

SENATE BILL REPORT

SB 5749

As Reported By Senate Committee On:
Agriculture & Rural Economic Development, February 6, 2007

Title: An act relating to Brassica seed production.

Brief Description: Regarding Brassica seed production.

Sponsors: Senators Schoesler, Rasmussen, Spanel, Morton, Shin and Haugen.

Brief History:

Committee Activity: Agriculture & Rural Economic Development: 2/06/07, 2/6/07 [DP-WM].

SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler, Ranking Minority Member; Jacobsen, Morton and Shin.

Staff: Bob Lee (786-7404)

Background: A number of plants species in the genus Brassica when grown for seed can cross pollinate with each other, including cabbage, broccoli, rutabaga, kohlrabi, and rapeseed. Canola is a type of rapeseed. If cross pollination occurs, the value of the vegetable seed crop is lost.

Two methods have been traditionally used to separate fields to avoid cross pollination. In those areas that produce Brassica vegetable seeds, placing pins on a common map has allowed growers to avoid planting fields too close together. To avoid cross-pollination of different rapeseed varieties, rapeseed production districts may be formed pursuant to state law to provide adequate separation of fields.

With the increased interest in expanding production of canola for bio-fuels, there is interest in a formal mechanism to assure high value vegetable seed crops and canola can be grown without cross-pollination.

Summary of Bill: A petition process is established for the creation of Brassica seed production districts. To initiate the process, growers or processors must submit a petition to the Department of Agriculture to request that a Brassica seed production district be formed. In response to the petition, the Department may adopt rules to establish the districts.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Any person who wishes to conduct an activity otherwise prohibited within a Brassica seed production district must enter into an agreement with the Department. In developing the agreement, the director shall consult with an advisory committee composed of growers and processors of seed within the district. If the terms and conditions of the agreement are sufficient to mitigate reasonably possible risks to growers in the district, the Department may enter into the agreement. Procedures are established to appeal the director's decision.

The Department may adopt rules to create districts, develop a centralized notification process for growers to report their planting intentions, provide isolation distances between seed crops, exclude designated seed crop varieties, and control volunteer and weed Brassica plants within the district. Authority is provided to the director to bring action to enjoin violations or threatened violations.

The production of canola or other seed crops outside of established production districts is not regulated.

A prior statute that provides for the establishment of only rapeseed production districts are repealed.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony: PRO: Vegetable seed and canola growers have worked well with the Department of Agriculture. The goal is to promulgate rules to assure these industries can coexist. Though the industry has used voluntary pinning on a map to separate fields, it would take only one problem producer to disrupt the genetic purity of vegetable seed and make it unmarketable. The Department of Agriculture would be a neutral party that could oversee this program.

OTHER: There is concern about farms outside the boundary of the district being adequately notified to avoid growing crops that impact other growers inside the district. A sunset clause was suggested to cause the Legislature to review the program in a few years.

Persons Testifying: PRO: Mike Rundlett, Western Washington Agricultural Association; Rick Ames, KAPA Seed and Columbia Basin Vegetable Field Representatives Association; Steven Benning, Washinton Canola and Rapeseed Commission; Russ Kehl, Columbia Basin Vegetable Seed Association; Scott Schwab, Schwab Farms; Mary Toohey, Department of Agriculture.

OTHER: Patrick Conner, Washington Farm Bureau.