

**Department of Agriculture, Plant Protection and Weed Control**  
**Notice of Hearing on Proposed**  
**Administrative Regulations, Statewide**

A public hearing will be conducted at 10:00 a.m. on October 19, 2023, in the 1<sup>st</sup> floor meeting room 124 of the Kansas Department of Agriculture, 1320 Research Park Dr., Manhattan, Kansas, to consider the adoption of proposed regulations. The public hearing will be conducted in person and via video conferencing system. Members of the public who wish to attend the public hearing virtually must pre-register at [https://kansasag.zoom.us/meeting/register/tZIsfumorDwuHdLVuq2h9q7\\_UyzX7tDSjzm3](https://kansasag.zoom.us/meeting/register/tZIsfumorDwuHdLVuq2h9q7_UyzX7tDSjzm3). After registering, you will receive a confirmation email containing information about joining the meeting.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments regarding the proposed regulations. All interested parties may submit written comments prior to the hearing by mail or email to Kansas Department of Agriculture, Attn: Ronda Hutton, 1320 Research Park Dr., Manhattan, Kansas 66502, or [ronda.hutton@ks.gov](mailto:ronda.hutton@ks.gov). Comments may also be made via the Kansas Department of Agriculture's website at <https://www.agriculture.ks.gov/document-services/public-comment>.

All interested parties will also be given a reasonable opportunity to orally present their views regarding the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows:

The Kansas Department of Agriculture (Department) is proposing four new regulations and amendments to two existing regulations for the administration of the Kansas Seed Law, K.S.A. 2-1415 et seq., and amendments thereto. The proposed new regulations would implement revisions that were made to the Kansas Seed Law during the 2022 Legislative Session, while the proposed amendments simply implement minor clarifications. A summary of the proposed regulations is as follows:

The proposed amendment to K.A.R. 4-2-1 revises an outdated reference to the Kansas State Board of Agriculture to refer to the Kansas Department of Agriculture;

K.A.R. 4-2-8a is a proposed new regulation that provides that the term "noxious weed seed" used in K.A.R. 4-2-8 refers to prohibited weed seed, noxious weed seed, and restricted weed seed as those terms are defined in K.S.A. 2-1415, and amendments thereto;

K.A.R. 4-2-8b is a proposed new regulation that provides that an analysis conducted by a person other than an authorized representative of the Department may be considered as evidence that a violation of the Kansas Seed Law has been remedied following the issuance of a stop sale order pursuant to K.S.A. 2-1423(c), and amendments thereto, but that the analysis conducted by an authorized representative of the Department is to be the official analysis upon which a determination of whether a violation of the Kansas Seed Law has occurred;

K.A.R. 4-2-9a is a proposed new regulation that establishes the species of weeds whose seeds are considered restricted weed seeds and establishes the permissible rate per pound at which such weed seeds may be present in agricultural seed. The list of restricted weed seeds contained in this regulation is largely the same as the list of restricted weed seeds that was

previously contained in K.S.A. 2-1415, and amendments thereto, with the addition of Caucasian bluestem and yellow bluestem to the restricted weed seed list;

K.A.R. 4-2-9b is a proposed new regulation that establishes the species of weeds whose seeds are considered prohibited weed seeds and provides that such weed seeds are not to be present in agricultural seed in any amount. Prohibited weed seeds include Texas blueweed, Columbus grass, and any weed species whose seeds cannot be distinguished from Johnsongrass seed. This regulation presents no practical changes to the Kansas Seed Law, as agricultural seed containing the seeds of these species in any amount was previously prohibited from being offered for sale by K.S.A. 2-1421, and amendments thereto; and

K.A.R. 4-2-14 is an existing regulation that provides that agricultural seed that is exposed in a salesroom, storeroom, warehouse, or other place where seed is sold for sowing purposes is to be offered or exposed for sale unless the seed is clearly labeled otherwise. The proposed amendment to this regulation clarifies that such labels must also be permanent.

The proposed rules and regulations do not exceed any requirements of federal law. Federal law does not impose any significant requirements substantially similar to those contained in these regulations, as federal law in the area of agricultural seed deals primarily with the importation of seed into the United States and with seed moved in interstate commerce. The overall approach taken by contiguous states in regulating agricultural seed is similar to the approach taken by these regulations, with the major difference being that contiguous states do not restrict the number of Caucasian or yellow bluestem seeds that are permitted in agricultural seed.

These regulations will not significantly restrict business activities or growth. The only change imposed by these regulations that has the potential to have a practical effect on the agricultural seed industry is the addition of Caucasian bluestem and yellow bluestem seeds to the list of restricted weed seeds in K.A.R. 4-2-9a. With that regulation in place, agricultural seed producers will have to ensure that Caucasian bluestem and yellow bluestem seeds are not present in quantities greater than the allowed tolerance in seed they intend to offer for sale. However, producers are already required to remove the seeds that were previously designated prohibited weed seeds from seed offered for sale and to ensure that restricted weed seeds present in seed offered for sale do not exceed existing tolerances. As such, agricultural seed producers should already have the necessary equipment and personnel to perform this task. Accordingly, any additional costs imposed on affected business by these regulations will be minimal. Making Caucasian bluestem and yellow bluestem restricted weed seeds has the potential to benefit certain sectors of the agricultural and tourism economies of the state long-term by helping to reduce the presence within the state of these highly invasive weed species, which harm native grass species and negatively impact the biodiversity of Kansas prairies.

The proposed rules and regulations will not increase or decrease revenues of cities, counties or school districts, or impose functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability. The Department sent letters to the League of Kansas Municipalities, Kansas Association of Counties, and the Kansas Association of School Boards requesting input as to the effect of the proposed rules and regulations on those entities. To date, neither the Kansas Association of Counties or the Kansas League of Municipalities has responded to that inquiry. The Kansas Association of School Boards did respond and reported that it expects no impact to that organization as a result of the proposed regulations.

In developing the proposed regulations, the Department also sought input from the Kansas Seed Improvement Association, the Kansas Corn Growers Association, the Kansas Soybean Association, Kansas Grain Sorghum, the Kansas Grain and Feed Association, the Kansas Wheat Alliance, and Kansas Farm Bureau.

Any individual with a disability may request accommodations to participate in the public hearing and may request the proposed regulations and their economic impact statement in an accessible format. Requests for accommodations should be made at least five working days in advance of the hearing by contacting Ronda Hutton, via telephone at (785) 564-6715 or via fax at (785) 564-6777. Handicapped parking is located on the west side of the building at 1320 Research Park Drive, Manhattan, and the west entrance to the building is accessible to individuals with disabilities.

Copies of the regulations and their economic impact statement may be obtained by contacting the Department via mail at Kansas Department of Agriculture, Attn: Ronda Hutton, 1320 Research Park Drive, Manhattan, KS 66502, via telephone at (785) 564-6715, or via the Department's website at [agriculture.ks.gov](http://agriculture.ks.gov).

Michael M. Beam  
Secretary  
Kansas Department of Agriculture