



A A S C O

ASSOCIATION OF AMERICAN SEED CONTROL OFFICIALS

R U S S L

RECOMMENDED UNIFORM
STATE SEED LAW

RECOMMENDED UNIFORM STATE SEED LAW (RUSSL)

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**RECOMMENDED UNIFORM STATE SEED LAW
FOR STATES DESIRING TO INCLUDE AGRICULTURAL,
VEGETABLE, FLOWER, AND TREE AND SHRUB SEEDS IN THEIR LAW**

Title

An Act to regulate the labeling, sale, offering, exposing or transporting for sale of agricultural, vegetable, flower, and tree and shrub seeds; to prevent misrepresentation thereof; to repeal all laws in conflict with this Act; and for other purposes.

(Note: Title and enactment clause should be worded in accordance with the requirements of the State).

This Act shall be cited as "The (Name of State) Seed Law".

SECTION 1. Definitions when used in this Act.

- (a) **"Advertisement"** - means all representations, other than those on the label, disseminated in any manner or by any means, relating to seed within the scope of this Act.
- (b) **"Agricultural seed"** - includes grass, forage, cereal, oil, fiber, and other kinds of crop seeds commonly recognized within this state as agriculture seeds, lawn seeds, and combinations of such seeds, and may include noxious weed seeds when the (state seed law enforcement officer) determines that such seed is being used as agricultural seed.
- (c) **"Blend"** - means seed consisting of more than one variety of a kind, each in excess of five percent by weight of the whole.
- (d) **"Brand"** - means a word, name, symbol, number, or design used to identify seed of one person to distinguish it from seed of another person.
- (e) **"Certifying agency"** - means (A) an agency authorized under the laws of a State, Territory or Possession to officially certify seed and which has standards and procedures approved by the U. S. Secretary of Agriculture to assure the genetic purity and identity of the seed certified, or (B) an agency of a foreign country determined by the U. S. Secretary of Agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under (A).
- (f) **"Complete record"** - means any and all information which relates to the origin, treatment, germination, purity, kind and variety of each lot of agricultural seed sold in this state, or which relates to the treatment, germination, kind and variety of each lot of vegetable and flower seed sold in this state. Such information includes seed samples and records of declarations, labels, purchases, sales, conditioning, bulking, treatment, handling, storage, analyses, tests and examinations.
- (g) **"Conditioning"** - means drying, cleaning, scarifying, and other operations which could change the purity or germination of the seed and require the seed lot to be retested to determine the label information.
- (h) **"Dormant"** - means viable seed, excluding hard seed, which fail to germinate when provided the specified germination conditions for the kind of seed in question.
- (i) **"Flower seeds"** - includes seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold under the name of flower or wildflower seeds in his State.
- (j) **"Genuine grower declaration"** - means a statement signed by the grower which gives for each lot of seed the lot number, kind, variety (if known), origin, weight, year of production, date of shipment and to whom the shipment was made.
- (k) **"Germination"** - means the emergence and development from the seed embryo of those essential structures which, for the kind of seed in question, are indicative of the ability to produce a normal plant under favorable conditions.
- (l) **"Hard seeds"** - means seeds which remain hard at the end of the prescribed test period because they have not absorbed water due to an impermeable seed coat.

- (m) **"Hybrid"** - means the first generation seed of a cross produced by controlling the pollination and by combining (1) two or more inbred lines; (2) one inbred or a single cross with an open pollinated variety; or (3) two varieties or species, except open-pollinated varieties of corn (*Zea mays*). The second generation of subsequent generations from such crosses shall not be regarded as hybrids. Hybrid designations shall be treated as variety names.
- (n) **"Inert matter"** - means all matter not seed, which includes broken seeds, sterile florets, chaff, fungus bodies and stones as determined by methods defined by rule.
- (o) **"Introduced wildflower"** - means kinds or the types and varieties derived from those kinds that are not indigenous to North America.
- (p) **"Kind"** - means one or more related species or sub-species which singly or collectively is known by one common name, for example, corn, oats, alfalfa, and timothy.
- (q) **"Labeling"** - includes a tag or other device attached to or written, stamped, or printed on any container or accompanying any lot of bulk seeds purporting to set forth the information required on the seed label by this act, and it may include any other information relating to the labeled seed.
- (r) **"Lot"** - means a definite quantity of seed identified by a unique lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors which appear in the labeling.
- (s) **"Mixture", "mix", or "mixed"** - means seed consisting of more than one kind, each in excess of five percent by weight of the whole.
- (t) **"Mulch"** - means a protective covering of any suitable substance placed with seed which acts to retain sufficient moisture to support seed germination and sustain early seedling growth and aid in the prevention of the evaporation of soil moisture, the control of weeds and the prevention of erosion.
- (u) **"Native wildflower"** means kinds or the types and varieties derived from those kinds that are indigenous to North America.
- (v) **"Noxious weed seeds"** - are divided into three classes-- **"Prohibited Noxious Weed Seeds"**, **"Restricted Noxious Weed Seeds"** and **"Undesirable Grass Seeds (UGS)"** as defined in (1) and (2) and (3) of this subsection:
 - (1) The term **"prohibited noxious weed seeds"** are those weed seeds which are prohibited from being present in agricultural, vegetable, flower, tree, or shrub seed. They are the seeds of weeds which are highly destructive and difficult to control by good cultural practices and the use of herbicides.
 - (2) The term **"restricted noxious weed seeds"** are those weed seeds which are objectionable in agricultural crops, lawns, and gardens of this state and which can be controlled by good cultural practices or the use of herbicides.
 - (3) The term **"Undesirable Grass Seeds (UGS)"** are seeds of grass species declared to be **restricted noxious weed seed** when found in lawn and turf seed.
- (w) **"Off type"** - means any seed or plant not a part of the variety in that it deviates in one or more characteristics from the variety as described and may include: a seed or plant of another variety; a seed or plant not necessarily any variety; a seed or plant resulting from cross-pollination by another kind or variety; a seed or plant resulting from uncontrolled self - pollination during production of hybrid seed; or segregates from any of the above.
- (x) **"Origin"** - for an indigenous stand of trees is the area on which the trees are growing; for a non-indigenous stand, it is the place from which the seeds or plants were originally introduced.
- (y) **"Other crop seed"** - means seeds of plants grown as crops (other than the kind or variety included in the pure seed) as determined by methods defined by rule.
- (z) **"Person"** - means an individual, partnership, corporation, company, association, receiver, trustee or agent.
- (aa) **"Private hearing"** - may consist of a discussion of facts between the person charged and the enforcement officer.
- (bb) **"Pure live seed"** - means the product of the percent of germination plus hard or dormant seed multiplied by the percent of pure seed divided by 100. The result is expressed as a whole number.
- (cc) **"Pure seed"** - means seed exclusive of inert matter and all other seeds not of the seed being considered as determined by methods defined by rule.

- (dd) "**Seizure**" - means a legal process carried out by court order against a definite amount of seed.
- (ee) "**Stop sale**" - means an administrative order provided by law, restraining the sale, use, disposition, and movement of a definite amount of seed.
- (ff) "**Treated**" - means that the seed has received an application of a substance, or that it has been subjected to a process for which a claim is made.
- (gg) "**Tree and shrub seed**" - includes seeds of woody plants commonly known and sold as tree and shrub seeds in this State.
- (hh) "**Tree seed collector's declaration**" - is a statement signed by a grower or person having knowledge of the place of collection giving, for a lot of seed, the lot number, common or scientific name of the species (and subspecies, if appropriate), origin, elevation, and quantity of tree and shrub seed.
- (ii) "**Type**" - means a group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions
- (jj) "**Variant**" - means any seed or plant which (a) is distinct within the variety but occurs naturally in the variety, (b) is stable and predictable with a degree of reliability comparable to other varieties of the same kind, within recognized tolerances, when the variety is reproduced or reconstituted, and (c) was originally a part of the variety as released. A variant is not an off-type.
- (kk) "**Variety**" - means a subdivision of a kind which is distinct, uniform, and stable; "distinct" in the sense that the variety can be differentiated by one or more identifiable morphological, physiological or other characteristics from all other varieties of public knowledge; "uniform" in the sense that the variations in essential and distinctive characteristics are describable, and "stable" in the sense that the variety will remain unchanged in its essential and distinctive characteristics and its uniformity when reproduced or reconstituted as required by the different categories of varieties.
- (ll) "**Vegetable Seeds**" – includes the seeds of those crops which are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seeds in this state.
- (mm) "**Weed seed**" - means the seeds of all plants generally recognized as weeds within this state, as determined by methods defined by rule, and includes the prohibited and restricted noxious weed seeds.

SECTION 2. Label requirements for agricultural, vegetable, and flower seeds.

Each container of agricultural, vegetable, and flower seeds which is sold, offered for sale, or exposed for sale, or transported within this State for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information, which statement shall not be modified or denied in the labeling or on another label attached to the container:

(a) For all agricultural, vegetable, and flower seeds treated as defined in this Act (for which a separate label may be used):

- (1) A word or statement indicating that the seed has been treated.
- (2) The commonly accepted coined, chemical or abbreviated chemical (generic) name of the applied substance or description of the process used.
- (3) if the substance in the amount present with the seed is harmful to human or other vertebrate animals, a caution statement such as "Do not use food, feed, or oil purposes". The caution for mercurials and similarly toxic substances shall be a poison statement or symbol.
- (4) If the seed is treated with an inoculant, the date beyond which the inoculant is not to be considered effective (date of expiration).

