

CERTIFIED WEED FREE HAY – WHAT ARE THE MARKETING IMPLICATIONS?

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ABSTRACT

Methods of certifying and identifying weed-free forage (straw or hay) have been developed in California, as they have earlier in MT, WY, CO, ID, NB, and UT. The California Alfalfa & Forage Association has followed this program throughout its conception, and expressed concerns about its efficacy and market implications. Certification of hay excludes propagative plant parts (e.g. seeds and stolons) from hay by visual inspection just before harvest, not vegetative weeds. The text of the Weed-free certification program for California is provided in this paper. The purpose of this program is to limit the spread of noxious weeds, especially in those National Parks and National Forest Service and Bureau of Land Management lands. There will be mandated requirements for weed-free forage for these federal lands in the near future. Although development of weed free hay provides some potential minor niche opportunities for growers, it probably has a greater immediate impact upon straw markets due to the volume of straw demanded by state and federal agencies for erosion control. Long term, it is uncertain whether other buyers will adopt demands for weed free hay, moving it from a 'niche market' status to more broadly accepted class of hay. If volumes become greater, this could have important consequences for production practices (increased weed control sprays), and market function (ability to market medium and low quality hay).

Keywords: marketing, weeds, weed-free hay, CAFA, regulation, wildlife

INTRODUCTION

The origin of the Weed Free Forage Program goes back about 20 years when some of the western states became concerned about noxious weeds becoming highly competitive with native plants. In highly infested areas, significant losses to agricultural production and wildlife habitat can occur. Noxious weeds can spread in a number of ways, one of which is by seeds or with propagative plant parts in hay. The certified weed free program is one of the tools being used in Montana, Wyoming, Colorado, Idaho, Nebraska, and Utah to limit the spread of noxious weeds on National Park Service, National Forest Service, and Bureau of Land Management lands. To date, California has not participated. However, last spring, guidelines were developed to initiate a weed free forage program similar to those used in the other western states. At the request of these Federal land management agencies, the weed free forage programs are to be implemented and enforced by the year 2004.

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BASICS OF THE CALIFORNIA PROGRAM

The purpose of the program is to develop a voluntary certification procedure to certify forage free from seeds or other propagative plant parts of noxious plants listed by the California Department of Food and Agriculture. This certification is to meet the requirements for weed free forage to be used on federal lands, or for any other purpose. These statewide regulations provide the basis for Agricultural Commissioners of any county to certify that a field is producing weed-free hay, and a mechanism to identify that hay in the marketplace.

This program defines noxious weeds as any species of plant that is or liable to be troublesome, aggressive, intrusive, detrimental or destructive to agriculture, forestry, or the natural plant community. Propagative plant parts include live roots, stolons, rhizomes, seeds or other plant material capable of reproduction. Forage is defined as any hay, straw, or mulch material. Applications for certification must be made to the Ag Commissioner in the county where the crop is grown at least 14 days prior to harvest. The forage crop shall be inspected in the field of origin by the Ag Commissioner no more than 5 days prior to harvest and shall include surrounding ditches, fencerows, rights of way and buffer zones. A grower must keep the hay stored in a manner to prevent contamination with weeds or mixing with non-certified lots of hay. A fee is levied for this inspection. To track weed-free hay, certificates of inspection will be maintained and kept with the forage and the Ag Commissioner will issue color-coded twine to help identify the hay in the marketplace. A fine may be levied for violations. Violations of these regulations in Wyoming and Idaho can result in a fine of not more than \$5,000, jail for no more than 6 months, or both.

CONCERNS REGARDING THE PROGRAM

The California Alfalfa and Forage Association has monitored the development of the California Weed Free Program from some of the earliest meetings in Sacramento. From the onset, our concerns centered around the question of how serious a source of contamination was presented by hay in contributing to the spread of noxious weeds (will a weed-free program really help solve the problem?), as well as market impacts.

The volume of hay to be brought on these federal lands may be miniscule—amounting to perhaps less than 500 tons/year for horse parties and other activities. (California produces about 7 million tons/year). However, when the use of forage as a mulch or straw was included, it became clear that CalTrans, who uses a great deal of straw as mulch, would be a huge factor – since they will likely require all straw used for erosion control will be certified weed free. Also, cars and vehicles on highways and construction equipment should receive as much attention as livestock feeds as a source of spreading noxious weeds. Actually, some states realize motor vehicles are a major source and fund the inspection program with vehicle registration fees. The lack of weed control along highways is also a major factor when highway departments neglect to care for this problem.

