

file



THOMAS L. JUDGE
GOVERNOR

STATE OF MONTANA
DEPARTMENT OF AGRICULTURE

GEORGE LACKMAN
COMMISSIONER
CAPITOL ANNEX BUILDING
HELENA, MONTANA 59601
TELEPHONE: 406-449-3144

January 15, 1975

RECEIVED

JAN 21 1975

ENVIRONMENTAL QUALITY
COUNCIL

Mr. John W. Reuss
Executive Director
Environmental Quality Council
1228 11th Avenue
Helena, MT 59601

Re: Proposed Seed Processing Plant Regulations

Dear Mr. Reuss:

Enclosed please find copies of the Montana Department of Agriculture's Environmental Assessment (EA) and Agency Impact Determination (AID) on the proposed seed processing plant regulations.

A public hearing will be held Thursday, February 13, 1975, at 10:00 A.M. at the Highway Department Auditorium in Helena, Montana. Comments on the regulations will be accepted at this time. Written comments should be addressed to Mr. George Lackman, Commissioner, Department of Agriculture, Capitol Annex, Helena, Montana 59601, and should be received on or before February 13, 1975.

Sincerely,

A handwritten signature in cursive script that reads "George Lackman".

George Lackman
Commissioner

LOREN



STATE OF MONTANA
DEPARTMENT OF AGRICULTURE

RECEIVED

TELEPHONE
AREA CODE 406
449-3144

GEORGE LACKMAN
COMMISSIONER
CAPITOL ANNEX BUILDING

JAN 27 1975

HELENA, MONTANA 59601

ENVIRONMENTAL QUALITY
COUNCIL

January 24, 1975

John Rouss
Executive Director
Environmental Quality Council
1228 11th Ave.
Helena, Montana 59601

Dear Mr. Rouss:

On Thursday, February 13, 1975 at 10:00 a.m., we are planning a hearing on the proposed Regulations governing seed cleaning facilities under the Agricultural Seed Warehouse Act.

The hearing will be held in the Department of Highways Auditorium.

Please review the attached proposed regulations and prepare written or oral testimony if you wish to comment at the hearing.

Very Truly Yours,

Charles R. Meyer
Administrator
Centralized Services

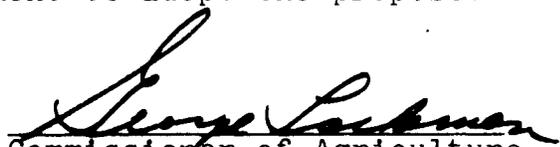
Enclosures

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the Matter of the Department)
of Agriculture Adopting MAC Rule) NOTICE OF PUBLIC HEARING
4-2.6(1)-S630, To Implement) FOR ADOPTION OF RULE MAC
Minimum Standards for Seed Clean-) 4-2.6(1)-S630 (Agricultural
ing Facilities and Licensing,) Seed Warehouse Act.)
Bonding, and Insurance require-)
ments for Agricultural Seed Ware-)
house persons.)

To: All Interested Persons

1. On February 13, 1975, at 10:00 A.M. a public hearing will be held at the State Highway Department Auditorium, Helena, Montana, to consider adoption of Rule 4-2.6(1)-S630, Agricultural Seed Warehouse Act.
2. The proposed adoption would update the Agricultural Seed Warehouse Act and add new material to it as required by the Montana Administrative Code.
3. The proposed rule would provide guidelines for the standards of equipment, licensing, warehouse persons, screenings, bonding, and insurance under the Warehouse Act for the Centralized Services Division for the Department of Agriculture.
4. A complete copy of the proposed rule may be obtained by contacting Mr. George Lackman, Commissioner of Agriculture, Montana Department of Agriculture, Helena, Montana, 59601.
5. Interested persons may present their data, views or arguments, whether orally or in writing at the hearing.
6. Mr. George Lackman, Commissioner of Agriculture, Capitol Annex Building, Helena, Montana 59601, has been designated as hearing officer, to preside over and conduct the hearing.
7. The authority of the Department to adopt the proposed rules is based on Section 82A-107.

By: 
Commissioner of Agriculture

Certified To The Secretary of State January 14, 1975.

MAC Notice 4-2-16

REGULATIONS OF THE COMMISSIONER OF AGRICULTURE
UNDER THE AGRICULTURAL SEED WAREHOUSE ACT

Second Draft
Dec. 19, 1974

Regulation 1. Minimum standards for equipment for facilities to be licensed.

A. Seed processing plants will be licensed as follows:

(1). A first class seed cleaning plant must have:

- (a) The seed processing plant shall be separate from any commercial grain handling and marketing functions.
- (b) An air screen cleaner with no less than three screens.
- (c) A dimensional separator or gravity type equipment that can be readily cleaned.
- (d) A treater that will apply a uniform coating of treat to the seed, if seed is to be treated.
- (e) All seed handling equipment, such as augers, elevator legs, bins and spouts shall be accessible for cleaning and inspection to prevent crop or variety mixtures.
- (f) Equipment and procedures to uniformly blend a lot or lots of seed, when seed is to be blended.
- (g) Seed sampling probes or sampling equipment appropriate for seed normally processed in a plant.

