

Exemptions Criteria Worksheet

1. **Exemption:** RCW 15.49.370(8)

2. **Session Law:** 1969 chapter 63

3. **Category:** agriculture

4. **Cross-ref.:**

5. **Date Enacted:** 1969

6. **(Text of exemption)** The Department shall have authority to: (8) Publish reports of official seed inspections, seed certifications, laboratory statistics, verified violations of this chapter, and other seed branch activities which do not reveal confidential information regarding individual company operations or production.

7. **Exemption protects:** Safety Privacy Financial Other (explain):

Seed industry companies' individual business operations or production.

8. **Purpose (including purpose of accompanying legislation if applicable):**

None stated

9. **Information covered:** About gov't function Collected/held by gov't

Public funds Public official Vital gov't Interest Confidential/private Other

Describe:

10. **Stakeholders:**

1. Dept of Agriculture Contacted: yes no

2. Contacted: yes no

3. Contacted: yes no

4. Contacted: yes no

11. **Add'l bill**

Information: Floor debate: yes no

Bill Reports: yes no

12. **Comments (including significant court decisions; related WACs sections, or other).**

Tab 12, Nov. 1, 2007 binder prepared by Dept of Agriculture contains additional information.

RCW 15.49.370 Department's enforcement authority.

The department shall have the authority to:

(1) Sample, inspect, make analysis of, and test seeds distributed within this state at such time and place and to such extent as it may deem necessary to determine whether such seeds are in compliance with the provisions of this chapter. The methods of sampling and analysis shall be those adopted by the department from officially recognized sources. The department, in determining for administrative purposes whether seeds are in violation of this chapter, shall be guided by records, and by the official sample obtained and analyzed as provided for in this section. Analysis of an official sample, by the department, shall be accepted as prima facie evidence by any court of competent jurisdiction.

(2) Enter any dealer's or seed labeling registrant's premises at all reasonable times in order to have access to seeds and to records. This includes the determination of the weight of packages and bulk shipments.

(3) Adopt and enforce regulations for certifying seeds, and shall fix and collect fees for such service. The director of the department may appoint persons as agents for the purpose of assisting in the certification of seeds.

(4) Adopt and enforce regulations for inspecting, grading, and certifying growing crops of seeds; inspect, grade, and issue certificates upon request; and fix and collect fees for such services.

(5) Make purity, germination and other tests of seed on request, and fix and collect charges for the tests made.

(6) Establish and maintain seed testing facilities, employ qualified persons, establish by rule special assessments as needed, and incur such expenses as may be necessary to carry out the provisions of this chapter.

(7) Adopt a list of the prohibited and restricted noxious weed seeds.

(8) Publish reports of official seed inspections, seed certifications, laboratory statistics, verified violations of this chapter, and other seed branch activities which do not reveal confidential information regarding individual company operations or production.

(9) Deny, suspend, or revoke licenses, permits and certificates provided for in this chapter subsequent to a hearing, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act) as enacted or hereafter amended, in any case in which the department finds that there has been a failure or refusal to comply with the provisions of this chapter or regulations adopted hereunder.

[1981 c 297 § 14; 1969 c 63 § 37.]

Notes:

Severability – 1981 c 297: See note following RCW 15.36.201.

1969 act.

(3) To hinder or obstruct the department in the performance of its duties under this 1969 act.

(4) To engage in the cleaning of seeds, entered by growers for certification, without first having obtained a seed processing permit from the department.

(5) To distribute screenings for seeding purposes.

NEW SECTION. Sec. 35. Upon application for a permit to process certified seed, the department shall inspect the seed processing facilities of the applicant to determine that genetic purity and identity of seed processed can be maintained. Upon approval, the department shall issue a seed processing permit, for each regular place of business, which shall be conspicuously displayed in the office of such business. The permit shall remain in effect as long as the facilities comply with the department's requirements for such permit.

NEW SECTION. Sec. 36. The seed labeling registrant whose name appears on the label shall: (1) Keep, for a period of two years after the date of final disposition, complete records of each lot of seed distributed: PROVIDED, That the file sample of each lot of seed distributed need be kept for only one year.

(2) Make available, during regular working hours, such records and samples for inspection by the department.

NEW SECTION. Sec. 37. The department shall have the authority to: (1) Sample, inspect, make analysis of, and test seeds distributed within this state at such time and place and to such extent as it may deem necessary to determine whether such seeds are in compliance with the provisions of this act. The methods of sampling and analysis shall be those adopted by the department from officially recognized sources. The department, in determining for administrative purposes whether seeds are in violation of this 1969 act, shall be guided by records, and by the official sample obtained and analyzed as provided for in this section. Analysis of an official sample, by the department, shall be accepted as prima facie evidence by any court of com-

petent jurisdiction.

(2) Enter any dealer's or seed labeling registrant's premises at all reasonable times in order to have access to seeds and to records. This includes the determination of the weight of packages and bulk shipments.

(3) Adopt and enforce regulations for certifying seeds, and shall fix and collect fees for such service. The director of the department may appoint persons as agents for the purpose of assisting in the certification of seeds.

(4) Adopt and enforce regulations for inspecting, grading, and certifying growing crops of seeds; inspect, grade, and issue certificates upon request; and fix and collect fees for such services.

(5) Make purity, germination and other tests of seed on request, and fix and collect charges for the tests made.

(6) Establish and maintain seed testing facilities, employ qualified persons, and incur such expenses as may be necessary to comply with the intent of this 1969 act.

(7) Adopt a list of the prohibited and restricted noxious weed seeds.

(8) Publish reports of official seed inspections, seed certifications, laboratory statistics, verified violations of this act, and other seed branch activities which do not reveal confidential information regarding individual company operations or production.

(9) Deny, suspend, or revoke licenses, permits and certificates provided for in this 1969 act subsequent to a hearing, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act) as enacted or hereafter amended, in any case in which the department finds that there has been a failure or refusal to comply with the provisions of this 1969 act or regulations adopted hereunder.

NEW SECTION. Sec. 38. (1) No person shall distribute seeds without having obtained a dealer's license for each regular place of business: PROVIDED, That no license shall be required of a person who distributes seeds only in sealed packages of eight ounces or less,