

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 105 1

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 8-21
DATE FOR REVIEW 8-30
DATE DUE 9-4

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved September 4, 1984 (105) Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____ Revisor approved 8/22/84
disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 8.16.84 Date

✓ Notice of Intent to Solicit Outside Opinion SR. 4.10.84 — not submitted

✓ Order for rulemaking
N/A date of Hearing

_____ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
2 Sufficiency minimum small biz statement

✓ Affidavit of Mailing Notice or rulemaking
7.11.84 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
7.16.84 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

_____ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

_____ Agency's Findings of Fact

_____ LCRAR Report or agency Affidavit

_____ Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness contains small biz statement

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

AG copy

Department of Agriculture

Agronomy Services Division

Adopted Rules Amending Agricultural Seed Labeling and Inspection Requirements

Rules as Adopted

1510.0111 INFORMATION REQUIRED ON HYBRID SEED CORN LABELS.

Seed labels for hybrid corn varieties or blends of varieties for either grain or forage purposes must include the day classification listed in five-day increments under the heading "Minnesota Relative Maturity." For hybrid seed corn blends, the relative maturity and the germination percentage must be derived by averaging the relative maturities and germination percentages according to the proportion of each component in the blend.

1510.0161 KINDS OF LAWN AND TURF GRASS SEEDS EXEMPT FROM TEN PERCENT INERT MATTER LIMITATION.

In accordance with Minnesota Statutes, section 21.82, subdivision 5, paragraph (a), Kentucky bluegrass is a kind of lawn and turf grass seed for which the ten percent inert matter limitation does not apply.

1510.0171 STANDARDS, REQUIREMENTS, AND CONDITIONS FOR LABELING HERMETICALLY-SEALED SEEDS.

In accordance with Minnesota Statutes, section 21.86, subdivision 1, paragraph (a), the following standards, requirements, and conditions must be met before seed is considered to be hermetically-sealed:

A. The seed must be packed within nine months after harvest.

B. The container used must 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 degrees Fahrenheit with a relative humidity on

one side of 90 percent and on the other side of zero percent. Water vapor penetration or WVP is measured by the standards of the United States Bureau of Standards as:

gm. H_2O/24 hr./100 sq. in./100°F./90%RHV.0%RH

C. The agricultural seed in the container must not exceed the following percentages of moisture, on a wet weight basis:

(1) beet, field, 7.5 percent;

(2) beet, sugar, 7.5 percent;

(3) bluegrass, kentucky, 6.0 percent;

(4) clover, crimson, 8.0 percent;

(5) fescue, red, 8.0 percent;

(6) ryegrass, annual, 8.0 percent;

(7) ryegrass, perennial, 8.0 percent;

(8) all others, 6.0 percent; and

(9) mixture of above, 8.0 percent.

D. The vegetable seeds in the container must not exceed the following percentages of moisture, on a wet weight basis:

(1) bean, garden, 7.0 percent;

(2) bean, lima, 7.0 percent;

(3) beet, 7.5 percent;

(4) broccoli, 5.0 percent;

(5) brussels sprout, 5.0 percent;

(6) cabbage, 5.0 percent;

(7) carrot, 7.0 percent;

(8) cauliflower, 5.0 percent;

(9) celeriac, 7.0 percent;

(10) celery, 7.0 percent;

(11) chard, Swiss, 7.5 percent;

(12) Chinese cabbage, 5.0 percent;

(13) chives, 6.5 percent;

(14) collards, 5.0 percent;

(15) corn, sweet, 8.0 percent;

(16) cucumber, 6.0 percent;

(17) eggplant, 6.0 percent;

(18) kale, 5.0 percent;

(19) kohlrabi, 5.0 percent;

(20) leek, 6.5 percent;

(21) lettuce, 5.5 percent;

(22) muskmelon, 6.0 percent;

(23) mustard, India, 5.0 percent;

(24) onion, 6.5 percent;

(25) onion, Welsh, 6.5 percent;

(26) parsley, 6.5 percent;

(27) parsnip, 6.0 percent;

(28) pea, 7.0 percent;

(29) pepper, 4.5 percent;

(30) pumpkin, 6.0 percent;

(31) radish, 5.0 percent;

(32) rutabaga, 5.0 percent;

(33) spinach, 8.0 percent;

(34) squash, 6.0 percent;

(35) tomato, 5.5 percent;

(36) turnip, 5.0 percent;

(37) watermelon, 6.5 percent; and

(38) all others, 6.0 percent.

E. The container must be 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.

F. The percentage of germination of seed at the time of packaging must be equal to or above the standards in part 1510.0231, subpart 1.

1510.0231 GERMINATION STANDARDS; STANDARDIZED GERMINATION TESTING PROCEDURES.

Subpart 1. **Vegetable seed germination.** In accordance with Minnesota Statutes, section 21.82, subdivision 7, paragraph (a), clause (2), the germination standards for vegetable seeds

prepared for use by home gardeners are as follows:

A. artichoke, 60 percent;

B. asparagus, 70 percent;

C. asparagusbean, 75 percent;

D. bean, garden, 70 percent;

E. bean, lima, 70 percent;

F. bean, runner, 75 percent;

G. beet, 65 percent;

H. broadbean, 75 percent;

I. broccoli, 75 percent;

J. brussels sprout, 70 percent;

K. burdock, great, 60 percent;

L. cabbage, 75 percent;

M. cabbage, tronchuda, 75 percent;

N. cantaloupe (see muskmelon);

O. cardoon, 60 percent;

P. carrot, 55 percent;

Q. cauliflower, 75 percent;

R. celeriac, 55 percent;

S. celery, 55 percent;

T. chard, Swiss, 65 percent;

U. chicory, 65 percent;

V. Chinese cabbage, 75 percent;

W. chives, 50 percent;

X. citron, 65 percent;

Y. collards, 80 percent;

Z. corn, sweet, 75 percent;

AA. cornsalad, 70 percent;

BB. cowpea, 75 percent;

CC. cress, garden, 75 percent;

DD. cress, upland, 60 percent;

EE. cress, water, 40 percent;

FF. cucumber, 80 percent;

GG. dandelion, 60 percent;

HH. eggplant, 60 percent;

II. endive, 70 percent;

JJ. kale, 75 percent;

KK. kale, Chinese, 75 percent;

LL. kale, Siberian, 75 percent;

MM. kohlrabi, 75 percent;

NN. leek, 60 percent;

OO. lettuce, 80 percent;

PP. muskmelon, 75 percent;

QQ. mustard, India, 75 percent;

RR. mustard, spinach, 75 percent;

SS. okra, 50 percent;

TT. onion, 70 percent;

UU. onion, Welsh, 70 percent;

VV. pak-choi, 75 percent;

WW. parsley, 60 percent;

XX. parsnip, 60 percent;

YY. pea, 80 percent;

ZZ. pepper, 55 percent;

AAA. pumpkin, 75 percent;

BBB. radish, 75 percent;

CCC. rhubarb, 60 percent;

DDD. rutabaga, 75 percent;

EEE. salsify, 75 percent;

FFF. sorrel, 65 percent;

GGG. soybean, 75 percent;

HHH. spinach, 60 percent;

III. spinach, New Zealand, 40 percent;

JJJ. squash, 75 percent;

KKK. tomato, 75 percent;

LLL. tomato, husk, 50 percent;

MMM. turnip, 80 percent;

NNN. watermelon, 70 percent;

Subp. 2. **Flower seed germination.** In accordance with Minnesota Statutes, section 21.82, subdivision 8, paragraph (a), clause (3), the germination standards for flower seeds prepared for use by home gardeners are set in this subpart.

A. The kinds of flower seeds listed below are those

for which standard testing procedures have been prescribed. 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.

(1) Achillea (The Pearl), *Achillea ptarmica*, 50 percent;

(2) African Daisy, *Dimorphotheca aurantiaca*, 55 percent;

(3) Ageratum, *Ageratum mexicanum*, 60 percent;

(4) Agrostemma (rose campion), *Agrostemma coronaria*, 65 percent;

(5) Alyssum, *Alyssum compactum*, *A. maritimum*, *A. procumbens*, *A. saxatile*, 60 percent;

(6) Amaranthus, (*Amaranthus* spp.) 65 percent;

(7) Anagalis (pimpernel), (*Anagalis arvensis*, *Anagalis coerulia*, *Anagalis grandiflora*), 60 percent;

(8) Anemone, *Anemone coronaria*, *A. pulsatilla*, 55 percent;

(9) Angel's Trumpet, *Datura arborea*, 60 percent;

(10) Arabis, *Arabis alpina*, 60 percent;

(11) Arctotis (African lilac daisy), (*Arctotis grandis*), 45 percent;

(12) Armeria, (*Armeria formosa*), 55 percent;

(13) Asparagus, fern, (*Asparagus plumosus*), 50 percent;

(14) Asparagus, sprenger, (*Asparagus sprengeri*), 55 percent;

(15) Aster, China, *Callistephus chinensis*, except Pompon, Powderpuff, and Princess types, 55 percent

(16) Aster, China, *Callistephus chinensis*, Pompon, Powderpuff, and Princess types, 50 percent;

(17) Aubretia, *Aubretia deltoides*, 45 percent;

(18) Balsam, *Impatiens balsamina*, 70 percent;

(19) Begonia, (*Begonia fibrous rooted*), 60 percent;

(20) Begonia, (*Begonia tuberous rooted*), 50 percent;

(21) Bells of Ireland, (*Molucella laevis*), 60 percent;

(22) Brachycome (swan river daisy), (*Brachycome iberidifolia*), 60 percent;

(23) Browallia, (*Browallia elata* and *B. speciosa*), 65 percent;

(24) Bupthalmum (sunwheel), (*Bupthalmum salicifolium*), 60 percent;

(25) Calceolaria, (*Calceolaria* spp.), 60 percent;

(26) Calendula, Calendula officinalis, 65 percent;

(27) California Poppy, *Eschscholtzia californica*, 60 percent;

(28) Calliopsis, *Coreopsis bicolor*, *C. drummondi*, *C. elegans*, 65 percent;

(29) Campanula:

(a) Canterbury Bells, *Campanula medium*, 60 percent;

(b) Cup and Saucer Bellflower, *Campanula medium calycanthema*, 60 percent;

(c) Carpathian Bellflower, *Campanula carpatica*, 50 percent;

(d) Peach Bellflower, *Campanula persicifolia*, 50 percent;

(30) Candytuft, Annual, *Iberis amara, I. umbellata*, 65 percent;

(31) Candytuft, Perennial, *Iberis gibraltarica, I. sempervirens*, 55 percent;

(32) Castor Bean, *Ricinus communis*, 60 percent;

(33) Cathedral Bells, *Cobaea scandens*, 65 percent;

(34) Celosia, *Celosia argentea*, 65 percent;

(35) Centaurea (Basket Flower), *Centaurea americana*, Cornflower, *C. cyanus*, Dusty Miller, *C. candidissima*, Royal Centaurea, *C. imperialis*, Sweet Sultan, *C. moschata*, Velvet Centaurea, *C. gymnocarpa*, 60 percent;

(36) Chinese Forget-me-not, *Cynoglossum amabile*, 55 percent;

(37) Chrysanthemum, Annual, *Chrysanthemum carinatum*, *C. coronarium*, *C. segetum*, 40 percent;

(38) Clarkia, *Clarkia elegans*, 65 percent;

(39) Cleome, *Cleome gigantea*, 65 percent;

(40) Columbine, *Aquilegia* spp., 50 percent;

(41) Coral Bells, *Heuchera sanguinea*, 55 percent;

(42) Coreopsis, Perennial, *Coreopsis lanceolata*, 40 percent;

(43) Cosmos, Sensation, Mammoth, and Crested types, *Cosmos bipinnatus*, Klondyke type, *C. sulphureus*, 65 percent;

(44) Dahlia, *Dahlis* spp., 55 percent;

(45) Delphinium, Perennial, Belladonna and Bellamosum types, Cardinal Larkspur, *Delphinium cardinale*, Chinensis types, Pacific Giant, Gold Medal, and other hybrids of *D. elatum*, 55 percent;