(2). A commercial seed cleaning plant must have:

- (a) (1) An air screen cleaner with no less than two screens (scalper and grader) and a dimensional separator:
(2) Or a dimensional separator in combination with air and scalper attachments.
- (b) A treater that will apply a uniform coating of treat to the seed if seed is to be treated.
- (c) Seed handling and processing equipment so constructed that it can be cleaned.
- (d) Equipment and procedures to uniformly blend a lot or lots of seed when seed is to be blended.
- (e) Seed sampling probes or sampling equipment appropriate for seed normally processed in a plant.

(3). A substandard cleaning plant (this class will not be licensed after July 1, 1978) must:

- (a) Have cleaning equipment that will improve the percentage of pure seed (not genetic purity) and will not add other crop seed or weed seed to the grain being cleaned.
- (b) Have handling equipment that can be operated to prevent contamination.

B. Seed Labeler - No specific equipment requirements.

C. Seed Buyer - No specific equipment requirements.

D. Public agriculture seed warehouse:

- (1) Must provide appropriate storage space and conditions so that when

agricultural seed is properly conditioned and placed in storage it will not be contaminated nor deteriorate beyond that normally expected during storage.

- (2) Proper equipment and facilities must be provided to prevent contamination and preserve identity of a lot of bulk seed.

Regulation 2. Minimum standards for handling procedures by licensed facilities.

A. Seed processing plant shall:

- (1) Account to the producer for all seed lots submitted to the processor. The processing report shall show gross weight of seed received, clean-out (screenings and air loss) and clean seed yield for each lot.
- (2) Post a basic price schedule for cleaning operations.
- (3) Obtain a "dirt" or unclean seed sample at time of delivery of seed plus a sample of cleaned seed, (a minimum of 500 grams (24 ounces) for cereals and large seeded legumes; and 150 grams (6 ounces) for small seeded legumes and grasses) with appropriate identification. Samples shall be held for one year.
- (4) Handle all screenings in compliance with regulation 5.
- (5) Handle each lot of seed received in such a way as to maintain its identity.
- (6) Each plant shall reserve the right to refuse any material for processing or storage when in his opinion it will be unfit for seed purposes or will contaminate or otherwise destroy the effectiveness or efficiency of the plant operation.
- (7) First class and commercial cereal seed cleaning plants shall in addition to 1-6:
 - (a) Clean all seed handling equipment between lots to prevent mixing of varieties and kinds.
 - (b) Operate all equipment in a manner to clean seed to acceptable trade standards.

B. Seed labelers shall:

- (1) Attach a legible label that provides the information required under Section 3-802.2 R.C.M. 1947 as amended, to each container that is offered for sale or is distributed to a retail seed dealer.
- (2) Provide the information required under Section 3-802.2 R.C.M. 1947 as amended, along with shipping documents or bulk seed shipments or sales and on seed lots shipped to another seed labeler.
- (3) When adding new germination test data to an existing label the person adding the new test data shall do so with a supplemental label bearing his name and address.
- (4) A sample label and supplemental label shall be submitted along with the application for license.

- C. Agricultural seed buyers shall use a contract form approved by the department. The contract must clearly state the terms of purchase and basis for payment. Before seed is transported out of the state the percentage of pure seed shall be determined. The seed shall be weighed at a scale designated in the contract. The seed buyer is responsible for the actions of his employees.
- D. Public agriculture seed warehousemen shall:
- (1) For scale tickets and warehouse receipts:
 - (a) Issue a scale ticket for each load of agricultural seed received by the warehouse. Scale tickets are not to be issued or held in lieu of warehouse receipts. There shall be plainly printed across the face of such scale tickets issued by the warehouseman in bold type the words, "THIS IS NOT A WAREHOUSE RECEIPT BUT SHALL BE EXCHANGED FOR A WAREHOUSE RECEIPT IF AGRICULTURAL SEED IS HELD IN STORAGE".
 - (b) Issue each day a warehouse receipt for each lot of agricultural seed received for storage during the day. All agricultural seed of one kind received from one owner during any one day may be construed to be a single lot. The numbers of the scale tickets shall appear on the face of the warehouse receipt for which it is issued. Warehouse receipts not picked up by the owner shall be held in safekeeping for him by the warehouseman.
 - (2) Maintain the identity and integrity of each lot of agricultural seed, when requested to do so, as it is delivered to the warehouse.
 - (3) Use a Public Seed Warehouse receipt form that meets the department's specifications. Receipts shall include within their printed terms;
 - (a) A statement that the warehouse is operated as a public agricultural seed warehouse under license issued by the Montana Department of Agriculture.
 - (b) A statement showing whether it is an original, duplicate, triplicate, or other copy and all copies other than the original shall state "Non-Negotiable".
 - (c) A statement showing the name of the public agricultural seed warehouse.
 - (d) A statement showing the name of the city or town where the public agricultural seed warehouse is located.
 - (e) The date the public agricultural seed warehouse receipt is issued.
 - (f) The number of the public warehouse receipt. All receipts shall be numbered consecutively as issued by each warehouseman.
 - (g) A statement that the agricultural seed is "Received in Store" from the person or persons, or firm or corporation named.
 - (h) A statement of the gross weight, tare and net weight of the cleaned lot load in pounds, the kind of seed, and any trade designation of grade or quality.
 - (i) A statement of the encumbrances such as cash or other advances.
 - (j) A statement that upon the return of the receipt properly endorsed by the person to whose order it was issued and the payment of the proper charges for storing and handling, delivery will be made in accordance with the provisions of the ticket.
 - (k) A statement that the agricultural seed is properly insured for the benefit of the owner.

