Concise Explanatory Statement  
for amendments to  
Chapter 16-302 WAC  
General Rules for Seed Certification  

On September 7, 2021, the Washington State Department of Agriculture held a hearing remotely using the Microsoft Teams platform to accept testimony on its proposal to amend chapter 16-302 WAC by:

1. Changing the requirement for Ascochyta Blight being found anywhere on the plant to just being found on the pod;
2. Allowing producers for all classes of chickpea seed to not treat for Ascochyta Blight if they have a waiver for the organic market (and/or research) and no Ascochyta Blight was found during inspection;
3. Removing the additional Ascochyta Blight treatment requirement for the certified class of chickpea seed, if a grower has already applied a fungicide during the growing season and Ascochyta Blight was not found during the field inspection. This amendment would also remove the requirement for a second inspection if Ascochyta Blight is found during the field inspection and instead allow the certifying agency to determine if a second inspection is necessary;
4. Standardizing how varieties containing the Clearfield and AXigen traits are certified;
5. Reducing the tolerance of triticale in wheat to “None Found” and moving the reference to rye, in regards to triticale tolerance, out of the footnote and into the table;
6. Adopting the current hemp seed certification rules established by the Association of Official Seed Certifying Agencies (AOSCA); and
7. Replacing references to ‘industrial hemp’ with ‘hemp’ to align with the Federal Seed Act (FSA)

Reasons for Adopting the Rule

The Washington State Crop Improvement Association (WSCIA) is a 501c(5) non-profit organization that works with Washington State University, Oregon State University and other public and private breeding programs, seed growers and conditioners to develop, produce and distribute certified seed in order to improve crop quality and yields in Washington. WSCIA is designated in WAC 16-302-010 to act as the director’s duly authorized agent for the purpose of certifying seed of buckwheat, chickpeas, field peas, lentils, millet, soybeans, small grain, sorghum and forest trees, including conditional plant inspections for these crops. As part of these duties, WSCIA routinely reviews the certification rules for these crops, and petitions for changes that reflect the requirements and conditions of the industry as well as promote the well-being of the purchasers and user of seed and the members of the seed industry. This rule
amendment includes revisions to chapter 16-302 WAC that address requests made in the most recent petition by WSCIA.

The purpose of seed certification is to preserve genetic purity and varietal identity. WSDA is an official Association of Seed Certifying Agencies (AOSCA) program enabling seed companies to produce and market genetically pure seed. The mission of AOSCA is to promote and facilitate the movement of seed or plant products in local, national, and international markets through the coordinated efforts of official seed certification agencies acting to evaluate, document, and verify that a seed or plant product meets certain accepted standards. Additionally, AOSCA establishes minimum standards for genetic purity and identity and recommends minimum standards for seed quality for the classes of certified seed. They standardize seed certification regulations and procedures, as well as operational procedures in inter-agency seed certification, and they periodically review agency genetic standards and procedures to assure compliance with the Federal Seed Act.

It is well recognized that because Ascochyta Blight is not systemic, seed infection does not occur when lesions are found on stems and leaves. Lesions must be present on pods in order for seed to be infected, and even then it is possible that the pathogen has not breached the pod and reached the seed. Because pod lesions are required for seed infection, the standard will be modified to clearly state that only pod lesions are taken into consideration during certification inspections.

Current Ascochyta Blight requirements do not take into consideration organic farming requirements. This proposed change would provide organic producers the ability to continue to produce all classes of seed without interfering with their organic certification. If an organic grower is able to demonstrate that no organically-produced (meaning field was not organic) seed is available, the grower is allowed to use conventionally-produced seed in his or her system, as long as the seed itself is not treated with non-organic products. In order to make certified seed available to organic producers, an exemption for seed going into organic production systems is being added to the rule.

Ascochyta Blight is common in fields and therefore most growers currently manage the disease by applying a fungicide one or more times during the growing season. It is expected that the infection will not establish on seed pods, resulting in a low risk of infected seed. If growers can prove that they have applied fungicide to manage the disease and no symptoms of Ascochyta Blight are found, then no additional treatment will be required. Additionally, the required second inspection for all growers is being removed from the rule and instead it will be left up to the discretion of the certifying agency (WSCIA) to determine if a particular grower is in need of a follow up inspection to verify compliance.

Currently, this rule only references the standards for certifying varieties containing the Clearfield trait, however the department, upon request from the industry, has been certifying both varieties with both Clearfield traits and AXigen traits for a number of years. Due to the increase in popularity, the department is now moving to include AXigen trait standards in rule as well. Just like seed varieties with the Clearfield trait, seed varieties with the AXigen trait must pass the bioassay or polymerase chain reaction (PCR) test as defined by the trait owner. Including the testing requirement for seed varieties with the AXigen trait in the seed certification rule provides clarification and improves transparency between what is currently being required for certification and ensures that each trait-containing variety is handled in a standardized manner. The department is also removing the unnecessary reference to the herbicide Imazamox in WAC 16-302-685(2), since it only pertains to seed varieties with the Clearfield trait and not the AXigen trait (CoAXium variety). Having generalized verbiage and a standardized description for all
varieties without trade names will ensure consistent application of the standards for all small 
grain seed certification.

The department is proposing to reduce the tolerance for triticale from 1/1000g to ‘None Found’ 
in certified class wheat seed and to move the reference to rye, in regards to triticale tolerance, 
out of the footnote and into the table. By reducing the tolerance for triticale in wheat seed to 
‘None Found’, the department asserts that certified seed is without triticale contaminants which 
will improve the seed quality and purity. The presence of triticale is problematic because when 
triticale is harvested in a commercial wheat or rye crop it ends up as dockage or foreign material 
and therefore lowers the price the crop can be sold for. Commercial growers consider ANY 
amount of triticale in certified wheat seed to be a contamination of the crop and have specifically 
requested that the allowance for triticale be lowered to ‘None Found’ for all classes. In 
registered class and foundation class seed, the tolerance for triticale is already ‘None Found’. 
By reducing the tolerance in the certified seed class, we are able to align the standards between 
all classes of production. Currently the tolerance for triticale in certified rye is already ‘None 
Found’. However, the tolerance is listed in a footnote which is not easily identifiable for industry 
(WAC-16-302-685(2)(a)). The rule amendment moves the reference to rye out of the footnote 
and into the table to improve readability without changing any requirements for rye.

Currently WSDA’s seed certification standards for hemp are more stringent than AOSCA which 
is the standard most states align with. Given that WSDA is more stringent, there have been no 
acres of certified, registered, or foundation hemp grown in Washington. This results in 
Washington hemp licensees having to use certified seed produced in other states, or use 
common seed that does not have the same seed quality and purity.

The department is proposing to replace references to ‘industrial hemp’ with ‘hemp’ to align with 
the Federal Seed Act (FSA). As a state regulatory agency, WSDA is required to monitor and 
enforce the standards of the Federal Seed Act.

**Summary of Comments and the Department’s Response**

The public comment period ran from August 4, 2021, until the close of business on September 7, 2021. During that time, no written comments were received regarding the proposed 
amendments and one oral comment was received.

*The following summarizes the testimony:* 
Lauren Port, representing Washington State Crop Improvement Association submitted an oral 
comment in support of the proposed amendments. Ms. Port stated, “I’m here representing the 
Washington State Crop Improvement Association to voice our support for the proposed changes 
that affect chickpeas and wheat.”

*Response: Thank you for your support.*

**Differences Between the Proposed and Adopted Rule**

None.