(b) For agricultural seeds, except for cool season lawn and turf grass seed and mixtures thereof as provided in (c); for seed sold on a pure live seed basis as provided in (i); and for hybrids which contain less than 95% hybrid seed as provided in (j):

- (1) The name of the kind and variety for each agricultural seed component present in excess of 5 percent of the whole and the percentage by weight of each: Provided, that if the variety of those kinds generally labeled as to variety as designated in the regulations is not stated, the label shall show the name of the kind and the words, "Variety Not Stated". Hybrids shall be labeled as hybrids.
- (2) Lot number or other lot identification.
- (3) Origin (state or foreign country), if known, of alfalfa, red clover and field corn (except hybrid corn). If the origin is unknown, the fact shall be stated.
- (4) Percentage by weight of all weed seeds.
- (5) The name and rate of occurrence per pound of each kind of restricted noxious weed seed present.
- (6) Percentage by weight of agricultural seeds (which may be designated as "crop seeds") other than those required to be named on the label.
- (7) Percentage by weight of inert matter.
- (8) The total of **(b)**(1),(4),(6) and (7) must equal 100%.
- (9) For each named agricultural seed:
 - (A) Percentage of germination, exclusive of hard seed,
 - (B) Percentage of hard seeds, if present,
 - (C) The calendar month and year the test was completed to determine such percentages.

Following (A) and (B) the "total germination and hard seed" may be stated as such, if desired.

- (10) Name and address of the person who labeled said seed, or who sells, offers or exposes said seed for sale within this State.

- (c)** For cool season lawn and turf grasses including kentucky bluegrass, red fescue, chewings fescue, hard fescue, tall fescue, perennial ryegrass, intermediate ryegrass, annual ryegrass, colonial bentgrass, creeping bentgrass and mixtures thereof:
- (1) For single kinds, the name of the kind or kind and variety.
 - (2) For mixtures:
 - (A) The word "mix, "mixed", or "mixture" or "blend" shall be stated with the name of the mixture. (Reference "Definitions used in this act" for specific use).
 - (B) The heading "Pure Seed" and "Germination" or "Germ" shall be used in the proper places.
 - (C) Commonly accepted name of kind or kind and variety of each agricultural seed component in excess of five percent of the whole, and the percentage by weight of pure seed in order of its predominance and in columnar form.
 - (3) Percentage by weight of agricultural seed other than those required to be named on the label (which shall be designated as "crop seed").
 - (4) The percentage by weight of inert matter for lawn and turf grass not to exceed 10%, except that 15% inert matter is permitted in Kentucky bluegrass labeled without a variety name. Foreign material, other than material used for coating or pelleting, as in Section 2(d) or combination products, as in Section 2(k) (l), to enhance the planting value, not common to grass seed, may not be added.
 - (5) Percentage by weight of all weed seeds. Maximum weed seed content is not to exceed one-half of one percent (0.50%) by weight.
 - (6) The total of **(c)** (1),(2),(3),(4) and (5) must total 100%.
 - (7) Noxious weeds and Undesireable Grass Seed that are required to be labeled will be listed under the heading "Noxious Weed Seeds" or "Undesireable Grass Seeds". Undesireable Grass Seeds may not exceed 0.50% by weight.
 - (8) For each agricultural seed named under (1) or (2) above:
 - (A) Percentage of germination, exclusive of hard seed;
 - (B) Percentage of hard seed, if present;
 - (C) Calendar month and year the test was completed to determine such percentages. Oldest test date shall be used.
 - (D) The statement "Sell by _____" which may be no more than 15 months from the date of test exclusive of the month of test.
 - (9) Name and address of the person who labeled said seed, or who sells, offers or exposes said seed for sale within the State.
- (d)** For agricultural seeds that are coated.
- (1) Percentage by weight of pure seeds with coating material removed.
 - (2) Percentage by weight of coating material.
 - (3) Percentage by weight of inert material exclusive of coating material.
 - (4) Percentage of germination is to be determined on 400 pellets with or without seeds.
 - (5) In addition to the provisions of this section, labeling of coated seed shall comply with the requirements of Section 2 (a), (b) and (c).

(e) For vegetable seeds in packets as prepared for use in home gardens or household plantings or vegetable seeds in pre-planted containers, mats, tapes, or other planting devices:

- (1) Name of kind and variety of seed.
- (2) Lot identification, such as by lot number or other means.
- (3) (a) The calendar month and year the germination test was completed and the statement "Sell by _____", which may be no more than 12 months from the date of test exclusive of the month of test.

OR

- (b) The year for which the seed was packaged for sale as "Packed for yy" and the statement "Sell by yy" which shall be for a calendar year.

OR

- (c) The percentage germination and the calendar month and the test was completed to determine such percentage provided that the germination test must have been completed within 12 months exclusive of the month of test.
- (4) Name and address of the person who labeled said seed or who sells, offers, or exposes said seed for sale within this State.
- (5) For seeds which germinate less than the standard last established by the (state seed law enforcement officer) under this Act:
 - (A) Percentage of germination, exclusive of hard seed;
 - (B) Percentage of hard seed, if present,
 - (C) The words "Below Standard" in not less than 8-point type.

(6) For seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quantity of seed without removing the seeds from the medium, mat, tape or device, a statement to indicate the minimum number of seeds in the container.

(f) For vegetable seeds in containers other than packets prepared for use in home gardens or household plantings and other than pre-planted containers, mats, tapes, or other planting devices.

- (1) The name of each kind and variety present in excess of 5 percent and the percentage by weight of each in order of its predominance.
- (2) Lot number or other lot identification.
- (3) For each named vegetable seed:
 - (A) Percentage germination exclusive of hard seed;
 - (B) Percentage of hard seed, if present,
 - (C) The calendar month and year the test was completed to determine such percentages.

Following (A) and (B) the "total germination and hard seed" may be stated as such, if desired.

- (4) Name and address of the person who labeled said seed, or who sells, offers or exposes said seed for sale within this State.
- (5) The labeling requirements for vegetable seeds in containers of more than one pound shall be deemed to have been met if the seed is weighed from a properly labeled container in the presence of the purchaser.

(g) For flower seeds in packets prepared for use in home gardens or household plantings or flower seeds in pre-planted containers, mats, tapes, or other planting devices:

(1) For all kinds of flower seeds:

- (A) The name of the kind and variety or a statement of type and performance characteristics as prescribed in the rules and regulations promulgated under the provisions of this Act.

(B)(i) The calendar month and year the germination test was completed and the statement "Sell by _____", which may be no more than 12 months from the date of test exclusive of the month of test.

OR

(ii) The year for which the seed was packed for sale as "Packed for yy" and the statement "Sell by yy" which shall be for a calendar year.

OR

(iii) The percentage germination and the calendar month and year the test was completed to determine such percentage provided that the germination test must have been completed within 12 months exclusive of the month of test.

(C) The name and address of the person who labeled said seed, or who sells, offers, or exposes said seed for sale within this State.

(2) For seeds of those kinds for which standard testing procedures are prescribed and which germinate less than the germination standard last established under the provisions of this Act:

- (A) Percentage of germination exclusive of hard seeds, and
- (B) Percentage of hard or dormant seed, if present; and
- (C) The words "Below Standard" in not less than 8-point type.

(3) For seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quantity of seed without removing the seeds from the medium, mat, tape, or device, a statement to indicate the minimum number of seeds in the container.

(h) For flower seeds in containers other than packets and other than pre-planted containers, mats, tapes, or other planting devices and not prepared for use in home flower gardens or household plantings:

(1) The name of the kind and variety or a statement of type and performance characteristics as prescribed in rules and regulations promulgated under the provisions of this Act, and for wildflowers, the genus and species and subspecies, if appropriate.

(2) The lot number or other lot identification.

(3) For wildflower seed only with a pure seed percentage of less than ninety percent:

- (A) The percentage, by weight, of each component listed in order of their predominance;
- (B) The percentage by weight of weed seed if present; and
- (C) The percentage by weight of inert matter.

(4) For those kinds of seed for which standard testing procedures are prescribed:

- (A) Percentage germination exclusive of hard or dormant seed;
- (B) Percentage of hard or dormant seed, if present; and,
- (C) The calendar month and year that the test was completed to determine such percentages.

(5) For those kinds of seed for which standard testing procedures are not available, the year of production or collection.

(6) The name and address of the person who labeled the seed or who sells, offers, or exposes the seed for sale within this state.