The above statements must be followed by: The name of the public warehouse

issuing the warehouse receipt and the signature of the agent or manager of the public warehouse.

- (1) The face of the public warehouse receipt shall provide for other statements and records such as the scale ticket numbers, or assembly sheet numbers, and other pertinent accounting or bookkeeping data providing that such statements or records do not in any way conflict with any State or Federal law pertaining to public agricultural seed warehousing.
- (m) The back of the public warehouse receipt shall embody within its written or printed terms a statement of:
 1. All storage and handling charges.
 2. That delivery to the holder of receipts shall be as provided by the laws of Montana.
 3. That receipt shall be issued only on actual delivery of agricultural seed into the warehouse, and shall not be given to cover agricultural seed of which the warehouseman is owner.
 4. That delivery of agricultural seed to warehouseman for storage constitutes bailment and not a sale.
 5. That if receipts are made in multiple form, the original shall be given to the owner of the agricultural seed; all copies other than the original must be marked NON-NEGOTIABLE.
- (n) The back of the public warehouse receipt may also provide for endorsements and other statements or records pertinent to accounting or bookkeeping data providing that such statements or records do not in any way conflict with any State or Federal law pertaining to public agricultural seed warehouses.

The department will supply a suggested receipt format. Before printing the receipt forms each applicant for license should have the printer's proof approved by the department.

- (4) Legal Agricultural Seed Public Warehouse Receipt. A legal public warehouse receipt is a receipt issued by a licensed public warehouseman on a form containing all the provisions of regulation 2. D. (3) and shall not be issued except for agricultural seed actually delivered to a public warehouse for storage.

If for convenience the holder of two or more warehouse receipts covering like seed wishes to combine them into a lesser number, the new warehouse receipt or receipts so issued shall state the fact that it was issued in lieu of existing warehouse receipts and the numbers of the warehouse receipts so combined shall be plainly shown and the warehouse receipts so combined shall state across the face "CANCELLED BY RECEIPT NO. _____" (showing the number of the new warehouse receipt issued in lieu).

- (5) Limitation of Rulings. Nothing in these regulations shall be so construed as to prevent the operation of Sections 3-223 and 3-224 governing the collection of storage charges at termination of contract period June 30th of each year.

Regulation 3. A commercial seed plant, licensed to process seed under provisions of the act and these regulations, does not automatically qualify that plant to process certified classes of seed. Authorization for cleaning certified seed classes must be obtained from the authorized certifying agency.

Regulation 4. Bonding and insurance requirements.

- A. Seed processing plants shall show evidence of a minimum of \$ 300,000 worth of product liability insurance or evidence of a like amount of assets.
- B. Seed labelers "shall show evidence of a minimum of \$ 300,000 worth of product liability insurance or evidence of a like amount of assets.
- C. Seed buyers shall provide a surety bond written on a form provided by the department, countersigned by a duly licensed resident agent of Montana. The amount of the bond shall be a minimum of \$ 10,000.00 .
- D. Public agricultural seed warehouses shall provide a surety bond written on a form provided by the department, countersigned by a duly licensed resident agent of Montana. The amount of the bond shall be a minimum of \$ 10,000.00 .

In addition they shall show evidence that they carry adequate insurance to cover the value of all stored agricultural seeds.

Regulation 5. All licensed facilities shall have their license posted in a conspicuous place and all processing plants shall display a poster provided by the Department designating the classification of the facility.

Regulation 6. Screenings shall be handled as follows:

- A. Screenings resulting from the contract cleaning of agricultural seeds are the property of the owner of the seeds, however since such screenings may contain viable noxious weed seed it shall be the responsibility of the processing plant to process or arrange for the processing of such screenings so the viability of noxious weed seed will be destroyed before returning them to the owner or the plant shall arrange for the disposal of such screenings and see that they are properly processed.
- B. Screenings originating at in-state processing plants including screenings from the cleaning of commercial grain shall:
 - (1). Be stored in tight bins so weed seed cannot be scattered by the wind or other means.
 - (2). Be processed to destroy the viability of noxious weed seed before being used as animal feed or be used in any way in which the noxious weed seed may propagate its kind.
 - (3). Be transported only in tightly closed containers that will prevent the loss of weed seed in transit. The container must be cleaned after unloading.
- C. (1). Screenings originating outside of Montana shall have the viability of Montana noxious weed seed destroyed by appropriate processing before being transported into the state.

(2). Screenings originating outside of Montana for transport through the state shall have the viability of the noxious weed seed destroyed or be transported in a tightly sealed container that will not allow the loss of the weed seed.

D. The viability of noxious weed seed may be destroyed by using a rotary grinder with 6/64 inch mesh screen or through a hammer mill or by using steam or a combination of steam and pressure.

Contact: Commissioner of Agriculture
Capitol Annex Building
Helena, Montana, 59601
Phone: 449-3144

January 23, 1975

Mr. George Lackman, Commissioner
Department of Agriculture
Capitol Annex
Helena, Montana 59601

Attention: Mr. George A. Algard

Dear Mr. Lackman:

Our staff has reviewed the Montana Department of Agriculture's Environmental Assessment and Agency Impact Determination on the proposed seed processing plant regulations.

The indirect effects of the proposed regulations to conserve energy, increase food production, and reduce the need for herbicide application are commendable. Such preventive weed control would also lend assistance to intensive agricultural techniques now prescribed by agronomists for controlling the spread of saline seep.

