

Michigan Office of Administrative Hearings and Rules
MOAHR-Rules@michigan.gov

**AGENCY REPORT TO THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

1. Agency Information

Agency name:

Agriculture and Rural Development

Division/Bureau/Office:

Pesticide and Plant Pest Management Division

Name of person completing this form:

Jamie Guardiola

Phone number of person completing this form:

517-284-5730

E-mail of person completing this form:

GuardiolaJ1@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Brad Deacon

2. Rule Set Information

MOAHR assigned rule set number:

2022-10 AC

Title of proposed rule set:

Regulation No. 623 Field Seed Certification

3. Purpose for the proposed rules and background:

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Rule 205 sets field and seed standards for small grains and buckwheat. Rule 214 provides details on the certification of inbred lines of foundation corn. The rule includes a provision that sets the minimum distance that an inbred increase field shall be isolated from other corn. Rule 215 provides details on the certification of single cross hybrids of foundation corn. The rule includes a provision that sets the minimum distance that a single cross crossing field shall be isolated from other corn.

Proposed updates:

Rule 205(3) Add a seed standard for winter crops in spring crops and spring crops in winter crops.

- As currently written, the standard set forth in Rule 205 is too strict. There is ample evidence to support the belief that wheat seed is not a meaningful contaminant of oat seed because one is grown in winter and the other in summer. The weather effectively culls the unwanted seed once it is planted.
- Set the seed standard at 5 per 2 pounds for the foundation and 10 per pound for the classes of seed certified.
- Add a provision stating that this standard does not apply in such cases where climatic conditions do not effectively cull the unwanted seed once it is planted.

Rule 214(2) Decrease the minimum distance that an inbred increase field shall be isolated from other corn of like color or texture from 825 feet to 660 feet.

- Align the minimum distance with the international standard established by the Association of Official Seed Certification Agencies.

Rule 215(2) Decrease the minimum distance that a single cross crossing field shall be isolated from other corn of like color or texture from 825 feet to 660 feet.

- Align the minimum distance with the international standard established by the Association of Official Seed Certification Agencies.

4. Summary of proposed rules:

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Rule 205 sets field and seed standards for small grains and buckwheat. Rule 214 provides details on the certification of inbred lines of foundation corn. The rule includes a provision that sets the minimum distance that an inbred increase field shall be isolated from other corn. Rule 215 provides details on the certification of single cross hybrids of foundation corn. The rule includes a provision that sets the minimum distance than a single cross crossing field shall be isolated from other corn. Proposed updates: Rule 205(3) Add a seed standard for winter crops in spring crops and spring crops in winter crops.

- As currently written, the standard set forth in Rule 205 is too strict. There is ample evidence to support the belief that wheat seed is not a meaningful contaminant of oat seed because one is grown in winter and the other in summer. The weather effectively culls the unwanted seed once it is planted.
- Set the seed standard at 5 per 2 pounds for the foundation and 10 per pound for the classes of seed certified.
- Add a provision stating that this standard does not apply in such cases where climatic conditions do not effectively cull the unwanted seed once it is planted. Rule 214(2) Decrease the minimum distance that an inbred increase field shall be isolated from other corn of like color or texture from 825 feet to 660 feet.
- Align the minimum distance with the international standard established by the Association of Official Seed Certification Agencies. Rule 215(2) Decrease the minimum distance that a single cross crossing field shall be isolated from other corn of like color or texture from 825 feet to 660 feet.
- Align the minimum distance with the international standard established by the Association of Official Seed Certification Agencies.

5. List names of newspapers in which the notice of public hearing was published and publication dates:

Grand Rapids Press- July 19, 2022
Saint Joseph Herald Palladium- July 19, 2022
Escanaba Daily Press- July 20, 2022
Michigan Registry- August 1, 2022, issue # 13

6. Date of publication of rules and notice of public hearing in Michigan Register:

8/1/2022

7. Date, time, and location of public hearing:

8/18/2022 09:00 AM at Room: Constitution Hall, 525 W Allegan Street, Lansing, MI 48933, Room: CH-ATN-THEODORE-BROWN , Virtual: +1 248-509-0316,,328093246# United States, Pontiac
Phone Conference ID: 328 093 246#

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=1369>

9. List of the name and title of agency representative(s) attending public hearing:

Attended on behalf of Michigan Department of Agriculture and Rural Development (MDARD):
Brad Deacon, Director of Legal Affairs
Mike Philip, Director of Pesticide and Plant Pest Management Division
Jamie Guardiola, Legal Affairs Analyst
Joshua Cianek, Law Intern

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10. Persons submitting comments of support:

Chris Tiedje from The Michigan Crop Improvement Association

11. Persons submitting comments of opposition:

None

12. Persons submitting other comments:

None

13. Identify any changes made to the proposed rules based on comments received during the public comment period:

	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for Rule Change and Description of Change(s) Made	Rule number & citation changed
1					

14. Date report completed:

9/19/2022