(l) For agricultural seeds sold on a pure live seed basis, if in accordance with rules and regulations, each container must bear a label containing the information required by subsection (b) of this section, except:

(1) The label need not show:

- (A) The percentage by weight of each agricultural seed component as required by subdivision (1) of subsection (b) of this section; or
- (B) The percentage by weight of inert matter as required by subdivision (7) of subsection (b) of this section, and

- (2) The label must show for each named agricultural seed, instead of the information required by subdivision (8) of section (b) of this section:
- (A) The percentage of pure live seed determined in accordance with rules and regulations; and
 - (B) The calendar month and year in which the test determining the percentage of live seed was completed.
- (j)** For agricultural and vegetable hybrid seed which contain less than 95% hybrid seed.
- (1) Kind or variety must be labeled as "hybrid".
 - (2) The percent which is hybrid shall be labeled parenthetically in direct association following named variety; i.e. - Comet (85% Hybrid).
 - (3) Varieties in which the pure seed contain less than 75% hybrid seed shall not be labeled hybrids.
- (k)** For combination mulch, seed and fertilizer products.
- (1) The word "combination" followed by the words "mulch - seed – fertilizer (if appropriate)" must appear on the upper 30% of the principal display panel. The word "combination" must be the largest and most conspicuous type on the container, equal to or larger than the product name. The words "mulch - seed - fertilizer" shall be no smaller than one-half the size of the word "combination" and in close proximity to the word "combination". These products shall contain a minimum of 70% mulch.
 - (2) Analysis Label - Agricultural, lawn and turf seeds placed in a germination medium, mat, tape or other device or mixed with mulch shall be labeled as follows:
 - (A) Product name.
 - (B) Lot number.
 - (C) Percentage by weight of pure seed of each kind and variety named which may be less than 5% of the whole.
 - (D) Percentage by weight of other crop seeds.
 - (E) Percentage by weight of inert matter which shall not be less than 70%.
 - (F) Percentage by weight of weed seeds.
 - (G) The total of (k)(C),(D),(E) and (F) must total 100%.
 - (H) Name and number of noxious weed seeds per pound, if present.
 - (I) Percentage of germination (and hard seed if appropriate) of each kind or kind and variety named and date of test.
 - (J) Name and address of tagger.

SECTION 2A. Label requirement for tree and shrub seeds.

Each container of tree and shrub seed which is sold, offered for sale, or exposed for sale, or transported within this State for sowing purposes shall bear thereon or have attached hereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information, which statement shall not be modified or denied in the labeling or on another label attached to the container -- except that labeling of seed supplied under a contractual agreement may be by invoice accompanying the shipment or by an analysis tag attached to said invoice if each bag or other container is clearly identified by a lot number stenciled on the container or if the seed is in bulk. Each bag or container that is not so identified must carry complete labeling.

(a) For all tree and shrub seeds treated as defined in this Act (for which a separate label may be used):

- (1) Word or statement indicating that the seed has been treated.
- (2) The commonly accepted coined, chemical or abbreviated chemical (generic) name of the applied substance or description of the process used.
- (3) If the substance in the amount present with the seed is harmful to human or other vertebrate animals a caution statement such as "Do not use for food or feed or oil purposes". The caution for mercurials and similarly toxic substances shall be a poison statement and symbol.
- (4) If the seed has been treated with an inoculant, the date beyond which the inoculant is not to be considered effective (date of expiration).

(b) For all tree and shrub seeds subject to the Act:

- (1) Common name of the species of seed (and subspecies, if appropriate).
- (2) The scientific name of the genus and species (and subspecies, if appropriate).
- (3) Lot number or other lot identification.
- (4) Origin.
 - (A) For seed collected from a predominantly indigenous stand, the area of collection given by latitude and longitude, or geographic description, or political subdivision such as state or county.
 - (B) For seed collected from other than a predominantly indigenous stand, identify the area of collection and the origin of the stand or state "Origin not Indigenous".
- (5) The elevation or the upper and lower limits of elevations within which said seed was collected.
- (6) Purity as a percentage of pure seed by weight.
- (7) For those species for which standard germination testing procedures are prescribed by the (state seed law enforcement officer), the following:
 - (A) Percentage germination exclusive of hard seed,
 - (B) Percentage of hard seed, if present,
 - (C) The calendar month and year test was completed to determine such percentages.
- (8) In lieu of 7A, B, and C above, the seed may be labeled "Test is in process, results will be supplied upon request".
- (9) For those species for which standard germination testing procedures have not been prescribed by the (state seed law enforcement officer) the calendar year in which the seed was collected.
- (10) The name and address of the person who labeled said seed or who sells, offers, or exposes said seed for sale within this State.

SECTION 3. Prohibition.

(a) It is unlawful for any person to sell, offer for sale, expose for sale, or transport for sale any agricultural, vegetable, flower or tree and shrub seeds within this State –

- (1) If subject to the germination requirements of Section 2, unless otherwise stipulated in Section 2, the test to determine the percentage of germination required by Section 2 shall have been completed within a 9-month period exclusive of the calendar month in which the test was completed, immediately prior to sale, exposure for sale, or offering for sale or transportation. This prohibition does not apply to tree and shrub seeds or to agricultural or vegetable seeds in hermetically-sealed containers. Agricultural or vegetable seeds packaged in hermetically-sealed containers under the conditions defined in rules and regulations promulgated under the provisions of this Act may be sold, exposed for sale or offered for sale or transportation for a period of 36 months after the last day of the month that the seeds were tested for germination prior to packaging. If seeds in hermetically-sealed containers are sold, exposed for sale, or offered for sale or transportation more than 36 months after the last day of the month in which they were tested prior to packaging, they must have been retested within a 9-month period, exclusive of the calendar month in which the retest was completed, immediately prior to sale, exposure for sale, or offering for sale or transportation.
- (2) Not labeled in accordance with the provisions of this Act or having false or misleading labeling.
- (3) Pertaining to which there has been false or misleading advertisement.
- (4) Consisting of or containing prohibited noxious weed seeds, subject to recognized tolerances.
- (5) Consisting of or containing restricted noxious weed seeds per pound in excess of the number prescribed by rules and regulations promulgated under this Act, or in excess of the number declared or in excess of the maximum percentage allowed (0.50%) for UGS on the label attached to the container of the seed or associated with seed.
- (6) Containing more than 2 1/2 percent by weight of all weed seeds.
- (7) If any labeling, advertising, or other representation subject to this Act represents the seed to be certified seed or any class thereof unless:
 - (A) It has been determined by a seed certifying agency that such seed conformed to standards of purity and identify as to kind, species (and subspecies, if appropriate), or variety, and also that tree seed was found to be of the origin and elevation claimed, in compliance with the rules and regulations of such agency pertaining to such seed; and,
 - (B) That the seed bears an official label issued for such seed by a seed certifying agency certifying that the seed is of a specified class and a specified kind, species (and subspecies, if appropriate) or variety.
- (8) Labeled with a variety name but not certified by an official seed certifying agency when it is a variety for which a U.S. certificate of plant variety protection under the Plant Variety Protection Act (7 U. S. C. 2321 et. seq.) specifies sale only as a class of certified seed; Provided, That seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the approval of, the owner of the variety.

(b) It is unlawful for any person within this State --

- (1) To detach, alter, deface, or destroy any label provided for in this Act or the rules and regulations made and promulgated thereunder, or to alter or substitute seed in a manner that may defeat the purpose of this Act.
 - (a) To use relabeling stickers without having both the calendar month and year the germination test was completed, the sell by date, as stated in Section 2c (7), 2e (3) and 2g (1)(B) and the lot number that matches the existing, original lot number. A relabeling may not occur more than one time.
- (2) To disseminate any false or misleading advertisements concerning seeds subject to this Act in any manner or by any means.
- (3) To hinder or obstruct in any way, any authorized person in the performance of his duties under this Act.
- (4) To fail to comply with a "stop sale" order or to move or otherwise handle or dispose of any lot of seed held under a "stop sale" order or tags attached thereto, except with express permission of the enforcing officer, and for purpose specified thereby.
- (5) To use the word "trace" or the phrase "contains > than .01%" as a substitute for any statement which is required.
- (6) To use the word "type" in any labeling in connection with the name of any agricultural seed variety.
- (7) To alter or falsify any seed label(s), seed tests(s), laboratory report(s), record(s), or other document(s) to create a misleading impression as to kind, kind of variety, history, quality or origin of seed.

SECTION 4. Records.

Each person whose name appears on the label as handling agricultural, vegetable, flower, or tree and shrub seeds subject to this Act shall keep for a period of two years complete records of each lot of agricultural, vegetable, flower, or tree and shrub seed handled and keep for one year a file sample of each lot of seed after final disposition of said lot. All such records and samples pertaining to the shipment or shipments involved shall be accessible for inspection by the (state seed law enforcement officer) or his agent during customary business hours.

SECTION 5. Exemptions.

- (a)** The provisions of Sections 2, 2A, and 3 do not apply --
 - (1) To seed or grain not intended for sowing purposes.
 - (2) To seed in storage in, or being transported or consigned to a cleaning or conditioning establishment for cleaning or conditioning, provided, that the invoice or labeling accompanying any shipment of said seed bears the statement "seeds for conditioning"; and provided that any labeling or other representation which may be made with respect to the uncleaned or unconditioned seed shall be subject to this Act.
 - (3) To any carrier in respect to any seed transported or delivered for transport in the ordinary course of its business as a carrier; provided, that such carrier is not engaged in producing, conditioning, or marketing seeds subject to the provisions of this Act.

- (b)** No person shall be subject to the penalties of this Act for having sold or offered for sale seeds subject to provisions of this Act which were incorrectly labeled or represented as to kind, species (and subspecies, if appropriate), variety, type, or origin, elevation, and year of collection (if required) which seeds cannot be identified by examination thereof, unless he has failed to obtain an invoice, genuine grower's or tree seed collector's declaration or other labeling information and to take such other precautions as may be reasonable to insure the identity to be that stated. A genuine grower's declaration of variety shall affirm that the grower holds records of proof concerning parent seed, such as invoice and labels.

