

AOSA/SCST LEGISLATIVE COMMITTEE REPORT
JUNE 2007
CHANGES IN OR CONSIDERING CHANGES IN SEED LAWS OR
REGULATIONS THIS YEAR

STATES REPORTING NO CHANGES

Alaska	Connecticut
Delaware	Florida
Georgia	Hawaii
Illinois	Indiana
Iowa	Maine
Maryland	Massachusetts
Michigan	Minnesota
Mississippi	Missouri
Nebraska	New Hampshire
New Jersey	New York
North Carolina	North Dakota
Rhode Island	South Carolina
South Dakota	Tennessee
Texas	Utah
Virginia	West Virginia

STATES REPORTING CHANGES OR PROPOSED CHANGES

Arkansas: Mary Smith 501-225-1598

January 2007 Regulations to require variety labeling for Soybeans, Rice, Wheat, Cotton except for Wheat used as a cover crop. Language is similar to federal regulations outlining parameters for variety names and their use. A definition of the term "Brand" along with guidelines for use. Acreage fees changed for Seed Certification for vegetatively propagated turfgrass.

Arizona: Brenda Ball, Jack Peterson 602-542-0986

Major seed law rewrite & update to RUSSL document effective 6-6-2007: Check web site for new law.

Alabama: Andre McMillian 334-240-7140

Added Tropical Soda Apple to Prohibited Noxious Weeds; Changed from Prohibited to Restricted: Goatgrass allow 9 per LB., and Sickle Pod to 27 per LB. Wild Life mixtures (only) can contain Mix Oats

California: John Heaton 916-654-0435

Change Vegetable seed sold in containers of one-half pound or less viability may read "Packed for (Year)" as alternative to " Sell By (Month & Year)" Proposals Industrial Hemp define as Agriculture Field Crop limited to nonpsychoactive types of Cannabis sativa L & seeds produce less than three-

tenths % tetrahydrocannabinol THC. Strict Liability on Manufactures of genetically engineered plants.

Colorado: Jerry Cochran 303-239-4153
House keeping updates on Arbitration language, Germination definitions, Certified Seed
Upcoming rewrite in 2009 related to Prohibited and Restricted Noxious Weeds.

Idaho: Rich Killebrew 208-332-8697
Change penalty matrix: allows for multiple levels of penalties from minor and major violations also for case of multiple or aggravated situations.
Proposals: Include definitions of "conditioning" for seed operations, service sample information to be exempt from Public Information with Regulatory samples information available for Public Information.

Kansas: Ken Bowers 785-862-6574
Propose changes in fees

Kentucky: David Buckingham 859-257-7363
Regulations changed to reference the "Rules for Testing Seed—2006" as the official seed testing rules.

Louisiana: Eric Gates 225-925-4733
Germination tolerances revamped to match AOSA tolerance tables.

Montana: Larry Krum 406-444-3730
Considering adding noxious weeds: Blue Weed, Scotch Broom, Flowering Rush, Japanese Knotweed, Hoary Alyssum

Nevada: Steve Marty 775-688-1182 X244
Proposal to delete Noxious Weed list in NAC 587.173 & NAC 587.175 and by references the State Noxious Weed list as stated in NAC 555.010.

New Mexico: Tim Darden 505-646-3107
Proposal to Regulations: Change Seed Certifying Agency designation and also look at fees.

Oklahoma: Wade Krivanek 405-552-5452
Proposal for Noxious Weed clarifying language, also look to add GMO language to Regulations probably will be in 2009.

Oregon: Ron Pence 503-986-4620
Law proposal is in the legislature to give the agency regulatory authority over Flower Seed.

Ohio: Bill Gault 614-728-6409

Added Prohibited Noxious Weeds: Palmer Amaranthus (Palmer Pigweed), Kochia

Pennsylvania: Joe Garvey 717-787-4894

Proposals: General revision and updating of Seed Regulations

Vermont: Tim Schmalz 802-241-3544

Regulations in Review with final by December 31;. Related to Home Garden & Homeowner seed & reflects current RUSSL document will address GMO / GE requirements for labeling

Washington: Victor Shaul 509-225-2630

Modified Certification standards & requirements for Rapeseed, Alfalfa, Blue Fescue: Modify Sod Quality to prohibit all Vulpia species. Change Phytosanitary dates for field inspections to 21 days after planting. Certain modifications made to the Crucifer Seed Quarantine labeling for small packages. Fee adjustments for Seed Testing, Certification & Phytosanitary

Wisconsin: Greg Helmbrecht 608-224-4596

Adopting RUSSL to include 15 months for grass, wildflowers and also a new Noxious Weed list

Wyoming: Roy Reichenbach 307-777-6590

Effective July 1, 2007 moved Prohibited list from statute to regulations, added a new category called Regulated Noxious Weeds. Changed some definitions, increased fines, & allow the Board of Ag to set price for seed testing.

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

Changes to FSA regulations being considered (could take several years) 1) Designating seeds of additional species, recently added to the Federal Noxious Weed Act, as noxious when present in interstate seed shipments. 2) Change purity seed testing regulations for certain grass kinds to reflect current AOSA testing procedures. 3) Update regulations pertaining to labeling of chemically treated seed to include current EPA terminology.
4) Clarify the use of variety and brand names. 5) Add a requirement to label the percent of dormant seed. 6) Add several kind names that reflect current industry usage. 7) Make changes to the seed certification standards and procedures to reflect current seed certification practices.