If these regulations will be as effective at reducing weeds as indicated in the assessment, then perhaps the Weed Control Districts and County Weed Control Departments also should be apprised at this early date so that they may plan to adjust their programs accordingly.

In addition the following individuals and agencies probably should be notified of the department's Agency Impact Determination and intention to promulgate the seed processing plant regulations in order to obtain the fullest possible range of constructive public comment at the hearing:

U.S. Department of Agriculture
Office of the Secretary of Agriculture
Washington, D.C. 20250

Dr. Roland R. Renne
International Trade Commissioner
President Emeritus/Adjunct Professor
Agricultural Economics and Economics
Montana State University
Bozeman, Montana 59715

Mr. George Lackman
page 2
January 23, 1975

Friends of the Earth
Attn: Edward Dobson
Box 882
Billings, Montana 59103

Student Environmental Research Center
Venture Center Room 212
University of Montana
Missoula, Montana 59801

Mr. A. B. Linford, State Conservationist
Soil Conservation Service
Box 970
Bozeman, Montana 59715

The Great Falls Tribune (State Editor)
Tribune Building
121 - 4th Street North
Great Falls, Montana 59401

Montana Chamber of Commerce
Box 1730
Helena, Montana 59601

The Billings Gazette (State Editor)
Box 2507
Billings, Montana 59103

Montana Farmer-Stockman
510 - 1st Avenue North
Great Falls, Montana 59401

Mont-Wyo News
Public Auction Yards
Exchange Building
Billings, Montana 59101

The Associated Press
Attn: News Editor
Box 577
Helena, Montana 59601

United Press International Radio News
2021 - 11th Avenue
Helena, Montana 59601

Thank you for your efforts toward compliance with the Montana Environmental Policy Act and the EIS Guidelines.

Sincerely,

John W. Reuss
Executive Director

JWR:LLB:cnc

by _____
Loren L. Bahls, Ph.D.

Dr. Johan Asleson
Dean of Agriculture &
Director of Experiment Station
Linfield Hall 202
Montana State University
Bozeman, MT 59715

Robert F. Bucher
Acting Director
Cooperative Extension Service
Linfield Hall 303
Montana State University
Bozeman, MT 59715

Glenn Moore, President
Montana Grain Growers Association
Willard, MT 59354

Lynn Stordahl
Montana Seedmen's Association
Iseman Seed Company
Fairfield, MT 59436

Ray Yort
Montana Grain Elevator Association
Con-Agra, Inc.
Great Falls, MT 59401

Howard Bowman
Secretary-Manager
Montana Seed Growers Association
Montana State University
Bozeman, MT 59715

Montana State Clearinghouse
Division of Planning & Economic Development
Capitol Post Office
Helena, MT 59601

The Honorable Thomas L. Judge
Governor of Montana
Capitol Building
Helena, MT 59601

John Reuss
Executive Director
Environmental Quality Council
1228 11th Avenue
Helena, MT 59601

North East Montana County Elevator Assn.
Clarence Olfert, President
Cargill Elevator
Wolf Point, MT 59201

Mr. Lyle McKeever
Montana Seed Growers Association
Loma, MT 59460

Mr. Oliver Thorvilson
Coast Trading Company
P.O.Box 1528
Great Falls, MT 59403

Mr. Art Shaw
Montana State University
Extension Service
Bozeman, MT 59715

Mr. Warren Weisener
Montana State University
Extension Service
Bozeman, MT 59715



THOMAS L. JUDGE
GOVERNOR

STATE OF MONTANA
DEPARTMENT OF AGRICULTURE

GEORGE LACKMAN
COMMISSIONER
CAPITOL ANNEX BUILDING
HELENA, MONTANA 59601
TELEPHONE: 406-449-3144

RECEIVED

JAN 21 1975

ENVIRONMENTAL QUALITY
CONTROL

January 15, 1975

MEMORANDUM

TO: Montana Seed Dealers, Seed Growers, Grain Growers and Elevator Associations, and any other interested parties

FROM: George Lackman, Commissioner
Montana Department of Agriculture

SUBJECT: Proposed Seed Processing Plant Regulations.

Enclosed please find copies of the Montana Department of Agriculture's Environmental Assessment (EA) and Agency Impact Determination (AID) on the proposed seed processing plant regulations.

A public hearing will be held Thursday, February 13, 1975, at 10:00 A.M. at the Highway Department Auditorium in Helena, Montana. Comments on the regulations will be accepted at this time. Written comments should be addressed to Mr. George Lackman, Commissioner, Department of Agriculture, Capitol Annex, Helena, Montana 59601, and should be received on or before February 13, 1975.

Sincerely,

A handwritten signature in cursive script that reads "George Lackman".

George Lackman
Commissioner

AGENCY IMPACT DETERMINATION

January 15, 1975

Department: Montana Department of Agriculture
George Lackman, Commissioner

Prepared by: George A. Algard, Environmental Planner
Pesticide Division, Department of Agriculture

Type of Action: Agency Impact Determination

A. DESCRIPTION OF PROPOSED ACTION

The proposed introduction of seed processing plant regulations by the Commissioner of Agriculture. These regulations will be introduced under the Agricultural Seed Warehouse Act of 1973 (Section 3-315, R.C.M. 1973).

B. ENVIRONMENTAL IMPACT OF THE PROPOSED REGULATIONS

The Environmental Assessment (E.A.) addresses itself to the full range of impacts that have been determined at this time. The long-term gains which the regulations would bring to the producers and the State of Montana by greatly reducing weed seed and hence improving crop productivity far overshadows the short-term economic costs to the industry.