- (c)** The provisions of Sections 2A and 4 do not apply to tree seed produced by the consumer.

SECTION 6. Duties and Authority of (State Seed Law Enforcement Officer).

- (a)** The duty of enforcing this Act and carrying out its provisions and requirements is vested in the (state seed law enforcing officer). It is the duty of such officer who may act through his authorized agents –
- (1) To sample, inspect, make analysis of, and test seeds subject to the provisions of this Act that are transported, sold or offered or exposed for sale within the State for sowing purposes, at such time and place and to such extent as he may deem necessary to determine whether said seeds are in compliance with provisions of this Act, and to notify promptly the person who sold, offered or exposed the seed for sale and, if appropriate, the person who labeled or transported said seed, of any violation, stop sale order or seizure.
 - (2) To prescribe, amend, adopt, and publish after public hearing following due public notice:
 - (A) Rules and regulations governing the method of sampling, inspecting, analyzing, testing, and examining seeds subject to provisions of this Act and the tolerances to be used and such other rules and regulations necessary to secure efficient enforcement of this Act.
 - (B) A prohibited and restricted noxious weed list.
 - (C) Rules and regulations establishing reasonable standards of germination for vegetable seeds and flower seeds.
 - (D) Rules and regulations for labeling flower seeds in respect to kind and variety or type and performance characteristics as required by Section 2 of this Act.
 - (E) A list of the kinds of flower seeds subject to the flower seed germination labeling requirements of Section 2 of this Act.
 - (F) A list of the tree and shrub seed species subject to germination labeling requirements of Section 2A (b)(7).
 - (G) A list of the kinds of vegetable seeds subject to the vegetable seed germination labeling requirements of SECTION 2 of this Act.
- (b)** Further, for the purpose of carrying out the provisions of this Act, the (state seed law enforcement officer) individually or through his authorized agents, is authorized:
- (1) To enter upon any public or private premises during regular business hours in order to have access to seeds and the records connected therewith subject to the Act and rules and regulations thereunder, any truck or other conveyor by land, water, or air at any time when the conveyor is accessible, for the same purpose.
 - (2) To issue and enforce a written or printed "stop sale" order to the owner or custodian of any lot of seed subject to the provisions of this Act which the (state seed law enforcement officer) finds is in violation of any of the provisions of this Act or rules and regulations promulgated thereunder, which order shall prohibit further sale, conditioning and movement of such seed, except on approval of the enforcing officer, until such officer has evidence that the law has been complied with, and he has issued a release from the "stop sale" order of such seed, provided that in respect to seed which has been denied sale, conditioning and movement as provided in this paragraph, the owner or custodian of such seed shall have the right to appeal from said order to a court of competent jurisdiction in the locality in which the seeds are found, praying for a judgement as to the justification of such order and for the discharge of such seeds from the order prohibiting the sale, conditioning and movement in accordance with the findings of the court; and provided further, that the provisions of this paragraph shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other sections of this Act.

- (3) To establish and maintain or make provisions for seed testing facilities, to employ qualified persons, and to incur such expenses as may be necessary to comply with these provisions.
- (4) To make or provide for making purity and germination tests of seed for farmers and dealers on request; to prescribe rules and regulation governing such testing; and to fix and collect charges for the tests made. (Fees to be accounted for in such manner as the state legislature may prescribe).
- (5) To cooperate with the United States Department of Agriculture and other agencies in seed law enforcement.

SECTION 7. Seizure.

Any lot of seed not in compliance with the provisions of this Act shall be subject to seizure on complaint of the (state seed law enforcement officer) to a court of competent jurisdiction in the locality in which the seed is located. In the event the court finds the seed to be in violation of this Act and orders the condemnation of said seed, it shall be denatured, processed, destroyed, relabeled, or otherwise disposed of in compliance with the laws of this State: Provided, that in no instance shall the court order such disposition of said seed without first having given the claimant an opportunity to apply to the court for the release of said seed or permission to condition or relabel it into compliance with this Act.

SECTION 8. Injunction.

When in the performance of his duties the (state seed law enforcement officer) applies to any court for a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this Act or any rules and regulations under this Act, said injunction is to be issued without bond.

SECTION 9. Violations and Prosecutions.

Every violation of the provisions of this Act shall be deemed a misdemeanor punishable by a fine not exceeding one hundred dollars for the first offense and not exceeding two hundred dollars for each subsequent similar offense.

When the (state seed law enforcement' officer) shall find that any person has violated any of the provisions of this Act, he or his duly authorized agent or agents may institute proceedings in a court of competent jurisdiction in the locality in which the violation occurred, to have such person convicted therefore; or the (state seed law enforcement officer) may file with the (chief prosecuting officer of the state) with a view of prosecution, such evidence as may be deemed necessary; provided, however, that no prosecution under this Act shall be instituted without the defendant first having been given an opportunity to appear before the (state seed law enforcement officer) or his duly authorized agent to introduce evidence either in person or by agent or attorney at a private hearing. If, after such hearing, or without such hearing in case the defendant or his agent or attorney fails or refuses to appear, the (state seed law enforcement officer) is of the opinion that the evidence warrants prosecution, he shall proceed as herein provided.

It is the duty of the (prosecuting officer in the local tribunal) or the (chief prosecuting officer in the state) as the case may be, to institute proceedings at once against any person charged with a violation of this Act, if, in the judgment of such officer, the information submitted warrants such action.

After judgment by the court in any case arising under this Act, the (state seed law enforcement officer) shall publish any information pertinent to the issuance of the judgment by the court in such media as he may designate from time to time.

SECTION 10. Complaint; Requirements and Effect of Arbitration.

- (1) **Requirement of Arbitration.** When any buyer claims to have been damaged by the failure of any seed for planting to produce or perform as represented by the label required to be attached to such seed under Section 2 of this Act, or by warranty, or as a result of negligence, as a prerequisite to the buyer's right to maintain a legal action against the dealer or any other seller of such seed, the buyer shall first submit the claim to arbitration as provided in this section and in Section 11. Any applicable period of limitations with respect to such claim shall be tolled until ten (10) days after the filing of the report of arbitration with the Commissioner of Agriculture (the "Commissioner") as provided in Subsection (2) (d) of Section 11. No such claim may be asserted as a counterclaim or defense in any action brought by a seller against a buyer, until the buyer has submitted a claim to arbitration as provided in this section and in Section 11. Upon the buyer's filing of a written notice of intention to assert such a claim as a counterclaim or defense in such action, accompanied by a copy of the buyer's complaint in arbitration filed under Subsection (2) (a) of Section 11, the action shall be stayed, and any applicable statute of limitations shall be suspended with respect to such claim, until ten (10) days after the filing of the report of arbitration with the Commissioner as provided in Subsection (2) (d) of Section 11.
- (2) **Notice of arbitration requirement.** The following notice calling attention to the requirement for arbitration under this section shall be included on the analysis label required under Section 2, or otherwise attached to or printed on the seed bag or package. Arbitration shall not be required unless this notice is included.

NOTICE ARBITRATION/CONCILIATION/MEDIATION REQUIRED BY SEVERAL STATES

Under the seed laws of several states arbitration, mediation or conciliation is required as a prerequisite to maintaining a legal action based upon the failure of seed to which this notice is attached to produce as represented. The consumer shall file a complaint along with the required filing fee (where applicable) with the Commissioner/Director/Secretary of Agriculture, Seed Commissioner, or Chief Agricultural Officer within such time as to permit inspection of the crops, plants or trees by the designated agency and the seedsman from whom the seed was purchased. A copy of the complaint shall be sent to the seller by certified or registered mail or as otherwise provided by state statute.

- (3) **Effect of arbitration.**
 - (a) Agreement to arbitrate. The report of arbitration shall be binding upon all parties to the extent, if any, that they have so agreed in any contract governing the sale of the seed.
 - (b) Commencement of legal action. In the absence of an agreement to be bound by arbitration, a buyer may commence legal proceedings against a Seller or assert such claim as a counterclaim or defense in any action brought by the seller, at any time after the receipt of the report of arbitration.
 - (c) Use as evidence. In any litigation involving a complaint which has been the subject of arbitration under this section, any party may introduce the report of arbitration as evidence of the facts found in the report, and the court may give such weight to the Council's findings and conclusions of law and recommendations as to damages and costs, as the court may see fit based upon all the evidence before the court. The court may also take into account any findings of the Council with respect to the failure of any party to cooperate in the arbitration proceedings, including any findings as to the effect of delay in filing the arbitration claim upon the Council's ability to determine the facts of the case.

¹Change nomenclature if other than Commissioner of Agriculture, provided, however, such change should not be made in "notice" language.

SECTION 11. Arbitration Council; Procedures.

- (1) **Arbitration Council.** The Commissioner shall appoint an Arbitration Council composed of five members and five alternate members. One member and one alternate shall be appointed upon the recommendation of each of the following.
- (a) The Dean of Extension, College of Agriculture, University of _____;
 - (b) The Dean of Research, College of Agriculture, University of _____;
 - (c) The president of the Seedsman's Association of (name of State), or if there is no such association, then a seedsman residing in this state who is designated by the president of the American Seed Trade Association;
 - (d) The president of such farmer organization of (name of State) as the Commissioner may determine to be appropriate; and
 - (e) The Commissioner.

Each alternate member shall serve only in the absence of the member for whom the person is an alternate.

