copy of the text of the rules and regulations for the "Seed Act" is provided as a convenience to the public by the Colorado Department of Agriculture and does not constitute an official publication of these Rules. The official version of these Rules is published by the Office of the Secretary of State in the Colorado Code of Regulations at 8 CCR 1203-6 and may be obtained from the following website: <http://www.sos.state.co.us/CCR>)

Florida: George Hayslip 805-488-8731

During the past Florida legislative session, Senate Bill No. 1744 amended the Florida Seed Law, Chapter 578.08(1), F.S., by increasing the registration fees imposed on seed dealers (effective July 1, 2009). A copy of Senate Bill No. 1744 is available at http://laws.flrules.org/files/Ch_2009-066.pdf, but the change essentially consisted of the following revised fee schedule:

SEED DEALER LICENSE FEE SCHEDULE

1. Receipts less than \$2,500.01, fee	\$100
2. Receipts more than \$2,500 and less than \$5,000.01, fee.....	\$200
3. Receipts more than \$5,000 and less than \$10,000.01, fee.....	\$350
4. Receipts more than \$10,000 and less than \$20,000.01, fee.....	\$800
5. Receipts more than \$20,000 and less than \$40,000.01, fee.....	\$1,000
6. Receipts more than \$40,000 and less than \$70,000.01, fee.....	\$1,200
7. Receipts more than \$70,000 and less than \$150,000.01, fee.....	\$1,600
8. Receipts more than \$150,000 and less than \$400,000.01, fee.....	\$2,400
9. Receipts more than \$400,000, fee.....	\$4,600

Indiana: Larry Nees 765-494-1557

I've attached a brief summary of amendments to our Indiana Seed Law for your survey as requested. We have had some changes that have occurred for both labeling and other matters that are in my summary.



Indiana Seed Law
Amendments Summar

Nebraska: David Svik 402-472-8648
81-2,147.12. Preemption of local law.

The Nebraska Seed Law and any rules and regulations adopted and promulgated there under shall supersede and preempt any ordinance, rule, regulation, or resolution enacted by any political subdivision of the state regarding the regulation of seeds. No political subdivision shall prohibit or in any other manner regulate any matter relating to the registration, labeling, or sale of seeds based upon the type, nature, or genetic makeup of such seeds. No political subdivision shall prohibit or in any other manner regulate any matter relating to the registration, labeling, sale, storage, transportation, distribution, notification of use, planting, or cultivation of seeds that is in addition to or in conflict with the Nebraska Seed Law and any rules and regulations adopted and promulgated there under. Nothing in this section shall be construed to preempt or otherwise limit the authority of any city or county to adopt and enforce zoning regulations.

Source: Laws 2009, LB263, Â§ 1. **Effective Date: August 30, 2009**

North Carolina: Eddie Martin 919-733-3930

Attached is a copy of the letter we sent to the retail and wholesale seed dealers in North Carolina on our seed law changes.



KMBT282201003221
42402.pdf

Tennessee: Jimmy Hopper 615-837-5152

No changes within the last year. There is a bill in the state legislature currently that would prohibit the sale of any seed that has been "genetically modified" to render its second generation seeds sterile. The bill passed out of the House Ag Committee 6 - 5, but has been placed in the General Subcommittee in the Senate Commerce, Labor and Ag Committee. If it should pass, the bill would become effective July 1. We should know something by May 1.

Washington: Victor Shaul 509-225-2630

[Washington had changes to the administrative code \(rules\) on:](#)

[Included Clearfield trait as a certification criteria for wheat.](#)

[Clarified the definition of a field for the purposes of seed certification and field inspection.](#)

[Clarified noxious weed rules specifying that noxious weeds must be controlled to prevent seed formation when they are present in a certified seed field.](#)

Wisconsin: Greg Helmbrecht 608-224-4596

In Wisconsin, we had changes to the license fee structure, our ability to write rule and established Wisconsin Crop Improvement Association as the official certification agency for weed free mulch. Additional changes to the state seed rule are under way.

Canada: Michael Scheffel 613-221-7518

Regulatory changes

On June 18, 2009, the Government of Canada implemented regulatory changes to create a more flexible variety registration system with reduced regulation while continuing to maintain the integrity of seed certification and environmental, food, and feed safety. The *Seeds Regulations* now partition the list of crop types requiring registration of varieties (Schedule III) into three parts with differing requirements for each part: Part I continues to require pre-registration testing and merit assessment; Part II requires pre-registration testing; and Part III requires basic registration information only.

For additional information, please visit <http://www.gazette.gc.ca/rp-pr/p2/2009/2009-07-08/html/sor-dors186-eng.html>

On June 24, 2009, the Government of Canada amended the *Weed Seeds Order* to reclassify Giant foxtail (*Setaria faberi*) from a Class 1 Prohibited Noxious weed species to a Class 2 Primary Noxious weed species. Giant foxtail was previously classified as a Class 1 Prohibited Noxious weed species but was too widespread to fit the definition of Class 1.

For additional information, please visit <http://www.gazette.gc.ca/rp-pr/p2/2009/2009-06-24/html/sor-dors161-eng.html>

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

Respectfully submitted:
Randy Judd Legislative Committee Chair