A number of informal meetings were held with seed dealers and seed growers last year (1974) when the regulations were being formulated, and their suggestions were incorporated into the regulations. The decision by the Commissioner of

January 15, 1975

Agriculture to hold a public hearing in February, 1975, will allow for any additional comments that any interested group or individual might wish to provide. Therefore, those individuals who will be affected by the regulations have had, and still have, the opportunity to express their opinions.

For the aforementioned reasons, it is the opinion of the Montana Department of Agriculture that the accompanying Environmental Assessment (E.A.) adequately addresses the impacts of the seed regulations and that the preparation of an Environmental Impact Statement (E.I.S.) would merely be a redundant exercise.

C. This action is considered: NOT SIGNIFICANT

GAA:jw

Lama, SMT

Nov 17 1974

Mont Seed Growers Assoc

Bozeman, SMT 59715

Dear Mr. Bowman

I firmly support the proposed rules and regulations for the licensing of Seed Processing Plants.

I believe that July 1, 1978 is enough time for those sub standard plants to either upgrade their equipment to the commercial class or first class or cease cleaning operations.

In some locations in some areas I don't believe that an air screen machine would be required in a commercial plant if the plant had a dimensional separator with suction fan and scalper attached.

Sincerely,

Lyle McKeever

President Mont Seed Growers

M.S.H.A.
Bowman Mont.

Nov. 18, 1974
V. J. Thuesen
Dagmar Mont.
59219

Dear Mr. Bowman

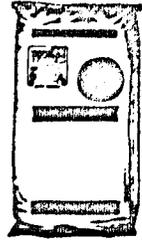
I have examined the Regulations for
seed processing and cleaning plants in Mont.
we think the proposal is reasonable and
will improve seed planted in Mont.

Sincerely

V. J. Thuesen



RECEIVED
Stillwater Seedman's Association



Columbus, Montana 59019

MONT. STATE DEPT. 1974
 AGRICULTURE 6201

Mr. George Lackman
 Commissioner of Agriculture
 State of Montana
 Department of Agriculture
 Helena, Montana 59601

Dear Mr. Lackman,

The Stillwater Seedmen's Association reviewed the proposed regulations for Agricultural Seed Warehouse Act. This act does set up criteria for cleaning plants; however, we felt there should be an additional classification to cover certified on-farm plants.

This would be inserted after "commercial" and before "substandard":

1. A first class seed cleaning plant must have;
2. A commercial cereal seed cleaning plant must have;
3. A certified standard cleaning plant must have:
 - a. An air screen cleaner with at least two (2) screens.
 - b. A treater that will apply a uniform coating of treat to the seed.
 - c. Seed handling and processing equipment so constructed that it can be cleaned.
 - d. Seed sampling probes or sampling equipment appropriate for seed normally processed in a plant.
4. A substandard cleaning plant.

Some elevators meeting the requirements of Class (2) will not clean seed as well as a certified grower who had adequate equipment set up on his farm. Care is taken to clean slowly and do a good job.

The Stillwater Seedmen's Association is a grower-oriented group that is incorporated as a warehouse service. We are composed of 17 active growers of cereals, legumes, and grass seed. Quality seed is of great importance to this association.

We appreciate your consideration of this change in seed processing plant licensing. I would be available to meet with you for further discussions at your convenience. Possibly, if you are in Billings some time we could get together.

Sincerely,

William F. Brinkel, Jr.

William F. Brinkel, Jr.
 Broadview, Montana 59015

WFB:cc

cc: Mr. Howard Bowman
 Montana State University
 Bozeman, Montana 59715

Mont Seed Growers Assoc.
Don Kiel

SUGGESTED CHANGES FOR SEED PROCESSING PLANT REGULATIONS

Submitted by Montana Seedmens Association.

Page 1

1. (a) An air screen cleaner with no less than three screens.
1. (d) All seed handling equipment, such as augers, elevator legs, bins and.... a vaccum cleaner or blower will be required for cleaning seed handling equipment.
2. (a) An air screen cleaner with no less than two screens.
3. July 1, 1976.

Page 2

Regulation 2

3. On custom cleaning, the seed processor shall obtain a "dirt" or unclean seed sample at time of delivery of seed plus a sample of cleaned seed, (7 oz. for cereals and 4 oz. for grasses and legumes) with appropriate identification. Samples shall be held for one year.
7. Delete: First.....1-6;
Make (a) 7. ...clean all seed....kinds.
Delete (b)

Page 3

- C. Agricultural seed buyers shall use a contract which clearly states the terms of purchase and basis for payment and conforms to Montana Contract Codes. Before seed is transported out of state the percentage dockage shall be determined. The seed shall be weighed at a State approved scale.
- D. Line 4..delete..specializes in and which he is equipped; and add: agrees to handle.
- D. (2) Delete - There shall be plainly printed across.....in storage."
- D. (3) Issue upon request a warehouse receipt for each lot of agricultural seed received for storage. All....
Page 4, Page 5, Page 6 are okay.

Page 7 Line 2.

Change...for the purchase of such screenings to --
for the disposal of such screenings.

RECEIVED
MONTANA

GRAIN ELEVATOR ASSOCIATION

July 24, 1974

AGRICULTURE DEPT
6201

To: Montana Grain Elevator Association Members

From: Oliver Thorvilson/Sec.-Treasurer

The Board of Directors of the Montana Grain Elevator Association met on Monday July 15th at the Town House in Great Falls.