The Council shall elect a chairman and a secretary from its membership. The chairman shall conduct meetings and deliberations of the Council and direct all of its other activities. The secretary shall keep accurate records of all such meetings and deliberations and perform such other duties for the Council as the chairman may direct.

The purpose of the Council is to conduct arbitration as provided in this section. The Council may be called into session by or at the direction of the commissioner or upon direction of its chairman to consider matters referred to it by the Commissioner of such chairman in accordance with this section.

(2) Procedures.

- (a) **Commencement.** A buyer may invoke arbitration by filing a sworn complaint with the Commissioner together with a filing fee of \$0.00. The buyer shall serve a copy of the complaint upon the seller by certified mail. Except in case of seed which has not be planted, the claim shall be filed within such time as to permit effective inspection of the plants under field conditions.
- (b) **Seller's answer.** Within fifteen (15) days after receipt of a copy of the complaint, the seller shall file with the Commissioner an answer to the complaint and serve a copy of the answer upon the buyer by certified mail.
- (c) **Referral to Arbitration Council.** The Commissioner shall refer the complaint and answer to the Council for investigation, findings and recommendations.
- (d) **Investigation.** Upon referral of a complaint for investigation the Council shall make a prompt and full investigation of the matters complained of and report its findings and recommendations to the Commissioner within sixty (60) days of such referral or such later date as parties may determine.
- (e) **Scope of report.** The report of the Council shall include findings of fact and recommendations as to costs, if any.
- (f) **Authority of Council.** In the course of its investigation, the Council or any of its members may examine the buyer and the seller on all matters which the Council may consider relevant; may grow to production a representative sample of the seed through the facilities of the Commissioner or a designated university under the Commissioner's supervision if considered necessary; and may hold informal hearings at such time and place as the Council chairman may direct upon reasonable notice to all parties.
- (g) **Delegation.** The Council may delegate all or any part of any investigation to one or more of its members. Any such delegated investigation shall be summarized in writing and considered by the Council in its report.
- (h) **Compensation.** The members of the Council shall receive no compensation for the performance of their duties but shall be reimbursed for travel expenses.
- (i) **Distribution of report.** After the Council has made its report the Commissioner shall promptly transmit the report by certified mail to all parties.

Miscellaneous

SECTION 12. Options of Review Systems.

Each state should provide for appropriations and expenditures of funds according to local requirements.

SECTION 13. Chapter _____ of the laws of _____ and any other laws or parts of laws in conflict with this Act, are hereby repealed.

SECTION 14. This Act shall be effective on and after _____.

**SUGGESTED RULES AND REGULATIONS UNDER THE RECOMMENDED
UNIFORM STATE SEED LAW**

1. Methods of Sampling, Inspecting, Analyzing, Testing and Examining Agricultural, Vegetable, Flower, and Tree and Shrub Seeds and Tolerance to be Followed in the Administration of this Act.

The terms used in seed testing and the methods of sampling, inspecting, analyzing, testing and examining agricultural, vegetable, flower and tree and shrub seeds and the tolerances to be followed in the administration of this Act shall be those adopted effective October 1, 1978 and as subsequently amended by the Association of Official Seed Analysts.

2. Prohibited Noxious Weed Seeds. The following list of prohibited noxious weed seeds is established effective: _____ 20____. (List here the prohibited noxious weed seeds bearing in mind suggested lists developed for regions).

3. Restricted Noxious Weed Seeds. The following lists of restricted noxious weed seeds and undesirable grass seeds are established effective: _____ 20____. (List here restricted noxious weed seeds bearing in mind suggested lists developed for regions).

(a) Presence of restricted noxious weeds, undesirable grass seeds, in lawn and turf grasses and mixtures thereof shall be governed by the following:

(1) The seeds of the following plants shall be restricted noxious weed seeds and shall be listed on the tag or label under the heading "Undesirable Grass Seeds" or "Restricted Noxious Weed Seeds" by name and number per pound when present in bentgrass, Kentucky bluegrass, chewings fescue, hard fescue, red fescue, varieties of named turf type tall fescue, varieties of perennial ryegrass or mixtures containing these grasses:
(List the Undesirable Grass Seeds here.)

(2) Restricted noxious weed seeds set forth in paragraph (1) may not exceed 0.50% by weight.

(3) The restricted noxious weed seeds set forth in paragraph (1) may **not** apply:

(i) To grasses or mixtures clearly labeled for pasture, forage, hay, conservation or spoil bank reclamation usages.

(ii) When the seeds are present in excess of 5.0% of the whole and the label contains the information required by **Section 2 of RUSSEL** relating to labeling of lawn and turf grasses and their mixtures.

4. Germination Standard for Vegetable Seeds. The following standards for the germination of vegetable seeds are hereby adopted: (It is recommended by the Legislative Committee that the germination standards adopted under the Federal Seed Act be also adopted under each State Seed Law in the interest of uniformity).

KIND	PERCENT
ANISE	50
ARTICHOKE	60
ASPARAGUS	70
ASPARAGUSBEAN	75
BASIL, SWEET	70
BEAN, GARDEN	70
BEAN, LIMA	70
BEAN, RUNNER	75
BEET	65
BROADBEAN	75
BROCCOLI	75
BRUSSEL SPROUTS	70
BURDOCK, GREAT	60
CABBAGE	75
CABBAGE, TRONCHUDA	70
CANTALOUPE (SEE MUSKMELON)	
CARAWAY	55
CARDOON	60
CARROT	55
CAULIFLOWER	75
CELERAIC	55
CELERY	55
CHARD, SWISS	65
CHERVIL, SALAD	65
CHICORY	65
CHINESE CABBAGE	75
CHIVES	50
CITRON	65
COLLARDS	80
CORIANDER	70
CORN, POP	75
CORN, SWEET	75
CORNSALAD	70
COWPEA	75
CRESS, GARDEN	75
CRESS, UPLAND	60
CRESS, WATER	40
CUCUMBER	80
DANDELION	60
EGGPLANT	60
ENDIVE	70
FENNEL, FLORENCE	60
FENNEL, SWEET	50

KIND (Continued)	PERCENT
KALE	75
KALE, CHINESE	75
KALE, SIBERIAN	75
KOHLRABI	75
LEEK	60
LETTUCE	80
MUSKMELON	75
MARJORAM, SWEET	50
MUSTARD	75
MUSTARD, SPINACH	75
OKRA	50
ONION	70
ONION, WELSH	70
OREGANO	60
PAK-CHOI	75
PARSLEY	60
PARSNIP	60
PEA	80
PEANUT	60
PEPPER	55
PUMPKIN	75
RADISH	75
RHUBARB	60
ROQUETTE	60
ROSEMARY	30
RUTABAGA	75
SAGE	60
SALSIFY	75
SAVORY, SUMMER	55
SORREL	65
SOYBEAN	75
SPINACH	60
SPINACH, NEW ZEALAND	40
SQUASH	75
THYME	50
TOMATO	75
TOMATO, HUSK	50
TURNIP	80
WATERMELON	70

The germination standards for all other vegetable and herb seed, for which a standard has not been established, shall be 50%.

5. **White Sweet Clover.** Sweet clover seed containing more than 5 percent of yellow sweet clover seed (more than 1.25 percent mottled seeds) must not be labeled white sweet clover. Such seed must be labeled sweet clover or as a mixture.
6. **Grower's Declaration.** A grower's declaration is a statement signed by the grower giving, for any lot of seed the lot number, the kind, variety, origin and weight.
7. **Labeling of Seed Distributed to wholesalers.** After seed has been conditioned, it must be labeled before distribution to any person including a wholesaler. Each bag or bulk lot must be completely labeled when supplied to a retailer or consumer. Labeling of seed supplied to a wholesaler, one whose predominant business is to supply seed to other distributors rather than to consumers of seed, may be by invoice if each bag or other container is clearly identified by a lot number stenciled on the container or if the seed is in bulk. Each bag or container that is not so identified must carry complete labeling.
8. **Seeds for Sprouting.** The following information shall be indicated on all labels of seeds sold for sprouting for salad or culinary purposes.
 - (a) Commonly accepted name of kind or kinds.
 - (b) Lot number.
 - (c) Percentage by weight of each pure seed component in excess of 5% of the whole, other crop seeds, inert matter and weed seeds if occurring.
 - (d) Percentage of germination of each pure seed component.
 - (e) Percentage of hard seed, if present.
 - (f) The calendar month and year the test was completed to determine such percentages.
9. **Relabeling.** The following information shall appear on a label for relabeling seeds in their original containers:
 - (a) The calendar month and year the test was completed to determine such percentage.
 - (b) The same lot designation as on the original labels.
 - (c) The identity of the labeling person if different from original labeler.
10. **Hermetically-sealed seed.** The following standards, requirements and conditions must be met before seed is considered to be hermetically-sealed under the provisions of this Act:
 - (a) The seed was packaged within 9 months after harvest.
 - (b) The container used does not allow water vapor penetration through any wall, including the seals, greater than 0.05 grams of water per 24 hours per 100 square inches of surface at 100- F. with a relative humidity on one side of 90 percent and on the other side 0 percent. Water vapor penetration or WVP is measured by the standards of the U.S. Bureau of Standards as: gm.H₂O/24 hr./100 sq. in./10⁴ F./90% RHV.0% RH

(c) The seed in the container does not exceed the percentage of moisture, on a wet weight basis, as listed below:

<u>Agricultural Seeds</u>	<u>Percent</u>
Beet, Field	7.5
Beet, Sugar	7.5
Bluegrass, Kentucky	6.0
Clover, Crimson	8.0
Fescue, Red.....	8.0
Ryegrass, Annual.....	8.0
Ryegrass, Perennial.....	8.0
All Others	6.0
Mixture of Above	8.0

<u>Vegetable Seeds</u>	<u>Percent</u>
Bean, Garden.....	7.0
Bean, Lima	7.0
Beet	7.5
Broccoli	5.0
Brussels Sprouts	5.0
Cabbage.....	5.0
Carrot	7.0
Cauliflower	5.0
Celeriac	7.0
Celery.....	7.0
Chard, Swiss	7.5
Chinese Cabbage	5.0
Chives	6.5
Collards	5.0
Corn, Sweet	8.0
Cucumber.....	6.0
Eggplant.....	6.0
Kale	5.0
Kohlrabi.....	5.0
Leek	6.5
Lettuce	5.5
Muskmelon.....	6.0
Mustard, India	5.0
Onion.....	6.5
Onion, Welsh.....	6.5
Parsley	6.5
Parsnip.....	6.0

Vegetable Seeds	Percent
Pea	7.0
Pepper.....	4.5
Pumpkin	6.0
Radish	5.0
Rutabaga.....	5.0
Spinach	8.0
Squash.....	6.0
Tomato	5.5
Turnip	5.0
Watermelon.....	6.5
All others	6.0

(d) The container is conspicuously labeled in not less than 8-point type to indicate (1) that the container is hermetically-sealed, (2) that the seed has been preconditioned as to moisture content, and (3) the calendar month and year in which the germination test was completed.

(e) The percentage of germination of seed at the time of packaging was equal to or above the standards specified elsewhere in this Act.

11. Labeling Kind and Variety or Type and Performance Characteristic of Flower Seeds. The requirements of Section 2 of the (state seed law) specifying that flower seeds shall be labeled with, "the name of the kind and variety or a statement of type and performance characteristics as prescribed in the rules and regulations promulgated under the provisions of this Act", shall be met as follows:

(a) For seeds of plants grown primarily for their blooms --

- (1) If the seeds are of a single names variety, the kind and variety shall be stated, for example - "Marigold, Butterball".
- (2) If the seeds are of a single type and color for which there is no specific variety name, the type of plant (if significant), and the type and color of bloom shall be indicated, for example, - "Scabiosa, Tall, Large Flowered, Double, Pink".
- (3) If the seeds consist of an assortment or mixture of colors or varieties of a single kind, the kind name, the type of plant (if significant) and the type or types of bloom shall be indicated. In addition, it shall be clearly indicated that the seed is mixed or assorted. An example of labeling such a mixture or assortment is -"Marigold, Dwarf Double French, Mixed Colors".
- (4) If the seeds consist of an assortment or mixture of kinds or kinds and varieties, it shall be clearly indicated that the seed is assorted or mixed and the specific use of the assortment or mixture shall be indicated, for example - "Cut Flower Mixture", or "Rock Garden Mixture". Such statements as "General Purpose Mixture", Wonder Mixture", or any other statement which fails to indicate the specific use of the seed shall not be considered as meeting the requirements of this provision unless the specific use of the mixture is also stated. Containers with over 3 grams of seed shall list the kind or kind and variety names of each component present in excess of 5.0% of the whole in the order of their predominance giving the percentage by weight of each. Components of 5.0% or less shall be listed but need not be in order or predominance. A single percentage by weight shall be given for these components. If no component of a mixture exceeds 5% of the whole, the statement "No component in excess of 5%" may be used. Containers with 3 grams of seed or less shall list the components without giving percentage by weight and need not be in order of predominance.

(b) For seeds of plants grown for ornamental purposes other than their blooms, the kind and variety shall be stated, or the kind shall be stated together with a descriptive statement concerning the ornamental part of the plant, for example - "Ornamental Gourds, Small Fruited, Mixed".

12. Kind of Flower Seeds. Subject to Germination Labeling Requirement: and Germination Standard for Flower Seed.

The kinds of flower seeds listed below are those for which standard testing procedures have been prescribed and which are therefore required to be labeled in accordance with the germination labeling provisions of Section 2 of the (state seed law). The percentage listed opposite each kind is the germination standard for that kind. For the kinds marked with an asterisk, the percentage is the total of percentage germination and percentage hard seed. For other kinds, it is the percentage germination.

SEED KIND	PERCENT
Archillea (The Pearl) - <i>Achillea ptarmica</i>	50
African Daisy - <i>Dimorphotheca aurantiaca</i>	55
African Violet – <i>Saintpaulia</i> spp	30
Ageratum - <i>Ageratum mexicanum</i>	60
Agrostemma (rose campion) - <i>Agrostemma coronaria</i>	65
Alyssum - <i>Alyssum compactum</i> , <i>A. maritimum</i> , <i>A. procumbens</i> , <i>A. saxatile</i>	60
Amaranthus - <i>Amaranthus</i> spp	65
Anagalis (pimpernel) - <i>Anagalis arvensis</i> , <i>Anagalis coerulea</i> , <i>Anagalis grandiflora</i>	60
Anemone - <i>Anemone coronaria</i> , <i>A. pulsatilla</i>	55
Angel's Trumpet - <i>Datura arborea</i>	60
Arabis - <i>Arabis alpina</i>	60
Arctotis (African lilac daisy) - <i>Arctotis grandis</i>	45
Armeria - <i>Armeria formosa</i>	55
Asparagus, fern - <i>Asparagus plumosus</i>	50
Asparagus, sprenger, <i>Asparagus sprengeri</i>	55
Aster, China - <i>Callistephus chinensis</i> ; except Pompon, Powderpuff, and Princess types	55
Aster, China - <i>Callistephus chinensis</i> ; Pompon, Powderpuff and Princess types	50
Aubretia - <i>Aubretia deltoides</i>	45
Baby Smilax - <i>Aparagus asparagoides</i>	25
Balsam - <i>Impatiens balsamina</i>	70
Begonia - (<i>Begonia fibrous rooted</i>)	60
Begonia - (<i>Begonia tuberous rooted</i>)	50
Bells of Ireland - <i>Molucella laevis</i>	60
Brachycome (swan river daisy) - <i>Brachycome iberidifolia</i>	60
Browallia - <i>Browallia elata</i> and <i>B. speciosa</i>	65
Bupthalam (sunwheel) - <i>Bupthalam salicifolium</i>	60
Calceolaria - <i>Calceolaria</i> spp	60
Calendula - <i>Calendula officinalis</i>	65
California Poppy - <i>Eschscholtzia californica</i>	60
Calliopsis - <i>Coreopsis bicolor</i> , <i>C. drummondii</i> , <i>C. elegans</i>	65
Campanula:	
Canterbury Bells - <i>Campanula medium</i>	60

SEED KIND - CONT.	PERCENT - CONT.
Cup and Saucer Bellflower - <i>Campanula medium calycanthema</i> .	60
Carpathian Bellflower - <i>Campanula carpatica</i>	50
Peach Bellflower - <i>Campanula persicifolia</i>	50
Candytuft, Annual - <i>Iberis amara</i> , <i>I. umbellata</i>	65
Candytuft, Perennial - <i>Iberis gibraltarica</i> , <i>I. sempervirens</i>	55
Castor Bean - <i>Ricinus communis</i>	60
Cathedral Bells - <i>Cobaea scandens</i>	65
Celosia - <i>Celosia argentea</i>	65
Centaurea: Basket Flower - <i>Centaurea americana</i> , Cornflower - <i>C. cyanus</i> , Dusy Miller - <i>C. candidissima</i> , Royal Centaurea – <i>C. imperialis</i> Sweet Sultan - <i>C. moschata</i> , Velvet Centaurea – <i>C. gymnocarpa</i>	60
Cerasium (snow-in-summer) <i>Cerastium biebersteini</i> and <i>C. tomentosum</i>	65
Chinese Forget-me-not - <i>Cynoglossum amabile</i>	55
Chrysanthemum, Annual - <i>Chrysanthemum carinatum</i> , <i>C. coronarium</i> , <i>C. segetum</i>	50
Cineraria – <i>Senecio cruentus</i>	60
Clarkia - <i>Clarkia elegans</i>	65
Cleome - <i>Cleome gigantea</i>	65
Coleus - <i>Coleus blumei</i>	65
Columbine - <i>Aquilegia</i> spp.	50
Coral Bells - <i>Heuchera sanguinea</i>	55
Coreopsis, Perennial - <i>Coreopsis lanceolata</i>	40
Corn, ornamental - <i>Zea mays</i>	75
Cosmos: Sensation, Mammoth and Crested types - <i>Cosmos bipinnatus</i> ; Klondyke type - <i>C. sulphureum</i>	65
Crossandra - (<i>Crossandra infundibuliformis</i>)	50
Dahlia - <i>Dahlia</i> spp	55
Daylily - <i>Hemerocallis</i> spp	45
Delphinium, Perennial- <i>Belladonna</i> and <i>Bellamosum</i> types; Cardinal Larkspur - <i>Delphinium cardinale</i> ; <i>Chinensis</i> types; Pacific Giant, Gold Medal and other hybrids of <i>D. elatum</i>	55
Dianthus: Carnation - <i>Dianthus caryophyllus</i>	60
China Pinks - <i>Dianthus chinensis</i> , <i>heddewigi</i> , <i>Heddinsis</i>	70
Grass Pinks - <i>Dianthus plumarius</i>	60
Maiden Pinks - <i>Dianthus deltoids</i>	60
Sweet William - <i>Dianthus barbatus</i>	70
Sweet Wivelsfield - <i>Dianthus allwoodi</i>	60
Didiscus - (blue lace flower) - <i>Didiscus coerulea</i>	65
Doronicum (leopard's bane) - <i>Doronicum caucasicum</i>	60
Dracaena - <i>Dracaena indivisa</i>	55
Dragon Tree - <i>Dracaena draco</i>	40
English Daisy - <i>Bellis perennis</i>	55
Flowering Maple - <i>Abutilon</i> spp	35