(46) Dianthus, Carnation, *Dianthus caryophyllus*, 60 percent;

(47) Dianthus, China Pinks, *Dianthus chinensis*, *heddewigi*, *heddensis*, 70 percent;

(48) Grass Pinks, *Dianthus plumarius*, 60 percent;

(49) Maiden Pinks, *Dianthus deltoides*, 60 percent;

(50) Sweet William, *Dianthus barbatus*, 70 percent;

(51) Sweet Wivelsfield, *Dianthus allwood*, 60 percent;

(52) Dracaena, *Dracaena indivisa*, 55 percent;

(53) English Daisy, *Bellis perennis*, 55 percent;

(54) Foxglove, *Digitalis* spp., 60 percent;

(55) Gaillardia, Annual, *Gaillardia pulchella*, *G. picta*, Perennial, *G. grandiflora*, 45 percent;

(56) Geum, *Geum* spp., 55 percent;

(57) Gilia, *Gilia* spp., 65 percent;

(58) Godetia, *Godetia amoena*, *G. grandiflora*, 65 percent;

(59) Gourds: Yellow Flowered, *Cucurbita pepo*; White Flowered, *Lagenaria sisceraria*; Dishcloth, *Luffa cylindrica*, 70 percent;

(60) Gypsophila: Annual Baby's Breath, *Gypsophila elegans*; Perennial Baby's Breath, *G. paniculata*, *G. pacifica*, *G. repens*, 70 percent;

(61) Helenium, (*Helenium autumnale*), 40 percent;

(62) Helichrysum, *Helichrysum monstrosum*, 60 percent;

(63) Heliopsis, (*Heliopsis scabra*), 55 percent;

(64) Helipterum (*Acroclinium*), (*Helipterum roseum*), 60 percent;

(65) Hesperis (sweet rocket), (*Hesperis matronalis*), 65 percent;

(66) *Hollyhock, *Althea rosea*, 65 percent;

(67) Hunnemania (mexican tulip poppy), (*Hunnemania fumariaefolia*), 60 percent;

(68) *Hyacinth bean, (*Dolichos lablab*), 70 percent;

(69) Impatiens, (*Impatiens holstii*, *I. sultani*), 55 percent;

(70) *Ipomea, Cypress Vine, *Ipomea quamoclit*; Moonflower, *I. noctiflora*; Morning Glories, Cardinal Climber, Hearts and Honey Vine, *Ipomea* spp., 75 percent;

(71) Jerusulem cross (maltese cross), (*Lychnis chalcedonica*), 70 percent;

(72) Job's Tears, *Coix lacrymajobi*, 70 percent;

(73) Kochia, *Kochia childsi*, 55 percent;

(74) Larkspur, Annual, *Delphinium ajacis*, 60 percent;

(75) Lantana, *Lantana camara*, *L. hybrida*, 35 percent;

(76) Lilium (regal lily), (*Lilium regale*), 50 percent;

(77) Linaria, *Linaria* spp., 65 percent;

(78) Lobelia, Annual, *Lobelia erinus*, 65 percent;

(79) Lunaria, Annual, *Lunaria annua*, 65 percent;

(80) *Lupine, *Lupinus* spp., 65 percent;

(81) Marigold, *Tagetes* spp., 65 percent;

(82) Marvel of Peru, *Mirabilis jalapa*, 60 percent;

(83) Matricaria (feverfew), (*Matricaria* spp.), 60 percent;

(84) Migonette, *Reseda odorata*, 55 percent;

(85) Myosotis, *Myosotis alpestris*, *M. oblongata*, *M. palustris*, 50 percent;

(86) Nasturtium, *Tropaeolum* spp., 60 percent;

(87) Nemesia, *Nemesia* spp., 65 percent;

(88) Nemophila, *Nemophila insignis*, 70 percent;

(89) Nemophila, Spotted, (*Nemophila maculata*), 60 percent;

(90) Nicotiana, *Nicotiana affinis*, *N. sanderae*, *N. sylvestris*, 65 percent;

(91) Nierembergia, *Nierembergia* spp., 55 percent;

(92) Nigella, *Nigella damascena*, 55 percent;

(93) Pansy, *Viola tricolor*, 60 percent;

(94) Penstemon, *Penstemon barbatus*, *P. grandiflorus*, *P. laevigatus*, *P. pubescens*, 60 percent;

(95) Petunia, *Petunia* spp., 45 percent;

(96) Phacelia, *Phacelia campanularia*, *P. minor*, *P. tanacetifolia*, 65 percent;

(97) Phlox, Annual, *Phlox drummondi* all types and varieties, 55 percent;

(98) Physalis, *Physalis*, spp., 60 percent;

(99) Platycodon (balloon flower), (*Platycodon grandiflorum*), 60 percent;

(100) Plumbago, cape, (*Plumbago capensis*), 50 percent;

(101) Poppy: Shirley Poppy, *Papaver rhoeas*; Iceland Poppy, *P. nudicaule*; Oriental Poppy, *P. orientale*; Tulip Poppy, *P. glaucum*, 60 percent;

(102) Portulace, *Portulaca grandiflora*, 55 percent;

(103) Primula (primrose), (*Primula* spp.), 50 percent;

(104) Pyrethrum (painted daisy), (*Pyrethrum coccineum*), 60 percent;

(105) Salpiglossis, *Salpiglossis gloxinaeflora*, *S. sinuata*, 60 percent;

(106) Salvia, Scarlet Sage, *Salvia splendens*; Mealycup Sage (blue bedder), *Salvia farinacea*, 50 percent;

(107) Saponaria, *Saponaria ocymoides*, *S. vaccaria*, 60 percent;

(108) Scabiosa, Annual, *Scabiosa atropurpurea*, 50 percent;

(109) Scabiosa, Perennial, *Scabiosa caucasica*, 40 percent;

(110) Schizanthus, *Schizanthus* spp., 60 percent;

(111) *Sensitive plant (mimosa), (*Mimosa pudica*), 65 percent;

(112) Shasta Daisy, *Chrysanthemum maximum*, *C. leucanthemum*, 65 percent;

(113) Snapdragon, *Antirrhinum* spp., 55 percent;

(114) Solanum, *Solanum* spp., 60 percent;

(115) Statice, (*Statice sinuata*, *S. suworonii*) (flower heads), 50 percent;

(116) Stocks: Common, *Mathiola incana*; Evening Scented, *Mathiola bicornis*, 65 percent;

(117) Sunflower, *Helianthus* spp., 65 percent;

(118) *Sweet Pea, Annual and Perennial other than dwarf bush, *Lathyrus odoratus*, *L. latifolius*, 75 percent;

(119) *Sweet Pea, dwarf bush, *Lathyrus odoratus*, 65 percent;

(120) Tahoka daisy, (*Machaeanthera tanacetifolia*), 60 percent;

(121) Thunbergia, *Thunbergia alata*, 60 percent;

(122) Torch flower, *Tithonia speciosa*, 70 percent;

(123) Torenia (wishbone flower), (*Torenia fournieri*), 70 percent;

(124) Tritoma, *Kniphofia* spp., 65 percent;

(125) Verbena, Annual, *Verbena hybrida*, 35 percent;

(126) Vinca, *Vinca rosea*, 60 percent;

(127) Viola, *Viola cornuta*, 55 percent;

(128) Virginian stocks, (*Malcolmia maritima*), 65 percent;

(129) Wallflower, *Cheiranthus allioni*, 65 percent;

(130) Yucca (Adam's needle), (*Yucca filamentosa*), 50 percent;

(131) Zinnia (except Linearis and Creeping), *Zinnia angustifolia*, *Z. elegans*, *Z. grandiflora*, *Z. gracillima*, *Z. haegeana*, *Z. multiflora*, *Z. pumila*, 65 percent; and

(132) Zinnia, Linearis and Creeping, *Zinnia linearis*, *Sanvitalia procumbens*, 50 percent.

B. A mixture of kinds of flower seeds is below 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.

1510.0241 STANDARDIZED GERMINATION TESTING PROCEDURES AVAILABLE.

A. In accordance with Minnesota Statutes, section 21.83, subdivision 2, paragraph (h), item B lists the kinds of tree and shrub seed that have standardized germination testing procedures available for them.

B. Tree and shrub seeds with standardized germination testing procedures available for them are as follows:

(1) *Abies amabilis* (Dougl.) Forbes, Pacific Silver Fir;

(2) *Abies balsamea* (L.) Mill., Balsam Fir;

(3) *Abies concolor* (Gord. and Glend.) Lindl., White Fir;

(4) *Abies fraseri* (Pursh.) Poir, Fraser Fir;

(5) *Abies grandis* (Dougl.) Lindl., Grand Fir;

(6) *Abies homolepis* Sieb. and Zucc., Nikko Fir;

(7) *Abies lasiocarpa* (Hook.) Nutt., Subalpine Fir;

(8) *Abies magnifica* A. Murr., California Red Fir;

(9) *Abies magnifica* var. *shastensis* Lemm., Shasta Red Fir;

(10) *Abies procera* Rehd., Nobel Fir;

(11) *Abies veitchii* (Lindl.), Veitch Fir;

(12) *Acer ginnala* Maxim., Amur Maple;

(13) *Acer macrophyllum* Pursh., Bigleaf Maple;

(14) *Acer negundo* L., Boxelder;

(15) *Acer pensylvanicum* L., Striped Maple;

(16) *Acer platanoides* L., Norway Maple;

(17) *Acer pseudoplatanus* L., Sycamore Maple;

(18) *Acer rubrum* L., Red Maple;

(19) *Acer saccharinum* L., Silver Maple;

(20) *Acer saccharum* Marsh., Sugar Maple;

(21) *Acer spicatum* Lam., Mountain Maple;

(22) *Aesculus pavia* L., Red Buckeye;

(23) *Ailanthus altissima* (Mill.) Swingle, Tree of Heaven, Ailanthus;

(24) *Berberis thunbergii* DC., Japanese Barberry;

(25) *Berberis vulgaris* L., European Barberry;

(26) *Betula lenta* L., Sweet Birch;

(27) *Betula alleghaniensis* Britton, Yellow Birch;

(28) *Betula nigra* L., River Birch;

(29) *Betula papyrifera* Marsh., Paper Birch;

(30) *Betula pendula* Roth., European White Birch;

(31) *Betula populifolia* Marsh., Gray Birch;

(32) *Carya illinoensis* (Wang.) K. Koch, Pecan;

(33) *Carya ovata* (Mill) K. Koch, Shagbark Hickory;

(34) *Casuarina* spp., Beefwood;

(35) *Catalpa bignonioides* Walt., Southern Catalpa;

(36) *Catalpa speciosa* Warder., Northern Catalpa;

(37) *Cedrus atlantica* Manetti, Atlas Cedar;

(38) *Cedrus deodara* (Roxb.) Loud., Deodar Cedar;

(39) *Cedrus libani* (Loud.), Cedar of Lebanon;

(40) *Celastrus scandens* L., American Bittersweet;

(41) *Celastrus orbiculata* Thunb., Oriental Bittersweet;

(42) *Chamaecyparis lawsoniana* (A. Murr.) Parl, Port Orford Cedar;

(43) *Chamaecyparis nootkatensis* (D. Don.) Spach., Alaska Cedar;

(44) *Cornus florida* L., Flowering Dogwood;

(45) *Cornus Stolonifera* Michx., Red-osier Dogwood;

(46) *Crataegus mollis*, Downy Hawthorn;

(47) *Cupressus arizonica* Greene, Arizona Cypress;

(48) *Eucalyptus deglupta*;

(49) *Eucalyptus grandis*;

(50) *Fraxinus americana* L., White Ash;

(51) *Fraxinus excelsior* L., European Ash;

(52) *Fraxinus latifolia* Benth., Oregon Ash;

(53) *Fraxinus nigra* Marsh., Black Ash;

(54) *Fraxinus pensylvanica* Marsh., Green Ash;

(55) *Fraxinus pensylvanica* var. *lanceolata* (Borkh.) Sarg., Green Ash;