Those in attendance were: R.F. Denison, President; Committee on Seed Processing regulations: Stan Halvorson, Ray Aman, Ben Stomberg. Also, Ray Fisher, Jack Hemmingson, Clarence Olfert, Lowell Babcock, Ray Yort, George Boos, Kent Norby, Oliver Thorvilson, and Burt Ginther, from MSU in Bozeman.

The meeting was held for the purpose of reviewing and discussing the First Draft Seed Processing Plant Regulations:

Mr. Ginther explained that the reason for writing up a set of regulations is to enable the execution of a law covering seed cleaning and processing which went into effect July 1, 1973. Much of the discussion was negative because the opinion of most of those present was that the cleaning done at the grain elevators while not completely satisfactory has not in itself been any significant factor in contaminating the land either with weeds or undesirable mixtures of grain.

It was recommended that Sec. (1) under Regulation 2 A which required that all seed lots must be accounted for, and a processing report shall be made showing gross weight received, clean out and clean seed yield for each lot should apply to 1st class seed plants only and that a new section should be written to apply to commercial or sub standard cleaning plants. Sec. (3) which refers to holding samples for one year should apply to 1st class seed plants.

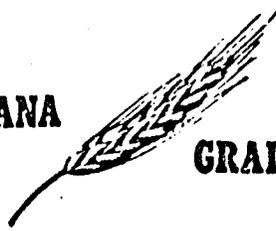
It was agreed that there are not enough 1st class seed processing plants to come close to meeting the needs for cleaning services required in the state.

If severe regulations are placed upon the Country Elevators, it might be a disservice to the farmers and many would be unable to get their grain cleaned for seeding due to lack of facilities.

Most of those present agreed that they would welcome having enough seed cleaning houses in Montana to take care of cleaning needs.

MONTANA

GRAIN ELEVATOR ASSOCIATION



Mr. Ginther stated that the recommendations and views that were discussed today would be taken into consideration when the regulations are again reviewed which will probably be some time in August. He will send sufficient copies of the next draft to the secretary so that all directors and committee members can have a copy of same. Mr. Ginther also agreed to keep the committee posted and should it be advisable they can meet with the Department of Agriculture to make further recommendations.

There will ultimately be a hearing but prior to that it is the intention to have an open meeting to which all interested parties will be invited.

6/13/74 RECEIVED

JUN 21 1974

MONT STATE DEPT AGRICULTURE 6201

To Whom It May Concern:

From: Lund Seeds - Ben L. Lund

Ben L. Lund

After studying the proposed seed processing plant regulations, I have several questions and ideas which I would like to express from a processors point of view.

With the ever increasing cost of attorneys' fees, of amount of red tape and paperwork involved to do business, I would hope the proposed regulations could be very short and simple.

Regulations 2 A - (1)

Can you imagine a little one man processing plant like I have, making 5 - 600 reports to the state per year? If a processor is going to report all commercial lots cleaned, as a processor, I would like one of the following in order of preference:

1. No report necessary - but all processors keep a record for two years of each lot cleaned.
2. The state accept a copy of the processors scale ticket with the required information on it. (my tickets now have all of the info required)
3. The state require a certain format for scale ticket and accept a copy of these as a report.

Regulation 2 A - (2)

A price schedule is quite complex for a processor who tries to do a good job. Some lots of seed need to be run several different times over several different types of cleaners. Some lots of seed (especially grasses but also barley) come in so trashy they won't go through a scalper and some lots are very clean. A price schedule is nice for inspectors etc. but I don't think they are followed to closely.

Regulation 2 A - (6)is very important

Regulation 2 B - (4) and Regulation 2 C

The Department of Agriculture has enough things to approve and get involved in. The department should set their standards, simply and concise, and the licensee be required to meet these standards.

Regulation 2 - D (1)

Do I understand this correctly? A public warehouseman shall be required to accept anyone's seed that is in condition for storage. What about seed that is contaminated with noxious weeds?

As a processor of commercial seed I would not be in favor of these regulations as written. With very little change and refinement I feel these regulations would be in the best interests of the future of the agri-community.

RECEIVED

JAN 21 1975

ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL QUALITY
COUNCIL

Department: Montana Department of Agriculture
Action initiated by: Centralized Services

Prepared by: George A. Algard
Environmental Planner

Type of Action: Assessment of Proposed Seed Processing Regulations.

A. DESCRIPTION OF PROPOSED ACTION:

The Commissioner of the Montana Department of Agriculture proposes to introduce regulations outlining minimum standards for several classes of seed processing plants in Montana. Also included are regulations concerning public agricultural seed warehouses, seed warehousemen, seed labelers, and the handling of screenings. These regulations will be introduced under the Agricultural Seed Warehouse Act of 1973 (authority: Section 3-315, R.C.M. 1973). A copy of the proposed regulations is attached.

B. PURPOSE OF THE REGULATIONS:

The proposed regulations have several primary objectives. They are:

1. To prevent the further expansion of objectionable and noxious weeds onto presently uninfested lands in Montana. (This includes crop, range, and forest lands in the state.) This will mean that the present level of production will be maintained and should assist in the eventual eradication of these weeds by chemical and cultural practices on currently infested lands.