Canada: Michael Scheffel 613-221-7518

One change will clarify that seed can be imported into Canada already labeled with a Canada Pedigreed grade name. This will remove any doubt as to the legality of allowing seed produced outside of Canada to be samples, tested and labeled with a Canada Pedigreed name prior to importation into Canada.

Question 3:

If Roundup Alfalfa is approved for sale and if 5% or more is found not to be Roundup tolerant by Laboratory test in your state, will it be called an Alfalfa Blend of % Variety Roundup tolerant and % Alfalfa Variety Not Stated?

Following are the responses received, without any state identification to the response. . There has been no change made in any of the responses I received.

- No. This is considered just incomplete expression of a trait in a variety, not a separate variety.
- This or some form of this will work in our state.
- This has not been addressed for the Pure Seed Law. However, it could easily fall into the law regarding a blend or mixture where any individual "other crop" that has 5% or more needs to be listed as a separate component of the mix/blend. It may be a good idea to revise this section of the law to include Round up Ready Alfalfa specifically. We could check with other states to see how it is being handled elsewhere.
- No: The variety description for Roundup Ready Alfalfa includes up to 10% non-tolerant alfalfa. Since this is a part of the variety description, the non tolerant seed would not be subject to the "5% rule". We already apply the same reasoning to describe variances recognized in Soybeans and VFL's used in Ryegrass as the variances are described in the variety descriptions. I do believe that this possible up to 10% non-tolerant seed should be more clearly labeled, but this possible non-tolerant seed characteristic is hidden away in the technology protection agreement. The industry does not agree with my opinion on labeling and references the above stated defense and I have to agree that they do have a good point. I have talked with a couple of roundup ready Alfalfa dealers that were not aware and even denied this possible 10% stand loss when the first application of Roundup was applied.
- Yes, XXXX (state) would require this lot to be labeled as a VNS blend.
- No, See variety description
- Unsure, Good question, have to address in new Regulations.
- Since that is a product with special agreements attached when sold, it is highly unlikely that we would ever test such a sample and issue a certificate. We may not have the equipment for it. Would it be tested for a trait using DNA, using planted sample and treating it with roundup and comparing it to a standard sample provided by the company, or some other method?
- Yes
- We would probably base our labeling requirements on USDA's Federal Seed Act interpretation of this. Currently, on other crops we test, if variant is described in the Breeder's description as a stable part of the variety, that percentage is not regarded as another variety, but falls under the breeder's variance. If more than the allowed variance was found and was out of tolerance with the label, it would

probably be a stop-sale. We don't have much, if any, alfalfa being grown here, so we have not made an official interpretation on this question.

-No, Our state law does not allow VNS statements for alfalfa. Our state lab does not routinely test alfalfa for RR tolerance. The only time we would do so is if there is a consumer complaint.

-Probably not

-Yes

-Technically, by AOSA Testing Rules, anything in excess of 5% of the cultivar (of the same kind) being examined would be considered "other cultivars". So, yes, by rule, this would be a "blend" or "mixture" of Alfalfa cultivars and separate percentages should be shown as mentioned. However, since the testing industry doesn't have much or any experience with testing RR Alfalfa as of yet, we're basically going to have to assume many things with RR Alfalfa until it becomes common place in the marketplace. I would prefer to delay a decision in how would require it to be labeled with the scenario described in the question until states con meet to discuss a uniform approach to labeling between states and the USDA.

-Yes, but we are not testing Alfalfa for RR.

-No

-No

-Up to 5% will be reported as Other Crop. Any amount over 5% will be considered a Mix and reported accordingly.

-Yes

-Probably not

-Not sure at this time. Will need to discuss with other officials

-N/A

-At this time we do not officially test for genetic traits as part of seed quality. The Alfalfa seed of a certain variety is still Alfalfa seed of that variety regardless of the genetic trait that has been added. A statement on the bag would be sufficient.

GE traits are under patent laws not under the seed law

-Yes if product labeling is approved by ASSCO RUSSL, XXX (state) will accept.

-We do not do GMO testing

_N/A

-Would be labeled a blend

-The Federal Seed Act considers varieties with genetically traits the same as all other varieties. Due to the breeding system Alfalfa varieties with disease resistant traits often have about 80% resistant plants and the % resistance is included in the variety description. Roundup resistant Alfalfa varieties have been described as having up to 10% susceptible plants. Therefore, for FSA enforcement, any susceptible plants and seedlings in excess of 10% would be considered as an off-type plant and placed in the other crop category. If a single component in the other crop category exceeds 5% it would have to be listed separately on the label along with the percent pure seed and percent germination.

This indicates there is a variety of ways the Roundup Alfalfa is being considered.

I would like to express my appreciation to Kelly Book with the Texas Department of Agriculture for her cooperation in sending the questionnaires to each state. I have shortened some responses, and hope to not have changes the overall meaning. For additional information contact each state directly.

Respectfully submitted:
Stewart Oliver Legislative Committee Chair