(56) *Gleditsia triacanthos* L., Honey Locust;

(57) *Grevillea robusta*, Silk-oak;

(58) *Larix decidua* Mill., European Larch;

(59) *Larix eurolepis* Henry, Dunkfeld Larch;

(60) *Larix leptolepis* (Sieb. and Zucc.) Gord., Japanese Larch;

(61) *Larix occidentalis* Nutt., Western Larch;

(62) *Larix sibirica* Ledeb., Siberian Larch;

(63) *Libocedrus decurrens*, incense-cedar;

(64) *Liquidambar styraciflua* L., Sweetgum;

(65) *Liriodendron tulipifera* L., yellow-poplar;

(66) *Magnolia grandiflora*, Southern magnolia;

(67) *Malus* spp., Apple;

(68) *Malus* spp., Crabapple;

(69) *Nyssa aquatica* L., Water tupelo;

(70) *Nyssa sylvatica* var. *sylvatica*, Black tupelo;

(71) *Picea abies* (L.) Karst., Norway Spruce;

(72) *Picea engelmanni* Parry, Engelmann Spruce;

(73) *Picea glauca* (Moench.) Voss, White Spruce;

(74) *Picea glauca* var. *albertiana* (S. Brown) Sarg., Western White Spruce, Alberta White Spruce;

(75) *Picea glehnii* (Fr. Schmidt) Mast., Sakhalin Spruce;

(76) *Picea jezoensis* (Sieb. and Zucc.) Carr, Yeddo Spruce;

(77) *Picea Koyamai* Shiras, Koyama Spruce;

(78) *Picea mariana* (Mill.) B.S.P., Black Spruce;

(79) *Picea omorika* (Pancic.) Purkyne, Serbian Spruce;

(80) *Picea orientalis* (L.) Link., Oriental Spruce;

(81) *Picea polita* (Sieb. and Zucc.) Carr, Tigertail Spruce;

(82) *Picea pungens* Engelm., Blue Spruce, Colorado Spruce;

(83) *Picea pungens* var. *glauca* Reg., Colorado Blue Spruce;

(84) *Picea rubens* Sar., Red Spruce;

(85) *Picea sitchensis* (Bong.) Carr, Sitka Spruce;

(86) *Pinus albicaulis* Engelm., Whitebark Pine;

(87) *Pinus aristata* Engelm., Bristlecone Pine;

(88) *Pinus banksiana* Lamb., Jack Pine;

(89) *Pinus canariensis* C. Smith, Canary Pine;

(90) *Pinus caribaea*, Caribbean Pine;

(91) *Pinus cembroides* Zucc., Mexican Pinyon Pine;

(92) *Pinus clausa*, Sand Pine;

(93) *Pinus contorta* Dougl., Lodgepole Pine;

(94) *Pinus contorta* var. *latifolia* Engelm., Lodgepole Pine;

(95) *Pinus coulteri* D. Don., Coulter Pine, Bigcone Pine;

(96) *Pinus densiflora* Sieb. and Zucc., Japanese Red Pine;

(97) *Pinus echinata* Mill., Shortleaf Pine;

(98) *Pinus elliottii* Engelm., Slash Pine;

(99) *Pinus flexilis* James, Limber Pine;

(100) *Pinus glabra* Walt., Spruce Pine;

(101) *Pinus griffithi* McClelland, Himalayan Pine;

(102) *Pinus halepensis* Mill., Aleppo Pine;

(103) *Pinus jeffreyi* Grev. and Balf., Jeffrey Pine;

(104) *Pinus khasya* Royle, Khasia Pine;

(105) *Pinus lambertiana* Dougl., Sugar Pine;

(106) *Pinus heldreichii* var. *leucodermis* (Ant.) Markgraf ex Fitschen, Balkan Pine, Bosnian Pine;

(107) *Pinus markusii* DeVriese, Markus Pine;

(108) *Pinus monticola* Dougl., Western White Pine;

(109) *Pinus mugo* Turra., Mountain Pine;

(110) *Pinus mugo* var. *mughus* (Scop.) Zenari, Mugo Swiss Mountain Pine;

(111) *Pinus muricata* D. Don., Bishop Pine;

(112) *Pinus nigra* Arnold, Austrian Pine;

(113) *Pinus nigra poiretiana* (Ant.) Aschers and Graebn., Corsican Pine;

(114) *Pinus palustris* Mill., Longleaf Pine;

(115) *Pinus parviflora* Sieb. and Zucc., Japanese White Pine;

(116) *Pinus patula* Schl. and Cham., Jelecote Pine;

(117) *Pinus pinaster* Sol., Cluster Pine;

(118) *Pinus pinea* L., Italian Stone Pine;

(119) *Pinus ponderosa* Laws., Ponderosa Pine, Western Yellow Pine;

(120) *Pinus radiata* D. Don., Monterey Pine;

(121) *Pinus resinosa* Ait., Red Pine, Norway Pine;

(122) *Pinus rigida* Mill., Pitch Pine;

(123) *Pinus serotina* Michx., Pond Pine;

(124) *Pinus strobus* L., Eastern White Pine;

(125) *Pinus sylvestris* L., Scotch Pine;

(126) *Pinus taeda* L., Loblolly Pine;

(127) *Pinus taiwanensis* Hayata, Formosa pine;

(128) *Pinus thunbergii* Parl., Japanese Black pine;

(129) *Pinus virginiana* Mill., Virginia Pine,

Scrub Pine;

(130) *Plantanus occidentalis* L., American Sycamore;

(131) *Populus* spp., Poplars;

(132) *Prunus armeriaca* L., Apricot;

(133) *Prunus avium* (L.) L., Cherry;

(134) *Prunus domestica* L., Plum, Prune;

(135) *Prunus persica* Batsch., Peach;

(136) *Pseudotsuga menziesii* var. *glauca* (Beissn.) Franco, Blue Douglas Fir;

(137) *Pseudotsuga menziesii* var. *caesia* (Beissn.) Franco, Gray Douglas Fir;

(138) *Pseudotsuga menziesii* var. *viridis*, Green Douglas Fir;

(139) *Pyrus communis* L., Pear;

(140) *Quercus* spp., (Red or black oak group);

(141) *Quercus alba* L., White Oak;

(142) *Quercus muehlenbergii* Engelm., Chinkapin Oak;

(143) *Quercus virginiana* Mill., Live Oak;

(144) *Rhododendron* spp., Rhododendron;

(145) *Robinia pseudoacacia* L., Black Locust;

(146) *Rosa multiflora* Thunb., Japanese Rose;

(147) *Sequoia gigantea* (Lindl.) Decne., Giant Sequoia;

(148) *Sequoia sempervirens* (D. Don.) Engl., Redwood;

(149) *Syringa vulgaris* L., Common lilac;

(150) *Thuja occidentalis* L., Northern White Cedar, Eastern Arborvitae;

(151) *Thuja orientalis* L., Oriental Arborvitae, Chinese Arborvitae;

(152) *Thuja plicata* Donn., Western Red Cedar, Giant Arborvitae;

(153) *Tsuga canadensis* (L.) Carr., Eastern Hemlock, Canada Hemlock;

(154) *Tsuga heterophylla* (Raf.) Sarg., Western Hemlock, Pacific Hemlock;

(155) *Ulmus americana* L., American Elm;

(156) *Ulmus parvifolia* Jacq., Chinese Elm;

(157) *Ulmus pumila* L., Siberian Elm;

(158) *Vitis vulpina* L., Riverbank Grape.

1510.0251 KIND AND VARIETY OR TYPE AND PERFORMANCE CHARACTERISTICS OF FLOWER SEEDS.

In accordance with Minnesota Statutes, section 21.82, subdivision 8, paragraph (a), clause (1), this part contains the requirements for labeling the kind and variety or a statement of type and performance characteristics for flower seeds prepared for use by home gardeners.

A. For seeds of plants grown primarily for their blooms;

(1) if the seeds are of a single named variety, the kind and variety must 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 it is significant, and the type and color of bloom must be indicated, for example, "Scabiosa, Tall, Large Flowered, Double, Pink";

(3) if the seeds consist of a mixture of colors or a blend of varieties of a single kind, the kind name, the type of plant, if it is significant, and the type of bloom must be indicated, and it must be clearly indicated that the seed is mixed or blended, for example, "Marigold, Dwarf Double French, Mixed Colors" or "Marigold Blend, Dwarf Double French, Mixed Colors";

(4) if the seeds consist of a mixture of kinds, it must be clearly indicated that the seed is mixed and the specific use of the mixture must be indicated, for example, "Cut Flower Mixture" or "Rock Garden Mixture." Statements like "Wild Flower Mixture," "General Purpose Mixture," "Wonder Mixture," or any other statement which fails to indicate the specific use of

the seed is not permitted unless the specific use of the mixture is also stated.

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

1510.0261 REQUIREMENTS FOR COMPLETE RECORD.

The initial labeler of agricultural, vegetable, flower, tree, or shrub seeds subject to Minnesota Statutes, sections 21.82 and 21.83, must have the following information as part of the complete record for each seed lot sold:

A. lot number or other lot identification;

B. a copy of the genuine grower's declaration or tree seed collector's declaration or similar documents containing the same information;

C. copies of invoices showing the sale of each seed lot, including the name of the person the seed was sold to, the amount sold, the date of sale, the name of the kind or kind and variety, and the lot number;

D. a copy of the label that was attached to or accompanied the seed lot;

E. a copy of the field and final certification documents, if applicable;

F. a copy of each report concerning the testing of the seed for labeling purposes; and

G. a file sample of the seed lot which is representative of the seed lot and of sufficient size to constitute an official sample as prescribed in section 201.43 of the Federal Seed Act regulations. The prescribed official sample sizes are as follows:

(1) two ounces of grass seed not otherwise mentioned, white or alsike clover, or seeds not larger than these;

(2) five ounces of red or crimson clover, alfalfa, lespedeza, ryegrass, bromegrass, millet, flax, rape, or

seeds of similar size;

(3) one pound of sudangrass, sorghum, proso, or seeds of similar size;

(4) two pounds of cereals, vetch, or seeds of similar or larger size; and

(5) at least 400 vegetable seeds.

1510.0271 PROHIBITED WEED SEEDS.

The following are weed seeds which are prohibited from being present in agricultural, vegetable, flower, tree, and shrub seeds sold in Minnesota in accordance with Minnesota Statutes, section 21.86, subdivision 1, paragraph (d):

A. bull thistle (*Cirsium vulgare L.*);

B. Canada thistle (*Cirsium arvense Scop.*);

C. musk thistle (*Carduus nutans L.*);

D. perennial sow thistle (*Sonchus arvensis L.*);

E. plumeless thistle (*Carduus acanthoides L.*);

F. field bindweed (*Convolvulus arvensis L.*);

G. hemp (*Cannabis sativa L.*);

H. leafy spurge (*Euphorbia esula L.*);

I. perennial peppergrass (*Lepidium draba L.*); and

J. Russian knapweed (*Centaurea repens L.*).

1510.0281 CHARGES UNDER MINNESOTA SEED LAW.

Subpart 1. **Definitions.** As used in this rule, "commissioner" means the commissioner of agriculture or the commissioner's designee, "person" has the meaning given in Minnesota Statutes, section 21.81, subdivision 18, and "initial labeler" has the meaning given in Minnesota Statutes, section 21.81, subdivision 12.

Subp. 2. **Sampling export seed.** In accordance with Minnesota Statutes, section 21.85, subdivision 13, the commissioner shall, if requested, sample seed destined for export to other countries. The fee for sampling export seed is $20 per hour per inspector.

Subp. 3. **Seed fee permits.** An initial labeler who wishes to sell seed in Minnesota must comply with Minnesota Statutes,

section 21.89, subdivisions 1 and 2, and the procedures in this subpart.

A. Each initial labeler who wishes to sell seed in Minnesota must apply to the commissioner to obtain a permit. The application must contain the name and address of the applicant, the application date, and the name and title of the applicant's contact person. The application must be accompanied by an application fee of $10. Initial labelers holding seed fee permits on the effective date of this rule need not apply for a new permit or pay the application fee.