Impact upon Low Grade Markets

CAFA grower members Martin Pozzi and Duane Chamberlain brought up the use of lower grades of hay that many not pass certification by cow-calf operations on state lands and the dairies on the Point Reyes National Seashore lands. If the hay industry loses this market, serious economic hardship would occur for the producer as well as the feeder, since more expensive hay would be required. All hay producers have some weed problems with seedling fields and the loss of the off-grade hay market due to the weed free program would be costly. Also, what about emergency feeding of wildlife during stormy weather or drought conditions? More expensive weed free certified hay would be necessary or maybe they wouldn't get fed due to the lack of availability of weed free certified hay or it just costs too much.

Spreading of Demands for Weed-Free Hay to Other Applications

An added concern is that State governments, foundations, or other land owners influenced by environmental interests will decide to adopt the weed free requirements creating an even larger demand for weed-free hay. Exporters could also latch onto the concept of certified 'weed free' hay, making certification a requirement for hay exported to the Far East. Some producers might see opportunities in promoting 'weed-free' hay, creating greater demand where none previously existed. Thus what began as a very minor project to protect federal lands from invasion of weeds may have some influence on the way hay is perceived by buyers, and upon the behavior of markets.

Implications of the Weed-Free Program

There is lingering concern by some growers and attendees at the early meetings as to whether production of weed-free hay will have any impact upon the noxious weed population in wild areas at all. Other factors, such as transfer into wild areas by vehicles, mismanagement of wild areas by government agencies could contribute significantly to the noxious weed problem. Allowing noxious weeds to grow without control in national parks or wild areas is likely to cause a far greater problem than the small amount of introduced forage.

Another aspect is that chemical sprays are the producers' best tool for combating noxious weeds in production fields. It is ironic that some government regulators are busy trying to reduce the number of chemicals available for control of weeds and pests, while other regulators are requiring the production of weed-free hay, thereby increasing the requirements for pesticide sprays.

Niche Markets and Market Implications

Although this program is currently a small one with relatively minor implications for the hay markets (the total quantity of hay currently used on federal lands in California is probably less than 500 tons), it has greater potential immediate implications on the straw markets, since straw will fall under the same regulations. The inspection of straw fields for 'weed free' status may be problematic, given that most straw is harvested within a very short time-frame. There is a much greater volume of straw used for erosion control and other purposes, especially by CalTrans and other agencies. Growers who have the ability to produce this type of hay or straw could probably expect a premium price for their production, but this of course depends upon supply and demand situations at the time. There may be some opportunities for growers who want to produce forage that meets these weed free requirements, but the volumes are currently low, and

should be currently considered a 'niche market'. However, this could change if other buyers begin adapting demands for weed-free hay or growers begin touting the value of weed-free hay to buyers. An official contacted in Montana said after 20 years experience that the jury is still out on whether the grower can gain back a premium that will truly cover all costs involved with growing and delivering a weed free product.

(The following is the text of guidelines adapted by CDFA for certification of weed-free forage)

**GUIDELINES UNDER
CALIFORNIA FOOD AND AGRICULTURE CODE SECTION 5101 & 5205
FOR THE CERTIFICATION OF WEED FREE FORAGE, HAY, STRAW and MULCH**

STATEMENT OF PURPOSE

The purpose of these rules is for the certification of forage free from noxious weeds. Forage certified under these procedures will satisfy the requirements of the United States Forest Service, Bureau of Land Management, the National Park Service, and any other agency accepting these procedures, permitting only weed free forage on lands under their control. Included are definitions of terms, state list of noxious weeds, procedures for inspection and certification of weed free forage, and procedures for identifying and tracking certified forage crops. Authority to certify forage as weed free is permitted under sections 5101 and 5205 under authority of section 403 of the California Food and Agricultural Code.

.00 DEFINITION OF TERMS

- a. "Weed free" means to be free from propagative plant parts and seed from plants listed in the California Code of Regulations, Title 3, Division 4, Chapter 6, Subchapter 6, Section 4500.
- b. "Propagative plant parts" are any part of a plant capable of reproducing itself, including live roots, rhizomes, stolons or any other viable part.
- c. "Noxious weed" means any species of plant that is, or is liable to be, troublesome, aggressive, intrusive, detrimental, or destructive to agriculture, silviculture, or native plant communities, and difficult to control or eradicate, which the secretary, by regulation, determines to be a noxious weed.
- d. "Secretary" means the Secretary of the California Department of Food and Agriculture.
- e. "Certification" as used in this document means to certify a forage cutting as to the producer, commodity, amount of production, and freedom from weed content.
- f. "Forage" includes hay, straw or mulch.
- g. "Producer" is the grower of the forage.

