

SENATE BILL REPORT

SB 5273

As of February 4, 2015

Title: An act relating to native and reclamation seeds.

Brief Description: Concerning native and reclamation seeds.

Sponsors: Senators Schoesler, Hatfield, Sheldon and King.

Brief History:

Committee Activity: Agriculture, Water & Rural Economic Development: 2/05/15.

SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

Staff: Diane Smith (786-7410)

Background: The Washington State Department of Agriculture (WSDA) administers a seed certification program (Program) which must incorporate into the rules, provisions from the recommended uniform state seed law in order to attain consistency with other states.

The Recommended Uniform State Seed Law (RUSSEL), is promulgated by the Association of American Seed Control Officials (AASCO). All 50 states are members of AASCO. The 2013 RUSSEL and the Program are not identical. For example RUSSEL defines flower seeds to include wildflower seeds; the Program does not. RUSSEL defines introduced wildflower and native wildflower; the Program does not.

The definitions of germination are identical.

RUSSEL defines total viable as the sum percentage germination plus dormant plus hard seeds. The Program does not define viable nor total viable.

Neither the Program nor RUSSEL defines native seed or reclamation seed.

When statute and rule fail to state specifically matters regarding seed labeling, terms, sampling methods, analysis, and tolerances, WSDA is guided by the officially recognized associations or regulations under the Federal Seed Act.

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.

The Program requires standards and labeling requirements for agricultural, flower, and vegetable seeds.

Among other unlawful practices, it is unlawful to sell or transport the following for sale:

- any agricultural, vegetable, or flower seeds within the state unless the test to determine the percentage of germination is completed within a 15-month period prior to sale, or within 36 months for seed in hermetically sealed packages;
- any such seed that is not labeled according to the requirements of the Program, or that has false or misleading labeling, or which has been subject to false or misleading advertising;
- any such seed if labeled with a variety name but not certified as such when the variety has federal plant variety protection; and
- any such seed containing noxious weed seed.

WSDA enforces the Program by sampling, inspecting, analyzing, and testing seeds distributed inside the state. WSDA fixes and collects fees for these services, among others. WSDA may deny, suspend or revoke licenses, permits, and certificates it issues under the Program if, after an administrative hearing under the Administrative Procedure Act, WSDA finds a failure or refusal to comply with the Program. WSDA has authority to issue a civil penalty of up to \$2,000 for failure to comply with the Program. There is also reference to a stop-sale order. Arbitration is required before a private right for damages may be pursued in superior court.

Summary of Bill: Unless a test to determine percentage of viability is completed within 15 months prior to sale, it is unlawful to sell or transport for sale any native or reclamation seed.

It is likewise unlawful to sell or transport for sale any native or reclamation seed that is not labeled according to the requirements of the Program or that has false or misleading labeling or which has been subject to false or misleading advertising.

It is unlawful to sell or transport for sale any native or reclamation seed if labeled with a variety name but not certified as such when the variety has federal plant variety protection.

It is unlawful to sell or transport for sale any native or reclamation seed that includes noxious weed seed.

Native seed and reclamation seed are defined. Viability is defined. Wildland areas are defined.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.