(1) If, for reasons beyond the control and knowledge of the initial labeler, seed is shipped into Minnesota by a person other than the initial labeler, the responsibility for the seed fees are transferred to the shipper. An application for a transfer of this responsibility must be made to the commissioner. Upon approval by the commissioner of the transfer, the shipper is responsible for payment of the seed permit fees.

(2) Seed permit fees may be included in the cost of the seed either as a hidden cost or as a line item cost on each invoice for seed sold. To identify the fee on an invoice, the words "Minnesota seed permit fees" must be used.

B. All seed fee permit holders must file quarterly reports with the commissioner, even if no seed was sold during the reporting period. Each quarterly report must be submitted within 30 days of the end of each reporting period. The reporting periods are January 1 to March 31, April 1 to June 30, July 1 to September 30, October 1 to December 31 of each year.

C. The holder of a seed fee permit must pay fees on all seed for which the permit holder is the initial labeler and which are covered by Minnesota Statutes, sections 21.80 to 21.92 and sold during the reporting period.

(1) For the following kinds of agricultural seed sold either in bulk or containers, the fees are:

(a) oats, wheat, barley, 3 cents per cwt.;

(b) rye, field beans, soybeans, 4 cents per

cwt.;

(c) buckwheat, flax, 6 cents per cwt;

(d) field corn, 15 cents per cwt.;

(e) forage, lawn and turf grasses, and legumes, 20 cents per cwt.;

(f) sugar beet, sunflower, 70 cents per cwt.; and

(g) other agricultural seeds except vegetables grown for processing, 10 cents per cwt.

(2) For vegetable and flower seeds packed in small containers or in bulk for use by home gardeners, the fee is ten cents per $100 of net sales of these seeds.

D. If a seed fee permit holder fails to submit a quarterly report and pay the seed fee within 30 days after the end of each reporting period, the commissioner shall assess a penalty of $10 or eight percent, calculated on an annual basis, of the fee due, whichever is greater, but no more than $100 for each late quarterly report. A $10 penalty will be charged when the quarterly report is late, even if no fee is due for the reporting period. Seed fee permits may be revoked for failure to comply with the applicable provisions of this rule or the Minnesota seed law.

Subp. 4. **Hybrid seed corn variety registration fee.** In accordance with Minnesota Statutes, section 21.90, subdivision 2, the annual fee for the registration of each hybrid seed corn variety or blend is $27.50, which must be paid at the time of registration.

Subp. 5. **Service testing and identification.** The fees in items A to D for purity, germination, identification, or other related tests of seeds or plants for farmers, dealers, and others are established pursuant to Minnesota Statutes, section 21.85, subdivision 12.

A. General crops, including corn, cereals, soybeans, sorghum, millet, sunflowers, clovers, alfalfa, ryegrass, timothy, flax, rape, vegetable, and other similar seeds:

(1) Purity, $8;

(2) Germination, $5;

(3) Purity and germination, $11;

(4) Noxious weed seed only, $4; and

(5) Tetrazolium, $10.

B. Grasses, including bromes, fescues, orchardgrass, reed canary, wheat grasses, bluegrasses, bentgrasses, redtop, green needle grass, weeping lovegrass, sandlove, sanddrop seed, flower, and other similar seeds:

(1) Purity, $12;

(2) Germination, $7;

(3) Purity and germination, $17;

(4) Noxious weed seed only, $6; and

(5) Tetrazolium, $12.

C. Chaffy range grasses, including big bluestem, Indiangrass, side oats grama, gramagrass, little bluestem, meadow foxtail, and similar seeds:

(1) Purity, $20;

(2) Germination, $10;

(3) Purity and germination, $28;

(4) Noxious weed seed only, $10; and

(5) Tetrazolium, $18.

D. Mixtures. "A" means the full price of the highest-priced species plus one-half the price of each additional species. "B" means one-half of the price of the purity test on the highest-priced species in the mixture.

(1) Purity, A;

(2) Germination, A;

(3) Purity and germination, not applicable;

(4) Noxious weed seed only, B; and

(5) Tetrazolium, A.

E. A fee of $12 per hour will be charged for tests which are specially requested but not included in items A to D, or which require excess time due to abnormal sample conditions, such as unusual amounts of dirt or foreign material.

F. An additional fee of $2 per sample will be charged for any sample for which special handling is requested, such as

samples marked "RUSH."

G. Fees are payable within 30 days of the invoice date by the person requesting a service. Late payment will result in an eight percent service charge calculated on an annual basis and assessed against the unpaid balance.

H. Testing for germination percentage on seed with outdated labeling will be done for one-half of the normal fee when the sample is received during the months of October and November of each year. In order to qualify for this special fee, the person requesting the service must submit a copy of the outdated label for the seed lot that needs new test information for germination percentage in order to be labeled legally for sale in Minnesota.

1510.0320 RESTRICTED WEED SEEDS.

"Restricted weed seeds" are those weed seeds which, if present in agricultural, vegetable, flower, tree, and shrub seed, must be named on the label together with the number per ounce or pound of seed specified and which may not exceed the legal limit. They are seeds of weeds which are objectionable in fields, lawns, and gardens of this state, and which can be controlled by good cultural practice and use of herbicides. Restricted weed seeds are seeds of buckhorn plantain (Plantago lanceolata L.), dodder (Cuscuta spp.), Frenchweed (Thlaspi arvense L.), hoary alyssum (Berteroa incana D.C.), horse nettle (Solanum carolinense L.), wild mustard (Brassica arvensis L.), quack grass (Agropyron repens L.), wild radish (Raphanus raphanistrum), giant foxtail (Seteria faberii), and Eastern black nightshade (Solanum ptycanthum Dun).

1510.0340 SAMPLE LABELS FOR AGRICULTURAL SEED.

The labels shown in parts 1510.0350 and 1510.0360 are suggestive of suitable arrangement of required labeling data. Any arrangement is legal as long as data is complete and may be read and understood readily by the buyer of the seed. Misleading and confusing statements and data must be avoided.

1510.0350 SUGGESTED LABEL FOR SINGLE AGRICULTURAL SEED.

This label may be used for hybrid corn, or a special label may be used. The hybrid corn part may be omitted if not wanted. If known, the origin of the seed must be stated for all agricultural seeds or that the origin is unknown if the origin cannot be determined.

KIND..... VARIETY..... LOT NO.....

	HARD	GERM.
PURE SEED %.....	GERM %.....SEED %.....	DATE.....

WEED	INERT	OTHER
SEED %.....	MATTER %.....	CROP %.....

NOXIOUS NO. PER

WEED SEEDS..... POUND.....
(Name)

ORIGIN.....
(State or Foreign Country)

FOR HYBRID MINNESOTA RELATIVE MATURITY .....DAYS

CORN:

LABELER'S NAME

AND ADDRESS.....

1510.0360 SUGGESTED LABEL FOR MIXTURES AND BLENDS OF AGRICULTURAL SEED.

LOT NO.....

KIND.....	.....	.....	.....
VARIETY.....	.....	.....	.....
PURE SEED %.....	.....	.....	.....
GERMINATION %.....	.....	.....	.....
HARD SEED %.....	.....	.....	.....
ORIGIN.....	.....	.....	.....

	INERT	OTHER
WEED SEED %.....	MATTER %.....	CROP %.....
NOXIOUS	NO. PER	GERM.
WEED SEEDS.....	POUND.....	DATE.....

(Name)

LABELER'S NAME

AND ADDRESS .....

REPEALER. Minnesota Rules, parts 1510.0010; 1510.0120; 1510.0160; 1510.0170; 1510.0230; 1510.0240; 1510.0250; 1510.0260; 1510.0270; 1510.0280; 1510.0290; and 1510.0300 are repealed.

APPROVED AS TO LEGALITY

September 4, 1984

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 5 1984

_____
Secretary of State

10:00AM

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : JIM NICHOLS, COMMISSION
Department of Agriculture

DATE: September 4, 1984

ATTN: JON MURPHY
Special Assistant Attorney General

FROM : LARRY D. STARNS LDS
Special Assistant Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Amendments To The Rules of the Department of Agriculture Governing Seed Labeling Requirements, Record Keeping and Fees (Minnesota Rules 1501.0111 - 1510-0360)

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

LDS:cb

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

PLANNING DIVISION
DEPARTMENT OF AGRICULTURE

LIST OF ATTACHED DOCUMENTS

A. Rule as Adopted (Original and three copies). Each copy reflects amendments made in the rules since original publication.

B. Order Adopting the Rule (two copies).

C. Notice of Intent to Solicit Outside Opinion.

D. Order for Notice of Intent to Adopt Rule Without Public Hearing (one copy).

E. Notice of Intent to Adopt a Rule Without Public Hearing (one copy).

F. Affidavit of Mailing Notice of Intent to Adopt a Rule Without Public Hearing (one copy).

G. Mailing List Certificate (one copy).

H. Rule as Proposed (one copy).

I. Statement of Need and Reasonableness (one copy).

J. Certificate of Compliance with Rulemaking Procedures (one copy).

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

Office Memorandum

TO: Judith Wehrwein
Administration - Finance Division
Office of the Attorney General

DATE: 08/16/84

FROM: Carol Milligan, CM Management Analyst
Planning Division

PHONE: 296-6906

SUBJECT: Review of Rules Governing Seed Labeling Requirements, Record Keeping and Fees (Minnesota Rules 1510.0111 - 1510.0360)

The Department of Agriculture adopted amendments to the above-mentioned rules pursuant to Minnesota Statutes, Sections 14.22-14.28. Enclosed with this memorandum are the documents which are required to be submitted to the Attorney General for review prior to final approval of the rules. A list of the documents is attached for your convenience.

The department fulfilled the requirements of Minnesota Statutes, section 14.115, subd. 4, by notifying small businesses of the expected impact of the rules. Such notice was given in the Notice of Intent to Adopt Rules Without Public Hearing. The requirements of subd. 2 are dealt with in the Statement of Need and Reasonableness.

No written comments were received following the publication of the Rules as Proposed in the State Register. The department did not receive any requests for a public hearing, nor did anyone request to be notified when these documents were submitted to the Attorney General. The Rules as Adopted do not differ from the Rules as Proposed.

If you have questions, please contact me.

CM:cb

Attachment

cc: Jim Nichols, Commissioner
Rollin Dennistoun, Ph.D., Deputy Commissioner
Anne Kanten, Assistant Commissioner
Jon Murphy, Special Assistant Attorney General
Craig Lindeke, Office of Revisor of Statutes
Gerald Heil, Director, Planning Division
William Bulger, Director, Agronomy Services Division
Chuck Dale, Agronomy Services Division

Rules as Proposed (all new material)

1510.0111 INFORMATION REQUIRED ON HYBRID SEED CORN LABELS.

Seed labels for hybrid corn varieties or blends of varieties for either grain or forage purposes must include the day classification listed in five-day increments under the heading "Minnesota Relative Maturity." For hybrid seed corn blends, the relative maturity and the germination percentage must be derived by averaging the relative maturities and germination percentages according to the proportion of each component in the blend.

1510.0161 KINDS OF LAWN AND TURF GRASS SEEDS EXEMPT FROM TEN PERCENT INERT MATTER LIMITATION.

In accordance with Minnesota Statutes, section 21.82, subdivision 5, paragraph (a), Kentucky bluegrass is a kind of lawn and turf grass seed for which the ten percent inert matter limitation does not apply.

1510.0171 STANDARDS, REQUIREMENTS, AND CONDITIONS FOR LABELING HERMETICALLY-SEALED SEEDS.

In accordance with Minnesota Statutes, section 21.86, subdivision 1, paragraph (a), the following standards, requirements, and conditions must be met before seed is considered to be hermetically-sealed:

A. The seed must be packed within nine months after harvest.

B. The container used must 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 degrees Fahrenheit with a relative humidity on one side of 90 percent and on the other side of zero percent. Water vapor penetration or WVP is measured by the standards of the United States Bureau of Standards as:

gm. H_2O/24 hr./100 sq. in./100°F./90%RHV.0%RH

C. The agricultural seed in the container must not exceed the following percentages of moisture, on a wet weight basis:

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

(1) beet, field, 7.5 percent;

(2) beet, sugar, 7.5 percent;

(3) bluegrass, kentucky, 6.0 percent;

(4) clover, crimson, 8.0 percent;

(5) fescue, red, 8.0 percent;

(6) ryegrass, annual, 8.0 percent;

(7) ryegrass, perennial, 8.0 percent;

(8) all others, 6.0 percent; and

(9) mixture of above, 8.0 percent.