This should have two positive effects: a reduced cost to the producer because of the reduction of needed herbicide; and, a reduction in pesticide use will reduce the presence of these chemicals in the surrounding air, water, soil, and in the plant and animal tissues. The net result should be an increase in productivity and an improvement in the quality of the crops produced. In general, it can be stated that the reduction of weeds is an energy conservation measure. The reasons for this are:

- a. Fewer weeds found in a field crop will reduce the tillage requirements both before and after seeding.
 - b. Fewer weeds will reduce the need for herbicides. This will result in a fuel savings of either gasoline or diesel fuel or both.
 - c. Once the regulations are in effect, the energy requirements for cleaning seed will be reduced as the amount of foreign material to be removed is minimized.
2. To prevent (or greatly reduce) varietal seed mixtures and other crop mixtures. These regulations will result in a general upgrading of seed processing facilities which will result in a reduction of varietal seed mixtures which will reduce competition between different seed species. This will increase the quality of the crop and also the productivity of the crop which will be of direct economic benefit to the producer.

3. To prevent the planting of large quantities of all types of weed seeds. The regulations on adequate handling of screenings will prevent the re-introduction of weed seed back into the environment. These regulations may have a secondary effect in that with adequate control of screenings, even urban areas may be positively benefitted by the reduction of weeds which normally appear in lawns, gardens, roadsides, and vacant lots and fields.

It is a well established fact that weeds can be an aggressive competitor for food, water, and sunlight with other plant species. In addition to this type of competition, it has been found that a species such as quackgrass (Agropyrum repens) produces a toxic substance in its roots (rhizomes) that inhibits the growth of several crops (Krommedahl et. al., 1959, Weeds 7: 1-12).

To give some idea of the impact of weeds on crops, several pages containing estimates of the effects of wild oats in agricultural crops have been included (pp. 4, 5, 6). As can be seen from these estimates, the loss from just wild oats can be substantial. In addition to this, the amount of money allocated by the Weed Control Districts in the state for the control of noxious weeds was approximately \$2,300,000 in 1973.

Public Health

A secondary, but certainly an important consideration, is the human health side of the picture. Each spring and fall many Montanan's are adversely affected by the presence of weed pollens in the air.

PROPOSAL FOR AREA WILD OAT CONTROL PROGRAM
 M. J. Jackson and Arthur F. Shaw, Agronomists
 Cooperative Extension Service

Situation:

Wild oat infestations occur generally throughout the dry and irrigated croplands of the state. They result in more total crop loss in yield due to competition for moisture and nutrients than any other annual, biennial or perennial weed. Wild oats reduce the quality of the crop due to increased foreign material, thereby increasing transportation, marketing and processing costs for commercial grain or seed. Studies have shown that as few as 10 wild oat seedlings per square yard can reduce crop yields, two bushels per acre. More recent studies indicate that 20-40 plants per square yard can reduce the yield of spring wheat as much as four bushels per acre from both fertilized and unfertilized ground. Infestations up to 160 wild oats per square yard reduced yields approximately 20 bushels per acre.

Reduced yields of two bushels per acre can mean a loss of \$1.60 per acre for barley and \$2.60 per acre for wheat on past prices. Considering more recent prices of grain, a two bushel yield loss greatly emphasizes this loss

The extent of wild oat infestations in Montana can best be expressed in per cent of total acreage. From observations made throughout the state a conservative estimate of 50 per cent can be quoted on dryland acreage and 75 per cent on irrigated lands. A estimate of 50 per cent of these percentages can be considered as heavy infestations.

Acreages of wild oat infestations in cereal grains.

<u>Wheat</u>	Winter	- Dryland - 900,000 acres.
		Irrigated - 17,000 acres.
Spring	- Dryland - 1,100,000 acres.	
		Irrigated - 30,000 acres.
Durum	- Dryland - 80,000 acres.	
		Irrigated - 750 acres.
Barley	- Dryland - 750,000 acres.	
		Irrigated - 75,000 acres.
Oats	- Dryland - 90,000 acres.	
		Irrigated - 20,000 acres.

Some drill box surveys have indicated that 45 per cent of the seed being used by farmers is infested with wild oats. The degree of infestation will vary with the area and availability of seed for that particular year. Field infestations also will vary with the availability of moisture in the area. The production of pedigreed seedstock in sufficient quantity to serve Montana's commercial producers is in jeopardy because of the extensive wild oat problem.

Chemicals are available which are effective in controlling wild oats if used correctly. Cultural and seed use practices can likewise be improved through a closer liason with technical personnel serving the farmers.

Approximate Wild Oat Losses in 1973

Winter wheat	-	Dryland	\$7,200,000
		Irrigated	272,000
Spring wheat	-	Dryland	8,800,000
		Irrigated	480,000
Durum	-	Dryland	960,000
		Irrigated	18,000
Barley	-	Dryland	3,000,000
		Irrigated	600,000
Oats	-	Dryland	540,000
		Irrigated	<u>200,000</u>
		TOTAL LOSS	\$22,070,000

Based on two bushel loss for wheat and barley on dryland and four bushel on irrigated land at a value of \$4.00 and \$2.00 per bushel for wheat and barley respectively. \$6.00 per bushel for durum and three and five bushel losses for oats at \$2.00 per bushel.

Table 2. Effect of Wild Oat Populations on Yield.