SEED KIND - CONT.	PERCENT - CONT.
Flax - Golden flax (<i>Linum flavum</i>); Flowering flax <i>L. randiflorum</i> ; Perennial flax, <i>L. perenne</i>	60
Foxglove - <i>Digitalis</i> spp	60
Gaillardia, Annual - <i>Gaillardia pulchella</i> ; <i>G. picta</i> ; Perennial - <i>G. grandiflora</i>	45
Gerbera (transvaal daisy) - <i>Gerbera jamesoni</i>	60
Geum - <i>Geum</i> spp	55
Gilia - <i>Gilia</i> spp	65
Gloriosa daisy (rudbeckia) - <i>Echinacea purpurea</i> and <i>Rudbeckia hirta</i>	60
Gloxinia - (<i>Sinningia speciosa</i>)	40
Godetia - <i>Godetia amoena</i> , <i>G. grandiflora</i>	65
Gourds: Yellow Flowered - <i>Cucurbita pepo</i> ; White Flowered – <i>Lagenaria siceraria</i> ; Dishcloth - <i>Luffa cylindrica</i>	70
Gypsophila: Annual Baby's Breath - <i>Gypsophila elegans</i> ; Perennial Baby's Breath - <i>G. paniculata</i> , <i>G. pacifica</i> <i>G.</i> <i>repens</i>	70
Helenium - <i>Helenium autumnale</i>	40
Helichrysum - <i>Helichrysum monstrosum</i>	60
Heliopsis - <i>Heliopsis scabra</i>	55
Heliotrope - <i>Heliotropium</i> spp.	35
Helipterum (<i>Acroclinium</i>) <i>Helipterum roseum</i>	60
Hesperis (sweet rocket) - <i>Hesperis matronalis</i>	65
*Hollyhock - <i>Althea rosea</i>	65
Hunnemania (mexican tulip poppy) - <i>Hunnemania</i> <i>fumariaefolia</i>	60
Hyacinth bean - <i>Dolichos lablab</i>	70
Impatiens - <i>Impatiens hostii</i> , <i>I. sultani</i>	55
*Ipomea - Cypress Vine - <i>Ipomea quamoclit</i> ; Moonflower – <i>I. noctiflora</i> ; Morning Glories, Cardinal Climber, Hearts and Honey Vine - <i>Ipomea</i> spp	75
Jerusalem cross (maltese cross) - <i>Lychnis chalconica</i>	70
Job's Tears - <i>Coix lacrymajobi</i>	70
Kochia - <i>Kochia childsii</i>	55
Larkspur, Annual - <i>Delphinium ajacis</i>	60
Lantana - <i>Lantana camara</i> , <i>L. hybrida</i>	35
Lilium (regal lily) - <i>Lilium regale</i>	50
Linaria - <i>Linaria</i> spp	65
Lobelia, Annual - <i>Lobelia erinus</i>	65
Lunaria, Annual - <i>Lunaria annua</i>	65
*Lupine - <i>Lupinus</i> spp	65
Marigold - <i>Tagetes</i> spp	65
Marvel of Peru - <i>Mirabilis jalapa</i>	60
Matricaria (feverfew) - <i>Matricaria</i> spp	60
Mignonette - <i>Reseda odorata</i>	55
Myosotis - <i>Myosotis alpestris</i> , <i>M. oblongata</i> , <i>M. palustris</i>	50
Nasturtium - <i>Tropaeolum</i> spp	60
Nemesia - <i>Nemesia</i> spp	65
Nemophila - <i>Nemophila insignis</i>	70
Nemophila, spotted - <i>Nemophila maculata</i>	60
Nicotiana - <i>Nicotiana affinis</i> , <i>N. sanderae</i> , <i>N. sylvestris</i>	65

SEED KIND - CONT.	PERCENT - CONT.
Nierembergia - Nierembergia spp	55
Nigella - Nigella damascena	55
Pansy - Viola tricolor	60
Penstemon - Penstemon barbatus, P. grandiflorus, P. laevigatus, P. pubescens.	60
Petunia - Petunia spp	45
Phacelia - Phacelia campanularia, P. minor, P. tanacetifolia	65
Phox, Annual - Phlox drummondii all types and varieties	55
Physalis - Physalis spp	60
Platycodon (balloon flower) - Platycodon grandiflorum	60
Plumbago, cape - Plumbago capensis	50
Ponytail - Beaucarnea recurvata	40
Poppy: Shirley Poppy - Papaver rhoeas; Iceland Poppy - P. nudicaule; Oriental Poppy -P. orientale; Tulip Poppy - P. glaucum	60
Portulace - Portulaca grandiflora	55
Primula (primrose) - Primula spp	50
Pyrethrum (painted daisy) - Pyrethrum coccineum	60
Salpiglossis - Salpiglossis gloxinaeflora, S. sinuata	60
Salvia - Scarlet Sage - Salvia splendens; Mealycup Sage (blue bedder) – Salvia farinacea	50
Saponaria - Saponaria ocymoides, S. vaccaria	60
Scabiosa, Annual - Scabiosa atropurpurea	50
Scabiosa, Perennial - Scabiosa caucasica	40
Schizanthus - Schizanthus spp	60
*Sensitive pant (mimosa) - Mimosa pudica	65
Shasta Daisy - Chrysanthemum maximum C. leucanthemum	65
Silk Oak - Grevillea robusta	25
Snapdragon - Antirrhinum spp	55
Solanum - Solanum spp	60
Statice - Statice sinuata, S. suworonii (flower heads)	50
Stocks: Common - Mathiola incana; Evening Scented - Mathiola bicornis	65
Sunflower - Helianthus spp	70
Sunrose - Helianthemum spp	30
*Sweet Pea, Annual and Perennial other than dwarf bush - Lathyrus odoratus, L latifolius	75
*Sweet Pea, dwarf bush - Lathyrus odoratus	65
Tahoka daisy - Machaeranthera tanacetifolia	60
Thunbergia - Thunbergia alata	60
Torch Flower - Tithonia speciosa	70
Torenia (wishbone flower) - Torenia fournieri	70
Tritoma Kniphofia spp	65
Verbena, Annual - Verbena hybrida	35
Vinca - Vinca rosea	60
Viola - Viola cornuta	55
Virginian stocks - Malcolmia maritima	65

Wallflower - <i>Cheiranthus allioni</i>	65
Yucca (Adam's needle) - <i>Yucca filamentosa</i>	50
Zinna (except <i>Linearis</i> and <i>Creeping</i>) - <i>Zinnia angustifolia</i> , <i>Z. elegans</i> , <i>Z. grandiflora</i> , <i>Z. gracillima</i> , <i>Z. haegeana</i> , <i>Z. multiflora</i> , <i>Z. pumila</i>	65
<i>Zinnia</i> , <i>Linearis</i> and <i>Creeping</i> - <i>Zinnia linearis</i> , <i>Sanvitalia procumbens</i>	50
All other kinds	50

A mixture of kinds of flower seeds will be considered to be below the standard if the germination of any kind or combination of kinds constituting 25 percent or more of the mixture by number is below standard for the kind or kinds involved.

13. **Kinds of Tree and Shrub Seeds Subject to Germination Labeling.** The germination labeling provisions of Section 2A of the Act apply to the following tree and shrub species:

Abies amabilis (Dougl.) Forbes - Pacific Silver Fir
Abies balsamea (L.) Mill. - Balsam Fir
Abies concolor (Gord. Glend.) Lindl. - White Fir
Abies fraseri (Pursh.) Poir - Fraser Fir
Abies grandis (Dougl.) Lindl. - Grand Fir
Abies homolepis Sieb Zucc. - Nikko Fir
Abies lasiocarpa (Hook) Nutt. - Subalpine Fir
Abies magnifica A. Murr. - California Red Fir
Abies magnifica var. *shastensis* Lemm. - Shasta Red Fire
Abies procera Rehd. - Nobel Fir
Abies veitchii (Lindl.) - Veitch Fir
Acer ginnala Maxim. - Amur Maple
Acer macrophyllum Pursh. - Bigleaf Maple
Acer negundo L. - Boxelder
Acer pensylvanicum L. - Striped Maple
Acer platanoides L. - Norway Maple
Acer pseudoplatanus L. - Sycamore Maple
Acer rubrum L. - Red Maple
Acer saccharinum L. - Silver Maple
Acer saccharum Marsh, - Sugar Maple
Acer spicatum Lam. - Mountain Maple
Aesculus pavia L. - Red Buckeye
Ailanthus altissima (Mill.) Swingle - Tree of Heaven, Ailanthus
Berberis thunbergii DC. - Japanese Barberry
Berberis vulgaris L. European Barberry
Betula lenta L. - Sweet Birch
Betula alleghaniensis Britton - Yellow Birch
Betula nigra L. - River Birch
Betula papyrifera Marsh. - Paper Birch
Betula pendula Roth. - European White Birch
Betula populifolia Marsh. - Gray Birch
Carya illinoensis (Wang.) K. Koch - Pecan
Carya ovata (Mill) K. Koch - Shagbark hickory
Casuarina spp. - Beefwood
Catalpa bignonioides Walt. - Southern Catalpa
Catalpa speciosa Warder. - Northern Caralpa