D. The vegetable seeds in the container must not exceed the following percentages of moisture, on a wet weight basis:

(1) bean, garden, 7.0 percent;

(2) bean, lima, 7.0 percent;

(3) beet, 7.5 percent;

(4) broccoli, 5.0 percent;

(5) brussels sprout, 5.0 percent;

(6) cabbage, 5.0 percent;

(7) carrot, 7.0 percent;

(8) cauliflower, 5.0 percent;

(9) celeriac, 7.0 percent;

(10) celery, 7.0 percent;

(11) chard, Swiss, 7.5 percent;

(12) Chinese cabbage, 5.0 percent;

(13) chives, 6.5 percent;

(14) collards, 5.0 percent;

(15) corn, sweet, 8.0 percent;

(16) cucumber, 6.0 percent;

(17) eggplant, 6.0 percent;

(18) kale, 5.0 percent;

(19) kohlrabi, 5.0 percent;

(20) leek, 6.5 percent;

(21) lettuce, 5.5 percent;

(22) muskmelon, 6.0 percent;

(23) mustard, India, 5.0 percent;

(24) onion, 6.5 percent;

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

(25) onion, Welsh, 6.5 percent;

(26) parsley, 6.5 percent;

(27) parsnip, 6.0 percent;

(28) pea, 7.0 percent;

(29) pepper, 4.5 percent;

(30) pumpkin, 6.0 percent;

(31) radish, 5.0 percent;

(32) rutabaga, 5.0 percent;

(33) spinach, 8.0 percent;

(34) squash, 6.0 percent;

(35) tomato, 5.5 percent;

(36) turnip, 5.0 percent;

(37) watermelon, 6.5 percent; and

(38) all others, 6.0 percent.

E. The container must be 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.

F. The percentage of germination of seed at the time of packaging must be equal to or above the standards in part 1510.0231, subpart 1.

1510.0231 GERMINATION STANDARDS; STANDARDIZED GERMINATION TESTING PROCEDURES.

Subpart 1. **Vegetable seed germination.** In accordance with Minnesota Statutes, section 21.82, subdivision 7, paragraph (a), clause (2), the germination standards for vegetable seeds prepared for use by home gardeners are as follows:

A. artichoke, 60 percent;

B. asparagus, 70 percent;

C. asparagusbean, 75 percent;

D. bean, garden, 70 percent;

E. bean, lima, 70 percent;

F. bean, runner, 75 percent;

APPROVED BY THE REVISOR OF STATUTES OFFICE

G. beet, 65 percent;

H. broadbean, 75 percent;

I. broccoli, 75 percent;

J. brussels sprout, 70 percent;

K. burdock, great, 60 percent;

L. cabbage, 75 percent;

M. cabbage, tronchuda, 75 percent;

N. cantaloupe (see muskmelon);

O. cardoon, 60 percent;

P. carrot, 55 percent;

Q. cauliflower, 75 percent;

R. celeriac, 55 percent;

S. celery, 55 percent;

T. chard, Swiss, 65 percent;

U. chicory, 65 percent;

V. Chinese cabbage, 75 percent;

W. chives, 50 percent;

X. citron, 65 percent;

Y. collards, 80 percent;

Z. corn, sweet, 75 percent;

AA. cornsalad, 70 percent;

BB. cowpea, 75 percent;

CC. cress, garden, 75 percent;

DD. cress, upland, 60 percent;

EE. cress, water, 40 percent;

FF. cucumber, 80 percent;

GG. dandelion, 60 percent;

HH. eggplant, 60 percent;

II. endive, 70 percent;

JJ. kale, 75 percent;

KK. kale, Chinese, 75 percent;

LL. kale, Siberian, 75 percent;

MM. kohlrabi, 75 percent;

NN. leek, 60 percent;

OO. lettuce, 80 percent;

PP. muskmelon, 75 percent;

QQ. mustard, India, 75 percent;

RR. mustard, spinach, 75 percent;

SS. okra, 50 percent;

TT. onion, 70 percent;

UU. onion, Welsh, 70 percent;

VV. pak-choi, 75 percent;

WW. parsley, 60 percent;

XX. parsnip, 60 percent;

YY. pea, 80 percent;

ZZ. pepper, 55 percent;

AAA. pumpkin, 75 percent;

BBB. radish, 75 percent;

CCC. rhubarb, 60 percent;

DDD. rutabaga, 75 percent;

EEE. salsify, 75 percent;

FFF. sorrel, 65 percent;

GGG. soybean, 75 percent;

HHH. spinach, 60 percent;

III. spinach, New Zealand, 40 percent;

JJJ. squash, 75 percent;

KKK. tomato, 75 percent;

LLL. tomato, husk, 50 percent;

MMM. turnip, 80 percent;

NNN. watermelon, 70 percent;

Subp. 2. **Flower seed germination.** In accordance with Minnesota Statutes, section 21.82, subdivision 8, paragraph (a), clause (3), the germination standards for flower seeds prepared for use by home gardeners are set in this subpart.

A. The kinds of flower seeds listed below are those for which standard testing procedures have been prescribed. 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.

(1) Achillea (The Pearl), *Achillea ptarmica*, 50 percent;

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(2) African Daisy, *Dimorphotheca aurantiaca*, 55 percent;

(3) Ageratum, *Ageratum mexicanum*, 60 percent;

(4) Agrostemma (rose campion), *Agrostemma coronaria*, 65 percent;

(5) Alyssum, *Alyssum compactum, A. maritimum, A. procumbens, A. saxatile*, 60 percent;

(6) Amaranthus, (*Amaranthus* spp.) 65 percent;

(7) Anagalis (pimpernel), (*Anagalis arvensis, Anagalis coerulia, Anagalis grandiflora*), 60 percent;

(8) Anemone, *Anemone coronaria, A. pulsatilla*, 55 percent;

(9) Angel's Trumpet, *Datura arborea*, 60 percent;

(10) Arabis, *Arabis alpina*, 60 percent;

(11) Arctotis (African lilac daisy), (*Arctotis grandis*), 45 percent;

(12) Armeria, (*Armeria formosa*), 55 percent;

(13) Asparagus, fern, (*Asparagus plumosus*), 50 percent;

(14) Asparagus, sprenger, (*Asparagus sprengeri*), 55 percent;

(15) Aster, China, *Callistephus chinensis*, except Pompon, Powderpuff, and Princess types, 55 percent

(16) Aster, China, *Callistephus chinensis*, Pompon, Powderpuff, and Princess types, 50 percent;

(17) Aubretia, *Aubretia deltoides*, 45 percent;

(18) Balsam, *Impatiens balsamina*, 70 percent;

(19) Begonia, (*Begonia fibrous rooted*), 60 percent;

(20) Begonia, (*Begonia tuberous rooted*), 50 percent;

(21) Bells of Ireland, (*Molucella laevis*), 60 percent;

(22) Brachycome (swan river daisy), (*Brachycome iberidifolia*), 60 percent;

(23) Browallia, (*Browallia elata* and *B.*

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speciosa), 65 percent;

(24) Bupthalmum (sunwheel), (*Bupthalmum salicifolium*), 60 percent;

(25) Calceolaria, (*Calceolaria* spp.), 60 percent;

(26) Calendula, Calendula officinalis, 65 percent;

(27) California Poppy, *Eschscholtzia californica*, 60 percent;

(28) Calliopsis, *Coreopsis bicolor*, *C. drummondi*, *C. elegans*, 65 percent;

(29) Campanula:

(a) Canterbury Bells, *Campanula medium*, 60 percent;

(b) Cup and Saucer Bellflower, *Campanula medium calycanthema*, 60 percent;

(c) Carpathian Bellflower, *Campanula carpatica*, 50 percent;

(d) Peach Bellflower, *Campanula persicifolia*, 50 percent;

(30) Candytuft, Annual, *Iberis amara*, *I. umbellata*, 65 percent;

(31) Candytuft, Perennial, *Iberis gibraltarica*, *I. sempervirens*, 55 percent;

(32) Castor Bean, *Ricinus communis*, 60 percent;

(33) Cathedral Bells, *Cobaea scandens*, 65 percent;

(34) Celosia, *Celosia argentea*, 65 percent;

(35) Centaurea (Basket Flower), *Centaurea americana*, Cornflower, *C. cyanus*, Dusty Miller, *C. candidissima*, Royal Centaurea, *C. imperialis*, Sweet Sultan, *C. moschata*, Velvet Centaurea, *C. gymnocarpa*, 60 percent;

(36) Chinese Forget-me-not, *Cynoglossum amabile*, 55 percent;

(37) Chrysanthemum, Annual, *Chrysanthemum carinatum*, *C. coronarium*, *C. segetum*, 40 percent;

(38) Clarkia, *Clarkia elegans*, 65 percent;

(39) Cleome, *Cleome gigantea*, 65 percent;

(40) Columbine, *Aquilegia* spp., 50 percent;

(41) Coral Bells, *Heuchera sanguinea*, 55 percent;

(42) Coreopsis, Perennial, *Coreopsis lanceolata*, 40 percent;

(43) Cosmos, Sensation, Mammoth, and Crested types, *Cosmos bipinnatus*, Klondyke type, *C. sulphureus*, 65 percent;

(44) Dahlia, *Dahlis* spp., 55 percent;

(45) Delphinium, Perennial, Belladonna and Bellamosum types, Cardinal Larkspur, *Delphinium cardinale*, Chinensis types, Pacific Giant, Gold Medal, and other hybrids of *D. elatum*, 55 percent;

(46) Dianthus, Carnation, *Dianthus caryophyllus*, 60 percent;

(47) Dianthus, China Pinks, *Dianthus chinensis*, *heddewigi*, *heddensis*, 70 percent;

(48) Grass Pinks, *Dianthus plumarius*, 60 percent;

(49) Maiden Pinks, *Dianthus deltoides*, 60 percent;

(50) Sweet William, *Dianthus barbatus*, 70 percent;

(51) Sweet Wivelsfield, *Dianthus allwood*, 60 percent;

(52) Dracaena, *Dracaena indivisa*, 55 percent;

(53) English Daisy, *Bellis perennis*, 55 percent;

(54) Foxglove, *Digitalis* spp., 60 percent;

(55) Gaillardia, Annual, *Gaillardia pulchella*, *G. picta*, Perennial, *G. grandiflora*, 45 percent;

(56) Geum, *Geum* spp., 55 percent;

(57) Gilia, *Gilia* spp., 65 percent;

(58) Godetia, *Godetia amoena*, *G. grandiflora*, 65 percent;

(59) Gourds: Yellow Flowered, *Cucurbita pepo*; White Flowered, *Lagenaria sisceraria*; Dishcloth, *Luffa cylindrica*, 70 percent;

(60) Gypsophila: Annual Baby's Breath, *Gypsophila elegans*; Perennial Baby's Breath, *G. paniculata*, *G. pacifica*, *G. repens*, 70 percent;

(61) Helenium, (*Helenium autumnale*), 40 percent;

(62) Helichrysum, *Helichrysum monstrosum*, 60 percent;

(63) Heliopsis, (*Heliopsis scabra*), 55 percent;

(64) Helipterum (*Acroclinium*), (*Helipterum roseum*), 60 percent;

(65) Hesperis (sweet rocket), (*Hesperis matronalis*), 65 percent;

(66) *Hollyhock, *Althea rosea*, 65 percent;

(67) Hunnemania (mexican tulip poppy), (*Hunnemania fumariaefolia*), 60 percent;