W. O./Ft.	LOSS WHEN WEED FREE YIELD IS 30 BU/A	
	Wheat	Barley
0	0	0
1	3.2	2.2
2	4.5	3.1
3	5.6	3.8
5	7.2	4.9
7	8.5	5.8
10	10.2	6.9
15	12.5	8.5
20	14.4	9.8

(H. A. Friesen, 1973. Identifying Wild Oats Yield Losses and Assessing Cultural Control Methods, Proceedings Wild Oats Seminar, Agriculture Canada and United Grain Growers, Saskatoon, Saskatchewan).

Duration of competition also determines loss of yield. D.A. Dew, of the LaCombe, Alberta Research Station has calculated an index of competition for wheat and barley which is unique for each weed and crop combination and is independent of the estimated weed free yield of the crop. Using his index of competition for barley and wheat he prepared a graph (Figure 1) which shows the effect of 10 wild oat plants per square foot on their yield. No further yield loss occurs 45-50 days after emergence. The need for eliminating competition early is obvious. Using this graph it is possible to predict the return from using a herbicide. Assume an infestation of 10 wild oat plant/square foot and an anticipated wheat yield without weeds of 30 bushels per acre. From the graph grain yield would be 70% or 21 bushels if the wild oats were not removed. Suppose carbyne was applied 10 days after emergence and was 100% effective. It would increase yields by $.95 \times 30$ minus 21 or 7.5 bushels per acre. Since carbyne is only about 80% effective the yield increase would only be $.80$ times 7.5 equal 6.0 bushels per acre. The return with wheat at \$4.00 per bushel can be readily calculated. With the carbyne costs around \$3.00 plus application, the benefit-cost ratio seems quite favorable.

Wild oat control is possible as evidenced by the fact that some growers are successfully producing wild oat free small grains. However, control is not easy. It involves careful management, attention to details and co-operation with the weatherman. The following suggestions have been shown to be helpful after removal of the crop.

Fall tillage

If weather is dry for 2 to 3 weeks after harvest, shallow tillage will promote early germination of wild oats in the spring. If weather is wet, tillage may not help. In any case fall tillage must be shallow.

Any reduction of the weed seed in the State will bring some relief to the many Montanan's suffering from sinus and respiratory problems caused by the seed pollens produced by many of our common weeds.

Cooperation

It is recognized that these regulations will aid in accomplishing the above-named objectives only if there exists complete cooperation between and among the Montana farmers and ranchers, the seed industry people, the weed control people, the agri-business people, and the Montana Department of Agriculture.

C. ENVIRONMENTAL IMPACTS OF THE PROPOSED REGULATIONS ON THE SEED PROCESSING INDUSTRY:

Primary Impact: Economic

It is recognized (by the Montana Department of Agriculture) that many of the existing seed cleaning facilities do not meet the standards for either a first class or commercial plant classification. It is also recognized that plant improvements will require both time and money. The cost of plant improvement will vary considerably depending upon existing facilities, type of plant classification desired, availability of desired equipment, etc. It is hoped that the cost of plant improvement will not be beyond the means of any individual who sincerely wishes to remain in the seed processing business. On the other hand, to reject the regulations merely on a cost per plant basis is unrealistic when one considers what unclean seed is costing individual producers (and the State as a whole) on an annual basis.

It is the Department's intent to allow sufficient time for any plant modifications that need to be made. For this reason, a sub-standard plant will be allowed to exist until July 1, 1978.

Secondary Impacts

- a. There may be some isolated sections in the State where there is only one plant in the area. If this plant closed down, it would force producers to truck their seeds for cleaning perhaps many miles. It is recognized that this is a possibility and is another reason for allowing three and a half years to update existing facilities.
- b. Additional record keeping. The additional records to be kept will require a small amount of additional time. The intent of the additional inclusions is for the protection of both the processor and the producer.
- c. Additional space and time for sampling. A comparison of the sample taken before cleaning with the one taken after cleaning provides an accurate measure of the degree of cleaning that has actually taken place. The sample could prove to be important to the processor if a question ever arose about his ability to provide "clean seeds" or his ability to maintain the integrity of a lot of seed. Most viable businessmen keep their records at least a year (in many cases three years for tax purposes); and since the sample is a record, it too should be kept for a year.

d. The regulations regarding screenings are for the protection of the producer and the processor, and the regulation regarding screenings coming from outside the state is for the protection of the entire state. For many years, Montana has been the dumping ground for out-of-state screenings (containing weed seed) while our neighbors, North Dakota, Wyoming, Idaho, and Washington, because of their regulations, prevented the importation of unprocessed screenings. Hopefully, this regulation will stop the flow of weed seeds from surrounding states into Montana.

D. ALTERNATIVES TO THE PROPOSAL:

The alternatives of no new regulations or watered-down regulations would merely be a continuation of the status quo. If Montana producers ever hope to increase production and decrease noxious weed populations in the state, these regulations will at least provide a beginning. Again it should be emphasized that seed processing plants which are presently inadequate by the new regulations will have three and a half years to upgrade their facilities.

E. ADDITIONAL COMMENTS:

Most of the seed and grain associations in the State have had an opportunity to review the proposed regulations, and copies of their comments have been attached.

F. PUBLIC HEARING:

A public hearing on the proposed seed regulations will be held Thursday, February 13, 1975, at 10:00 A.M. at the Highway Department Auditorium in Helena, Montana. Written comments on these regulations should be directed to Mr. George Lackman, Commissioner, Department of Agriculture, Capitol Annex, Helena, Montana 59601, on or before February 13, 1975.