Cedrus atlantica Manetti - Atlas Cedar
Cedrus deodara (Roxb.) Loud. - Deodar Cedar
Cedrus libani (Loud.) - Cedar of Lebanon
Celastrus orbiculata Thunb. - Oriental Bittersweet
Chamaecyparis lawsoniana (A. Murr.) Parl - Port Oxford Cedar
Chamaecyparis nootkatensis (D. Don.) Spach. - Alaska Cedar
Clastrus scandens L. - American Bittersweet
Cornus florida L. - Flowering dogwood
Cornus stolonifera Michx. - Red-osier dogwood
Crataegus mollis - Downy hawthorn
Cupressus arizonica Greene - Arizona Cypress
Eucalyptus deglupta
Eucalyptus gradis
Fraxinus americana L. - White Ash
Fraxinus excelsior L. - European Ash
Fraxinus latifolia Benth. - Oregon Ash
Fraxinus nigra Marsh. - Black Ash
Fraxinus pennsylvanica Marsh. - Green Ash
Fraxinus pennsylvanica var. *lanceolata* (Borkh.) Sarg. - Green Ash
Gleditsia triacanthos L. - Honey Locust
Grevillea robusta - Silk-oak
Larix decidua Mill, - European Larch
Larix eurolepis Henry - Dunkfeld Larch
Larix leptolepis (Sieb. Zucc.) Gord. - Japanese Larch
Larix occidentalis Nutt. - Western Larch
Larix sibirica Ledeb. - Siberian Larch
Libocedrus decurrens - incense-cedar
Liquidambar styraciflua L. - Sweetgum
Liriodendron tulipifera L. - yellow-poplar
Magnolia grandiflora - Southern magnolia
Malus spp. - Apple
Malus spp. - Crabapple
Nyssa aquatica L. Water tupelo
Nyssa sylvatica var. *sylvatica* - Black tupelo
Picea abies (L.) Karst. - Norway Spruce
Picea engelmanni Parry - Engelmann Spruce
Picea glauca (Moench.) Voss - White Spruce
Picea glauca var. *albertiana* (S. Brown) Sarg. - Western White Spruce,
 Alberta White Spruce
Picea glehnii (Fr. Schmidt) Mast. - Sakhalin Spruce
Picea jezoensis (Sieb. Zucc.) Carr - Yeddo Spruce
Picea koyamai Shiras. - Koyama Spruce
Picea mariana (Mill.) B.S.P. - Black Spruce
Picea omorika (Pancic.) Purkyne - Serbian Spruce
Picea orientalis (L.) Link. - Oriental Spruce
Picea polita (Sieb. Zucc.) Carr - Tigertail Spruce
Picea pungens Engelm. - Blue Spruce, Colorado Spruce
Picea pungens var. *glauca* Reg. - Colorado Blue Spruce
Picea rubens Sarg. - Red Spruce
Picea sitchensis (Bong.) Carr - Sitka Spruce
Pinus albicaulis Engelm. - Whitebark Pine
Pinus aristata Engelm. - Bristlecone Pine
Pinus banksiana Lamb. - Jack Pine
Pinus canariensis C. Smith - Canary Pine

Pinus caribaea - Caribbean Pine
Pinus cembroides Zucc. - Mexican Pinyon Pine
Pinus clausa - Sand Pine
Pinus conorta Dougl. - Lodgepole Pine
Pinus contorta var. *latifolia* Engelm. - Lodgepole Pine
Pinus coulteri D. Don. - Coulter Pine, Bigcone Pine
Pinus densiflora Sieb. Zucc. - Japanese Red Pine
Pinus echinata Mill. - Shortleaf Pine
Pinus elliottii Engelm. - Slash Pine
Pinus flexilis James - Limber Pine
Pinus glabra Walt. - Spruce Pine
Pinus griffithii McClelland - Himalayan Pine
Pinus halepensis Mill. - Aleppo Pine
Pinus jeffreyi Grev. Balf. - Jeffrey Pine
Pinus khasya Royle - Khasia Pine
Pinus lambertiana Dougl. - Sugar Pine
Pinus heldreichii var. *leucodermis* (Ant.) Markgraf ex Fitschen -
 Balkan Pine, Bosnian Pine
Pinus markusii DeVriese - Markus Pine
Pinus monticola Dougl. - Western White Pine
Pinus mugo Turra. - Mountain Pine
Pinus mugo var. *mughus* (Scop.) Zenari - Mugo Swiss Mountain Pine
Pinus muricata D. Don. - Bishoppine
Pinus nigra Arnold - Austrian Pine
Pinus nigra poiretiana (Ant.) Aschers Graebn. - Corsican Pine
Pinus palustris Mill. - Longleaf Pine
Pinus parviflora Sieb. Zucc. - Japanese White Pine
Pinus patula Schl. Cham. - Jelecote Pine
Pinus pinaster Sol. - Cluster Pine
Pinus pinea L. - Italian Stone Pine
Pinus ponderosa Laws. - Ponderosa Pine, Western Yellow Pine
Pinus radiata D. Don. - Monterey Pine
Pinus resinosa Ait. - Red Pine, Norway Pine
Pinus rigida Mill. - Pitch Pine
Pinus serotina Michx. - Pond Pine
Pinus strobus L. - Eastern White Pine
Pinus sylvestris L. - Scotch Pine
Pinus taeda L. - Loblolly Pine
Pinus taiwanensis Hayata - Formosa Pine
Pinus thunbergii Parl. - Japanese Black Pine
Pinus virginiana Mill. - Virginia Pine, Scrub Pine
Platanus occidentalis L. - American Sycamore
Populus spp. - Poplars
Prunus armeriaca L. - Apricot
Prunus avium (L.) L. - Cherry
Prunus domestica L. - Plum, Prune
Prunus persica Batsch. - Peach
Pseudotsuga menziesii var. *glauca* (Beissn.) Franco - Blue Douglas Fir
Pseudotsuga menziesii var. *caesia* (Beissn.) Franco - Gray Douglas Fir
Pseudotsuga menziesii var. *viridis* - Green Douglas Fir
Pyrus communis L. - Pear
Quercus spp. - (Red or black oak group)
Quercus alba L. - White oak
Quercus muehlenbergii Engelm. - Chinkapin oak

Quercus virginiana Mill. - Live Oak
Rhododendron spp. – Rhododendron
Robinia pseudoacacia L. - Black Locust
Rosa multiflora Thunb. - Japanese Rose
Sequoia gigantea (Lindl.) Decne. - Giant Sequoia
Sequoia sempervirens (D. Don.) Engl. - Redwood
Syringa vulgaris L. - Common Lilac
Thuja occidentalis L. - Northern White Cedar, Eastern Arborvitae
Thuja orientalis L. - Oriental Arborvitae, Chinese Arborvitae
Thuja plicata Donn. - Western Red Cedar - Giant Arborvitae
Tsuga canadensis (L.) Carr. - Eastern Hemlock, Canada Hemlock
Tsuga heterophylla (Raf.) Sarg. - Western Hemlock, Pacific Hemlock
Ulmus americana L. - American Elm
Ulmus parvifolia Jacq. - Chinese Elm
Ulmus pumila L. - Siberian Elm
Vitis vulpina L. - Riverbank Grape

14. Tolerances. Tolerances allow for the variation that may reasonably be expected in results obtained from different laboratory analysis tests of the same lot of seed. Tolerances are applied when comparing one laboratory analysis test result with another or to a seed analysis label statement or claim. They are for the protection of the seed labeler and shall not be used to show higher quality on the label than is indicated by an actual laboratory test.

15. Official Definitions. Unless otherwise provided by law or regulation, the list of Official Definitions adopted and published by the Association of American Seed Control Officials shall be used in the administration and enforcement of the state seed law and regulations.

APPENDIX

References to Flower Seeds

For those states that are not concerned with flower seeds the following parts of RUSSL should be deleted:

- (1) Section 1 (d)
- (2) Section 2 (g) (1-3) and (h) (1-5)
- (3) Section 6 (a) (2) (D) and (E)
- (4) Under the suggested Rules and regulations numbers 11 and 12
- (5) The word "flower" should be eliminated from all sections.

References to Tree and Shrub Seeds

For those states that are not concerned with tree and shrub seeds the following parts of RUSSL should be deleted:

- (1) Section 1 (e), (u), (v)
- (2) Section 2A
- (3) Section 5 (b) deleted the following words:
"species (and subspecies, if appropriate)" and -"elevation, and year of collection".
- (4) Section 6 (A) (2) (F)
- (5) Under the suggested Rules and Regulations number 13.
- (6) The words "tree and shrub" should be eliminated from all sections.