(68) *Hyacinth bean, (*Dolichos lablab*), 70 percent;

(69) Impatiens, (*Impatiens holstii, I. sultani*), 55 percent;

(70) *Ipomea, Cypress Vine, *Ipomea quamoclit*; Moonflower, *I. noctiflora*; Morning Glories, Cardinal Climber, Hearts and Honey Vine, *Ipomea* spp., 75 percent;

(71) Jerusulem cross (maltese cross), (*Lychnis chalcedonica*), 70 percent;

(72) Job's Tears, *Coix lacrymajobi*, 70 percent;

(73) Kochia, *Kochia childsi*, 55 percent;

(74) Larkspur, Annual, *Delphinium ajacis*, 60 percent;

(75) Lantana, *Lantana camara, L. hybrida*, 35 percent;

(76) Lilium (regal lily), (*Lilium regale*), 50 percent;

(77) Linaria, *Linaria* spp., 65 percent;

(78) Lobelia, Annual, *Lobelia erinus*, 65 percent;

(79) Lunaria, Annual, *Lunaria annua*, 65 percent;

(80) *Lupine, *Lupinus* spp., 65 percent;

(81) Marigold, *Tagetes* spp., 65 percent;

(82) Marvel of Peru, *Mirabilis jalapa*, 60 percent;

(83) Matricaria (feverfew), (*Matricaria* spp.), 60 percent;

(84) Migonette, *Reseda odorata*, 55 percent;

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(85) Myosotis, *Myosotis alpestris, M. oblongata, M. palustris*, 50 percent;

(86) Nasturtium, *Tropaeolum* spp., 60 percent;

(87) Nemesia, *Nemesia* spp., 65 percent;

(88) Nemophila, *Nemophila insignis*, 70 percent;

(89) Nemophila, Spotted, (*Nemophila maculata*), 60 percent;

(90) Nicotiana, *Nicotiana affinis, N. sanderae, N. sylvestris*, 65 percent;

(91) Nierembergia, *Nierembergia* spp., 55 percent;

(92) Nigella, *Nigella damascena*, 55 percent;

(93) Pansy, *Viola tricolor*, 60 percent;

(94) Penstemon, *Penstemon barbatus, P. grandiflorus, P. laevigatus, P. pubescens*, 60 percent;

(95) Petunia, *Petunia* spp., 45 percent;

(96) Phacelia, *Phacelia campanularia, P. minor, P. tanacetifolia*, 65 percent;

(97) Phlox, Annual, *Phlox drummondi* all types and varieties, 55 percent;

(98) Physalis, *Physalis*, spp., 60 percent;

(99) Platycodon (balloon flower), (*Platycodon grandiflorum*), 60 percent;

(100) Plumbago, cape, (*Plumbago capensis*), 50 percent;

(101) Poppy: Shirley Poppy, *Papaver rhoeas*; Iceland Poppy, *P. nudicaule*; Oriental Poppy, *P. orientale*; Tulip Poppy, *P. glaucum*, 60 percent;

(102) Portulace, *Portulaca grandiflora*, 55 percent;

(103) Primula (primrose), (*Primula* spp.), 50 percent;

(104) Pyrethrum (painted daisy), (*Pyrethrum coccineum*), 60 percent;

(105) Salpiglossis, *Salpiglossis gloxinaeflora, S. sinuata*, 60 percent;

(106) Salvia, Scarlet Sage, *Salvia splendens*;

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Mealycup Sage (blue bedder), *Salvia farinacea*, 50 percent;

(107) Saponaria, *Saponaria ocymoides*, *S. vaccaria*, 60 percent;

(108) Scabiosa, Annual, *Scabiosa atropurpurea*, 50 percent;

(109) Scabiosa, Perennial, *Scabiosa caucasica*, 40 percent;

(110) Schizanthus, *Schizanthus* spp., 60 percent;

(111) *Sensitive plant (mimosa), (*Mimosa pudica*), 65 percent;

(112) Shasta Daisy, *Chrysanthemum maximum*, *C. leucanthemum*, 65 percent;

(113) Snapdragon, *Antirrhinum* spp., 55 percent;

(114) Solanum, *Solanum* spp., 60 percent;

(115) Statice, (*Statice sinuata*, *S. suworonii*) (flower heads), 50 percent;

(116) Stocks: Common, *Mathiola incana*; Evening Scented, *Mathiola bicornis*, 65 percent;

(117) Sunflower, *Helianthus* spp., 65 percent;

(118) *Sweet Pea, Annual and Perennial other than dwarf bush, *Lathyrus odoratus*, *L. latifolius*, 75 percent;

(119) *Sweet Pea, dwarf bush, *Lathyrus odoratus*, 65 percent;

(120) Tahoka daisy, (*Machaeanthera tanacetifolia*), 60 percent;

(121) Thunbergia, *Thunbergia alata*, 60 percent;

(122) Torch flower, *Tithonia speciosa*, 70 percent;

(123) Torenia (wishbone flower), (*Torenia fournieri*), 70 percent;

(124) Tritoma, *Kniphofia* spp., 65 percent;

(125) Verbena, Annual, *Verbena hybrida*, 35 percent;

(126) Vinca, *Vinca rosea*, 60 percent;

(127) Viola, *Viola cornuta*, 55 percent;

(128) Virginian stocks, (*Malcolmia maritima*), 65 percent;

(129) Wallflower, *Cheiranthus allioni*, 65 percent;

(130) Yucca (Adam's needle), (*Yucca filamentosa*), 50 percent;

(131) Zinnia (except Linearis and Creeping), *Zinnia angustifolia*, *Z. elegans*, *Z. grandiflora*, *Z. gracillima*, *Z. haegeana*, *Z. multiflora*, *Z. pumila*, 65 percent; and

(132) Zinnia, Linearis and Creeping, *Zinnia linearis*, *Sanvitalia procumbens*, 50 percent.

B. A mixture of kinds of flower seeds is below 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.

1510.0241 STANDARDIZED GERMINATION TESTING PROCEDURES AVAILABLE.

A. In accordance with Minnesota Statutes, section 21.83, subdivision 2, paragraph (h), item B lists the kinds of tree and shrub seed that have standardized germination testing procedures available for them.

B. Tree and shrub seeds with standardized germination testing procedures available for them are as follows:

(1) *Abies amabilis* (Dougl.) Forbes, Pacific Silver Fir;

(2) *Abies balsamea* (L.) Mill., Balsam Fir;

(3) *Abies concolor* (Gord. and Glend.) Lindl., White Fir;

(4) *Abies fraseri* (Pursh.) Poir, Fraser Fir;

(5) *Abies grandis* (Dougl.) Lindl., Grand Fir;

(6) *Abies homolepis* Sieb. and Zucc., Nikko Fir;

(7) *Abies lasiocarpa* (Hook.) Nutt., Subalpine Fir;

(8) *Abies magnifica* A. Murr., California Red Fir;

(9) *Abies magnifica* var. *shastensis* Lemm., Shasta Red Fir;

(10) *Abies procera* Rehd., Nobel Fir;

(11) *Abies veitchii* (Lindl.), Veitch Fir;

(12) *Acer ginnala* Maxim., Amur Maple;

(13) *Acer macrophyllum* Pursh., Bigleaf Maple;

(14) *Acer negundo* L., Boxelder;

(15) *Acer pensylvanicum* L., Striped Maple;

(16) *Acer platanoides* L., Norway Maple;

(17) *Acer pseudoplatanus* L., Sycamore Maple;

(18) *Acer rubrum* L., Red Maple;

(19) *Acer saccharinum* L., Silver Maple;

(20) *Acer saccharum* Marsh., Sugar Maple;

(21) *Acer spicatum* Lam., Mountain Maple;

(22) *Aesculus pavia* L., Red Buckeye;

(23) *Ailanthus altissima* (Mill.) Swingle, Tree of Heaven, Ailanthus;

(24) *Berberis thunbergii* DC., Japanese Barberry;

(25) *Berberis vulgaris* L., European Barberry;

(26) *Betula lenta* L., Sweet Birch;

(27) *Betula alleghaniensis* Britton, Yellow Birch;

(28) *Betula nigra* L., River Birch;

(29) *Betula papyrifera* Marsh., Paper Birch;

(30) *Betula pendula* Roth., European White Birch;

(31) *Betula populifolia* Marsh., Gray Birch;

(32) *Carya illinoensis* (Wang.) K. Koch, Pecan;

(33) *Carya ovata* (Mill) K. Koch, Shagbark Hickory;

(34) *Casuarina* spp., Beefwood;

(35) *Catalpa bignonioides* Walt., Southern Catalpa;

(36) *Catalpa speciosa* Warder., Northern Catalpa;

(37) *Cedrus atlantica* Manetti, Atlas Cedar;

(38) *Cedrus deodara* (Roxb.) Loud., Deodar Cedar;

(39) *Cedrus libani* (Loud.), Cedar of Lebanon;

(40) *Celastrus scandens* L., American Bittersweet;

(41) *Celastrus orbiculata* Thunb., Oriental Bittersweet;

(42) *Chamaecyparis lawsoniana* (A. Murr.) Parl, Port Orford Cedar;

(43) *Chamaecyparis nootkatensis* (D. Don.) Spach., Alaska Cedar;

(44) *Cornus florida* L., Flowering Dogwood;

(45) *Cornus Stolonifera* Michx., Red-osier Dogwood;

(46) *Crataegus mollis*, Downy Hawthorn;

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(47) *Cupressus arizonica* Greene, Arizona Cypress;

(48) *Eucalyptus deglupta*;

(49) *Eucalyptus grandis*;

(50) *Fraxinus americana* L., White Ash;

(51) *Fraxinus excelsior* L., European Ash;

(52) *Fraxinus latifolia* Benth., Oregon Ash;

(53) *Fraxinus nigra* Marsh., Black Ash;

(54) *Fraxinus pensylvanica* Marsh., Green Ash;

(55) *Fraxinus pensylvanica* var. *lanceolata* (Borkh.) Sarg., Green Ash;

(56) *Gleditsia triacanthos* L., Honey Locust;

(57) *Grevillea robusta*, Silk-oak;

(58) *Larix decidua* Mill., European Larch;

(59) *Larix eurolepis* Henry, Dunkfeld Larch;

(60) *Larix leptolepis* (Sieb. and Zucc.) Gord., Japanese Larch;

(61) *Larix occidentalis* Nutt., Western Larch;

(62) *Larix sibirica* Ledeb., Siberian Larch;

(63) *Libocedrus decurrens*, incense-cedar;

(64) *Liquidambar styraciflua* L., Sweetgum;

(65) *Liriodendron tulipifera* L., yellow-poplar;

(66) *Magnolia grandiflora*, Southern magnolia;

(67) *Malus* spp., Apple;

(68) *Malus* spp., Crabapple;

(69) *Nyssa aquatica* L., Water tupelo;

(70) *Nyssa sylvatica* var. *sylvatica*, Black tupelo;

(71) *Picea abies* (L.) Karst., Norway Spruce;

(72) *Picea engelmanni* Parry, Engelmann Spruce;

(73) *Picea glauca* (Moench.) Voss, White Spruce;

(74) *Picea glauca* var. *albertiana* (S. Brown) Sarg., Western White Spruce, Alberta White Spruce;

(75) *Picea glehnii* (Fr. Schmidt) Mast., Sakhalin Spruce;

(76) *Picea jezoensis* (Sieb. and Zucc.) Carr, Yeddo Spruce;

(77) *Picea Koyamai* Shiras, Koyama Spruce;

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(78) *Picea mariana* (Mill.) B.S.P., Black Spruce;

(79) *Picea omorika* (Pancic.) Purkyne, Serbian Spruce;

(80) *Picea orientalis* (L.) Link., Oriental Spruce;

(81) *Picea polita* (Sieb. and Zucc.) Carr, Tigertail Spruce;

(82) *Picea pungens* Engelm., Blue Spruce, Colorado Spruce;

(83) *Picea pungens* var. *glauca* Reg., Colorado Blue Spruce;

(84) *Picea rubens* Sar., Red Spruce;