- h. "Commissioner" as used in these rules includes county agricultural commissioners and their deputies and inspectors.

WEED LIST

- a. Certified Weed Free Forage shall be free from propagative plant parts of noxious weeds listed in section 4500 of title 3, division 4, chapter 6, subchapter 6 of the California Code of Regulations.

3.00 PROCEDURES FOR CERTIFICATION OF WEED FREE FORAGE CROPS

- a. Application for certification shall be made by the producer or his agent to the agricultural commissioner of the county where the crop to be certified is growing or will be grown. Such application shall be made no later than 14 days prior to harvest. Application shall be made on a form(s) required by the commissioner. Application shall include grower's name, address, telephone number, field location(s), crop, acreage(s), estimated yield, and a detailed map of the field(s) to be certified.
- b. Requests for certification inspections shall be made at least 14 days prior to harvest. Requests may be made in person, by phone, or by fax or any other method permitted by the commissioner. Requests shall include grower, field number or location, crop, date of proposed harvest, and estimated total production by weight and number of bales.

4.00 INSPECTION PROCEDURES PRIOR TO CUTTING

- a. The forage crop shall be inspected in the field of origin by the agricultural commissioner no more than 5 days prior to harvest. The inspection shall include surrounding ditches, fence rows, rights of way, and buffer zones. The harvested forage crop shall be removed from the field within 14 days and shall be stacked and stored at any site where it would not be allowed to become contaminated with propagative noxious weed components.
- b. Forage which contains any weed(s) designated on the prohibited noxious weed list may be certified weed free if the following conditions are met:
 - 1. Live roots, rhizomes, stolons, seeds, or other propagative plant parts of noxious weeds are not present in the forage to be harvested.
- c. Inspection procedures should be based on but not limited to methods outlined in the California Department of Food and Agriculture Nursery Manual and Quarantine Circulars, Seed Manual, and the National Plant Board Plant Quarantine, Nursery Inspection, and Certification Guidelines.

PROCEDURES FOR TRACKING AND IDENTIFYING CERTIFIED FORAGE

- a. A certificate of inspection shall be completed for each field and crop cutting inspected. The certificate shall document that all conditions of these rules have been met, and shall contain the grower's name, address, commodity, and estimated amount by number of bales and weight.

- b The producer shall keep inventory sheets for each cutting from each field and maintain records of each sale and quantity sold from each cutting.
- c. The producer shall maintain these records for 2 years and make them available for inspection by the county agricultural commissioner.
- d. All inspected forage shipments shall be accompanied by an embossed shipping document, or a tag, either of which may be issued by the county agricultural commissioner. Individual units which are subdivisions of the total shipment may be bound with a designated color-coded twine supplied to the agricultural commissioner by the U.S. Government and distributed to the producer. The use of these forage identification mechanisms shall be evidence that the forage is certified by the county agricultural commissioner to be weed free and traceable to the source of the original cutting.
- e Records shall be maintained for two years by anyone receiving shipments of certified weed free forage with the intention of distributing the product as certified weed free whether as a complete shipment or sub-divided.
- f. Each sale of sub-divided or partial shipments shall be accompanied by a receipt when requested by the buyer with the statement "The forage, hay, straw and/or mulch categorized by this receipt has been certified to be free from noxious weeds in accordance with the Food and Agricultural Code of California."

VIOLATIONS

- a. Any county agricultural commissioner, under the authority of section 5311 with reference to section 5208 of the State of California Food and Agricultural Code may, at any time, initiate a notice and hearing process to determine whether a violation of these provisions has occurred. Violations of Federal requirements concerning weed free forage on federal grounds will not be enforced by agricultural commissioners. The hearing process may review the actions of:
 - 1. The certificate holder; and
 - 2. Any other person whose actions may have resulted in the violation.
- b The notice of hearing shall be on a form approved by the secretary and contain:
 - 1. Specific provisions violated, and a warning to cease such violations; and
 - 2. A hearing date to determine if the certificate(s) involved in the violation or participation privileges should be revoked.

FEES

- a. The county agricultural commissioner may charge a fee for conducting inspections and issuing certificates as set by the board of supervisors of that county, but not to exceed the actual cost of performing the inspections and issuing the certificates as permitted by section 5202 of the California Food and Agricultural Code.