(85) *Picea sitchensis* (Bong.) Carr, Sitka Spruce;

(86) *Pinus albicaulis* Engelm., Whitebark Pine;

(87) *Pinus aristata* Engelm., Bristlecone Pine;

(88) *Pinus banksiana* Lamb., Jack Pine;

(89) *Pinus canariensis* C. Smith, Canary Pine;

(90) *Pinus caribaea*, Caribbean Pine;

(91) *Pinus cembroides* Zucc., Mexican Pinyon Pine;

(92) *Pinus clausa*, Sand Pine;

(93) *Pinus contorta* Dougl., Lodgepole Pine;

(94) *Pinus contorta* var. *latifolia* Engelm., Lodgepole Pine;

(95) *Pinus coulteri* D. Don., Coulter Pine, Bigcone Pine;

(96) *Pinus densiflora* Sieb. and Zucc., Japanese Red Pine;

(97) *Pinus echinata* Mill., Shortleaf Pine;

(98) *Pinus elliottii* Engelm., Slash Pine;

(99) *Pinus flexilis* James, Limber Pine;

(100) *Pinus glabra* Walt., Spruce Pine;

(101) *Pinus griffithi* McClelland, Himalayan Pine;

(102) *Pinus halepensis* Mill., Aleppo Pine;

(103) *Pinus jeffreyi* Grev. and Balf., Jeffrey Pine;

(104) *Pinus khasya* Royle, Khasia Pine;

(105) *Pinus lambertiana* Dougl., Sugar Pine;

(106) *Pinus heldreichii* var. *leucodermis* (Ant.) Markgraf ex Fitschen, Balkan Pine, Bosnian Pine;

(107) *Pinus markusii* DeVriese, Markus Pine;

(108) *Pinus monticola* Dougl., Western White Pine;

(109) *Pinus mugo* Turra., Mountain Pine;

(110) *Pinus mugo* var. *mughus* (Scop.) Zenari, Mugo Swiss Mountain Pine;

(111) *Pinus muricata* D. Don., Bishop Pine;

(112) *Pinus nigra* Arnold, Austrian Pine;

(113) *Pinus nigra poiretiana* (Ant.) Aschers and Graebn., Corsican Pine;

(114) *Pinus palustris* Mill., Longleaf Pine;

(115) *Pinus parviflora* Sieb. and Zucc., Japanese White Pine;

(116) *Pinus patula* Schl. and Cham., Jelecote Pine;

(117) *Pinus pinaster* Sol., Cluster Pine;

(118) *Pinus pinea* L., Italian Stone Pine;

(119) *Pinus ponderosa* Laws., Ponderosa Pine, Western Yellow Pine;

(120) *Pinus radiata* D. Don., Monterey Pine;

(121) *Pinus resinosa* Ait., Red Pine, Norway Pine;

(122) *Pinus rigida* Mill., Pitch Pine;

(123) *Pinus serotina* Michx., Pond Pine;

(124) *Pinus strobus* L., Eastern White Pine;

(125) *Pinus sylvestris* L., Scotch Pine;

(126) *Pinus taeda* L., Loblolly Pine;

(127) *Pinus taiwanensis* Hayata, Formosa pine;

(128) *Pinus thunbergii* Parl., Japanese Black pine;

(129) *Pinus virginiana* Mill., Virginia Pine, Scrub Pine;

(130) *Plantanus occidentalis* L., American Sycamore;

(131) *Populus* spp., Poplars;

(132) *Prunus armeriaca* L., Apricot;

(133) *Prunus avium* (L.) L., Cherry;

(134) *Prunus domestica* L., Plum, Prune;

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(135) *Prunus persica* Batsch., Peach;

(136) *Pseudotsuga menziesii* var. *glauca* (Beissn.) Franco, Blue Douglas Fir;

(137) *Pseudotsuga menziesii* var. *caesia* (Beissn.) Franco, Gray Douglas Fir;

(138) *Pseudotsuga menziesii* var. *viridis*, Green Douglas Fir;

(139) *Pyrus communis* L., Pear;

(140) *Quercus* spp., (Red or black oak group);

(141) *Quercus alba* L., White Oak;

(142) *Quercus muehlenbergii* Engelm., Chinkapin Oak;

(143) *Quercus virginiana* Mill., Live Oak;

(144) *Rhododendron* spp., Rhododendron;

(145) *Robinia pseudoacacia* L., Black Locust;

(146) *Rosa multiflora* Thunb., Japanese Rose;

(147) *Sequoia gigantea* (Lindl.) Decne., Giant Sequoia;

(148) *Sequoia sempervirens* (D. Don.) Engl., Redwood;

(149) *Syringa vulgaris* L., Common lilac;

(150) *Thuja occidentalis* L., Northern White Cedar, Eastern Arborvitae;

(151) *Thuja orientalis* L., Oriental Arborvitae, Chinese Arborvitae;

(152) *Thuja plicata* Donn., Western Red Cedar, Giant Arborvitae;

(153) *Tsuga canadensis* (L.) Carr., Eastern Hemlock, Canada Hemlock;

(154) *Tsuga heterophylla* (Raf.) Sarg., Western Hemlock, Pacific Hemlock;

(155) *Ulmus americana* L., American Elm;

(156) *Ulmus parvifolia* Jacq., Chinese Elm;

(157) *Ulmus pumila* L., Siberian Elm;

(158) *Vitis vulpina* L., Riverbank Grape.

1510.0251 KIND AND VARIETY OR TYPE AND PERFORMANCE

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

CHARACTERISTICS OF FLOWER SEEDS.

In accordance with Minnesota Statutes, section 21.82, subdivision 8, paragraph (a), clause (1), this part contains the requirements for labeling the kind and variety or a statement of type and performance characteristics for flower seeds prepared for use by home gardeners.

A. For seeds of plants grown primarily for their blooms;

(1) if the seeds are of a single named variety, the kind and variety must 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 it is significant, and the type and color of bloom must be indicated, for example, "Scabiosa, Tall, Large Flowered, Double, Pink";

(3) if the seeds consist of a mixture of colors or a blend of varieties of a single kind, the kind name, the type of plant, if it is significant, and the type of bloom must be indicated, and it must be clearly indicated that the seed is mixed or blended, for example, "Marigold, Dwarf Double French, Mixed Colors" or "Marigold Blend, Dwarf Double French, Mixed Colors";

(4) if the seeds consist of a mixture of kinds, it must be clearly indicated that the seed is mixed and the specific use of the mixture must be indicated, for example, "Cut Flower Mixture" or "Rock Garden Mixture." Statements like "Wild Flower Mixture," "General Purpose Mixture," "Wonder Mixture," or any other statement which fails to indicate the specific use of the seed is not permitted unless the specific use of the mixture is also stated.

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

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1510.0261 REQUIREMENTS FOR COMPLETE RECORD.

The initial labeler of agricultural, vegetable, flower, tree, or shrub seeds subject to Minnesota Statutes, sections 21.82 and 21.83, must have the following information as part of the complete record for each seed lot sold:

A. lot number or other lot identification;

B. a copy of the genuine grower's declaration or tree seed collector's declaration or similar documents containing the same information;

C. copies of invoices showing the sale of each seed lot, including the name of the person the seed was sold to, the amount sold, the date of sale, the name of the kind or kind and variety, and the lot number;

D. a copy of the label that was attached to or accompanied the seed lot;

E. a copy of the field and final certification documents, if applicable;

F. a copy of each report concerning the testing of the seed for labeling purposes; and

G. a file sample of the seed lot which is representative of the seed lot and of sufficient size to constitute an official sample as prescribed in section 201.43 of the Federal Seed Act regulations. The prescribed official sample sizes are as follows:

(1) two ounces of grass seed not otherwise mentioned, white or alsike clover, or seeds not larger than these;

(2) five ounces of red or crimson clover, alfalfa, lespedeza, ryegrass, bromegrass, millet, flax, rape, or seeds of similar size;

(3) one pound of sudangrass, sorghum, proso, or seeds of similar size;

(4) two pounds of cereals, vetch, or seeds of similar or larger size; and

(5) at least 400 vegetable seeds.

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1510.0271 PROHIBITED WEED SEEDS.

The following are weed seeds which are prohibited from being present in agricultural, vegetable, flower, tree, and shrub seeds sold in Minnesota in accordance with Minnesota Statutes, section 21.86, subdivision 1, paragraph (d):

A. bull thistle (*Cirsium vulgare L.*);

B. Canada thistle (*Cirsium arvense Scop.*);

C. musk thistle (*Carduus nutans L.*);

D. perennial sow thistle (*Sonchus arvensis L.*);

E. plumeless thistle (*Carduus acanthoides L.*);

F. field bindweed (*Convolvulus arvensis L.*);

G. hemp (*Cannabis sativa L.*);

H. leafy spurge (*Euphorbia esula L.*);

I. perennial peppergrass (*Lepidium draba L.*); and

J. Russian knapweed (*Centaurea repens L.*).

1510.0281 CHARGES UNDER MINNESOTA SEED LAW.

Subpart 1. **Definitions.** As used in this rule, "commissioner" means the commissioner of agriculture or the commissioner's designee, "person" has the meaning given in Minnesota Statutes, section 21.81, subdivision 18, and "initial labeler" has the meaning given in Minnesota Statutes, section 21.81, subdivision 12.

Subp. 2. **Sampling export seed.** In accordance with Minnesota Statutes, section 21.85, subdivision 13, the commissioner shall, if requested, sample seed destined for export to other countries. The fee for sampling export seed is $20 per hour per inspector.

Subp. 3. **Seed fee permits.** An initial labeler who wishes to sell seed in Minnesota must comply with Minnesota Statutes, section 21.89, subdivisions 1 and 2, and the procedures in this subpart.

A. Each initial labeler who wishes to sell seed in Minnesota must apply to the commissioner to obtain a permit. The application must contain the name and address of the applicant, the application date, and the name and title of the applicant's contact person. The application must be accompanied

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by an application fee of $10. Initial labelers holding seed fee permits on the effective date of this rule need not apply for a new permit or pay the application fee.

(1) If, for reasons beyond the control and knowledge of the initial labeler, seed is shipped into Minnesota by a person other than the initial labeler, the responsibility for the seed fees are transferred to the shipper. An application for a transfer of this responsibility must be made to the commissioner. Upon approval by the commissioner of the transfer, the shipper is responsible for payment of the seed permit fees.

(2) Seed permit fees may be included in the cost of the seed either as a hidden cost or as a line item cost on each invoice for seed sold. To identify the fee on an invoice, the words "Minnesota seed permit fees" must be used.

B. All seed fee permit holders must file quarterly reports with the commissioner, even if no seed was sold during the reporting period. Each quarterly report must be submitted within 30 days of the end of each reporting period. The reporting periods are January 1 to March 31, April 1 to June 30, July 1 to September 30, October 1 to December 31 of each year.

C. The holder of a seed fee permit must pay fees on all seed for which the permit holder is the initial labeler and which are covered by Minnesota Statutes, sections 21.80 to 21.92 and sold during the reporting period.

(1) For the following kinds of agricultural seed sold either in bulk or containers, the fees are:

(a) oats, wheat, barley, 3 cents per cwt.;

(b) rye, field beans, soybeans, 4 cents per cwt.;

(c) buckwheat, flax, 6 cents per cwt;

(d) field corn, 15 cents per cwt.;

(e) forage, lawn and turf grasses, and legumes, 20 cents per cwt.;

(f) sugar beet, sunflower, 70 cents per cwt.; and

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

(g) other agricultural seeds except vegetables grown for processing, 10 cents per cwt.

(2) For vegetable and flower seeds packed in small containers or in bulk for use by home gardeners, the fee is ten cents per $100 of net sales of these seeds.

D. If a seed fee permit holder fails to submit a quarterly report and pay the seed fee within 30 days after the end of each reporting period, the commissioner shall assess a penalty of $10 or eight percent, calculated on an annual basis, of the fee due, whichever is greater, but no more than $100 for each late quarterly report. A $10 penalty will be charged when the quarterly report is late, even if no fee is due for the reporting period. Seed fee permits may be revoked for failure to comply with the applicable provisions of this rule or the Minnesota seed law.

Subp. 4. **Hybrid seed corn variety registration fee.** In accordance with Minnesota Statutes, section 21.90, subdivision 2, the annual fee for the registration of each hybrid seed corn variety or blend is $27.50, which must be paid at the time of registration.

Subp. 5. **Service testing and identification.** The fees in items A to D for purity, germination, identification, or other related tests of seeds or plants for farmers, dealers, and others are established pursuant to Minnesota Statutes, section 21.85, subdivision 12.

A. General crops, including corn, cereals, soybeans, sorghum, millet, sunflowers, clovers, alfalfa, ryegrass, timothy, flax, rape, vegetable, and other similar seeds:

(1) Purity, $8;

(2) Germination, $5;

(3) Purity and germination, $11;

(4) Noxious weed seed only, $4; and

(5) Tetrazolium, $10.

B. Grasses, including bromes, fescues, orchardgrass, reed canary, wheat grasses, bluegrasses, bentgrasses, redtop, green needle grass, weeping lovegrass, sandlove, sanddrop seed,

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flower, and other similar seeds:

(1) Purity, $12;

(2) Germination, $7;

(3) Purity and germination, $17;

(4) Noxious weed seed only, $6; and

(5) Tetrazolium, $12.

C. Chaffy range grasses, including big bluestem, Indiangrass, side oats grama, gramagrass, little bluestem, meadow foxtail, and similar seeds:

(1) Purity, $20;

(2) Germination, $10;

(3) Purity and germination, $28;

(4) Noxious weed seed only, $10; and

(5) Tetrazolium, $18.

D. Mixtures. "A" means the full price of the highest-priced species plus one-half the price of each additional species. "B" means one-half of the price of the purity test on the highest-priced species in the mixture.

(1) Purity, A;

(2) Germination, A;

(3) Purity and germination, not applicable;

(4) Noxious weed seed only, B; and

(5) Tetrazolium, A.

E. A fee of $12 per hour will be charged for tests which are specially requested but not included in items A to D, or which require excess time due to abnormal sample conditions, such as unusual amounts of dirt or foreign material.

F. An additional fee of $2 per sample will be charged for any sample for which special handling is requested, such as samples marked "RUSH."

G. Fees are payable within 30 days of the invoice date by the person requesting a service. Late payment will result in an eight percent service charge calculated on an annual basis and assessed against the unpaid balance.

H. Testing for germination percentage on seed with outdated labeling will be done for one-half of the normal fee

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when the sample is received during the months of October and November of each year. In order to qualify for this special fee, the person requesting the service must submit a copy of the outdated label for the seed lot that needs new test information for germination percentage in order to be labeled legally for sale in Minnesota.

Rules as Proposed

1510.0320 RESTRICTED WEED SEEDS.

"Restricted weed seeds" are those weed seeds which, if present in agricultural, vegetable, flower, tree, and shrub seed, ~~shall~~ must be named on the label together with the number per ounce or pound of seed specified and which ~~shall~~ may not exceed the legal limit. They are seeds of ~~such~~ weeds ~~as~~ which are objectionable in fields, lawns, and gardens of this state, and which can be controlled by good cultural practice and use of herbicides. Restricted weed seeds are seeds of buckhorn plantain (Plantago lanceolata L.), dodder (Cuscuta spp.), Frenchweed (Thlaspi arvense L.), hoary alyssum (Berteroa incana D.C.), horse nettle (Solanum carolinense L.), wild mustard (Brassica arvensis L.), quack grass (~~Apropyron~~ Agropyron repens L.), wild radish (Raphanus ~~raphanistrum) and~~ raphanistrum), giant foxtail (Seteria faberii), and Eastern black nightshade (Solanum ptycanthum Dun).

1510.0340 SAMPLE LABELS FOR AGRICULTURAL SEED.

The labels shown in parts 1510.0350 and 1510.0360 are suggestive of suitable arrangement of required labeling data. Any arrangement is legal as long as data is complete and may be read and understood readily by the buyer of the seed. Misleading and confusing statements and data must be avoided. ~~No disclaimer clause may be used on any seed label, or in connection with any seed sale.~~

1510.0350 SUGGESTED LABEL FOR SINGLE AGRICULTURAL SEED.

This label may be used for hybrid corn, or a special label may be used. The hybrid corn part may be omitted if not

wanted. ~~County-where-grown-is-required-only-for-open-pollinated corn.--Where-grown-required-for-alfalfa,-red-clover,-field-corn (county),-and-hybrid-corn-(state)~~ If known, the origin of the seed must be stated for all agricultural seeds or that the origin is unknown if the origin cannot be determined.

KIND
~~OF-SEED~~..... VARIETY..... LOT NO.....

~~PURITY~~ HARD GERM.
PURE SEED %..... GERM %.....SEED %..... DATE.....

WEED INERT OTHER CROP
SEED %..... MATTER %..... ~~SEED~~ %.....

~~NO.~~ NOXIOUS NO. PER ~~LB.~~
WEED SEEDS..... ~~OR-PER-OZ.~~ POUND.....
(Name)

~~GROWN-IN~~ ORIGIN.....
(State or Foreign Country)

FOR HYBRID MINNESOTA RELATIVE MATURITY .....DAYS

CORN: ~~ZONE-.....-DAYS-FOR-MATURITY-.....~~ ~~SINGLE-CROSS-(-)~~
~~DOUBLE-CROSS-(-)~~
~~TRIPLE-CROSS-(-)~~

~~DEALER'S~~
LABELER'S NAME
AND ADDRESS.....

1510.0360 SUGGESTED LABEL FOR MIXTURES AND BLENDS OF AGRICULTURAL SEED.

~~Where-grown-required-for-alfalfa,-red-clover,-field-corn,-and-hybrid-corn.~~

LOT NO.....
KIND ~~AND~~..... ....
VARIETY..... ....
~~PURITY~~
PURE SEED %..... ....
GERMINATION %..... ....

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

HARD SEED %..... ....

~~GERM.-DATE~~..... ....

~~GROWN-IN~~

ORIGIN..... ....

INERT OTHER CROP

WEED SEED %..... MATTER %..... SEED %.....

~~NO.~~ NOXIOUS NO. PER ~~LB.~~ GERM.

WEED SEEDS..... ~~OR-PER-OZ.~~ POUND..... DATE.....

(Name)

~~DEALER'S~~

LABELER'S NAME

AND ADDRESS .....

REPEALER. Minnesota Rules, parts 1510.0010; 1510.0120; 1510.0160; 1510.0170; 1510.0230; 1510.0240; 1510.0250; 1510.0260; 1510.0270; 1510.0280; 1510.0290; and 1510.0300 are repealed.

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD503

Agency: Department of Agriculture

Division: Agronomy Services Division

Agency Contact: Gerald Heil 296-1486

Minnesota Rules: Part(s) 1510.0111; 1510.0161; 1510.0171; 1510.0231; 1510.0241; 1510.0251; 1510.0261; 1510.0271; 1510.0281; 1510.0320; 1510.0340; 1510.0350; 1510.0360

Title: Proposed Rules Amending Agricultural Seed Labeling and Inspection Requirements

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Craig E. Lindeke
Senior Assistant Revisor
Phone: 296-0946
Date: June 19, 1984

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed Amendments To
The Rules of the Department of Agriculture
Governing Seed Labeling Requirements, Record
Keeping and Fees
(Minnesota Rules 1510.0111 -1510.0360)

ORDER ADOPTING
RULES

Notice of the Commissioner's intent to adopt the above-entitled amendments without a public hearing was published in the State Register on July 16, 1984, and was sent by United States mail to all persons on the list maintained by the department pursuant to Minnesota Statutes, Section 14.22 on July 11, 1984. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than 25 written requests for a public hearing within the 30 day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these amendments identified as the Amendments Governing Seed Labeling Requirements, Record Keeping and Fees are adopted this 16th day of August, 1984 pursuant to authority vested in me by Minnesota Statutes, section 21.85, subd. 11.

STATE OF MINNESOTA

Jim Nichols

JIM NICHOLS
COMMISSIONER
DEPARTMENT OF AGRICULTURE

STATE OF MINNESOTA

DEPARTMENT OF AGRICULTURE

In the Matter of the Proposed Amendments
to the Rules of the Department of Agriculture
Governing Seed Labeling Requirements,
Record Keeping and Fees
(Minnesota Rules §1510.0111 - 1510.0360)

ORDER FOR NOTICE
OF INTENT TO ADOPT
RULES WITHOUT
PUBLIC HEARING

IT IS ORDERED this 2nd day of July, 1984, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Minnesota Department of Agriculture for that purpose and be published in the State Register.

STATE OF MINNESOTA

Commissioner of Agriculture

Department of Agriculture

Agronomy Services Division

In the Matter of the Proposed Amendments to the Rules Governing Seed Labeling Requirements, Record Keeping and Fees (Minnesota Rules 1510.0111 - 1510.0360).

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Department of Agriculture proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Agriculture has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.21-14.28 (1982).

Persons interested in these rules are encouraged to submit comment in support of or in opposition to the proposed rules, and shall have 30 days to do so. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the department and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. Persons requesting a public hearing should state their name and address, and are encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any proposed change. In the event a public hearing is required, the department will proceed according to the provisions of Minnesota Statutes, Sections 14.11-14.20 (1982).

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to: Gerald Heil, Minnesota

Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

Authority to adopt these rules is contained in Minnesota Statutes, Section 21.85, Subd. 11. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed amendments has been prepared and is available upon request from Mr. Heil.

Upon final adoption of the rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as adopted, should submit a written statement of such request to Mr. Heil.

The Commissioner is authorized by Minnesota Statutes, Section 21.85, Subd. 11 to promulgate rules for proper enforcement of Minnesota Statutes, Sections 21.80 to 21.92.

The proposed amendements to the seed rules provides specific direction for record keeping by labelers of seed sold in Minnesota, standards for labeling hermetically sealed seeds as well as vegetable and flower seeds, and establishes permanent fees at a level sufficient for effective seed regulation and operation of the seed testing laboratory. Certain existing rules are repealed. The proposed rules are necessary to meet requirements of the Minnesota Seed Law, Minnesota Statutes, Sections 21.80 to 21.92, amended in 1983. Rule changes are consistent with the Federal Seed Act and the recommended Uniform State Seed Law developed by the Association of American Seed Control Officials.

The proposed rules will impact and benefit small business as defined in Minnesota Statutes, Section 14.115, because credible record keeping and labeling in the seed industry encourage even competition and allow enforcement of fair trade practices.

Please be advised that Minnesota Statutes, Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, Section 10A.01, subdivision 11 (Supp. 1979) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 40 State Office Building, St. Paul, MN 55155, (612) 296-5615.

One free copy of this Notice and the proposed rules are available and may be obtained by contacting Mr. Heil.

STATE OF MINNESOTA

Date: July 2, 1984

Commissioner of Agriculture

In the Matter of the Proposed
Rules of the Department of
Agriculture Governing Seed Labeling
Requirements, Record Keeping and Fees.
(Minnesota Rules 1510.0111-1510.0360)

AFFIDAVIT OF
MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Joyce Walkosz, being first duly sworn, deposes and says:

That on the 11th day of July, 1984, at the City of St. Paul, County of Ramsey, State of Minnesota, he/she served the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Minnesota Department of Agriculture for the purpose of receiving notice of the proposed adoption of rules by this Department.

DIANE M. WINDHAM
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES NOVEMBER 1, 1990

Joyce Walkosz

Subscribed and sworn to before me
this 11th day of July, 1984.

Diane M Windham

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Rules
of the Department of Agriculture
Governing Seed Labeling Requirements,
Record Keeping and Fees
(Minnesota Rules 1510.0111-1510.0360)

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 14.14, subd. 1, that their names be placed on file with and maintained by the Minnesota Department of Agriculture for the purpose of receiving notice of the proposed adoption of rules by this Department is accurate and complete as of 9:00 A.m., this 11th day of July, 1984.

Carol Milligan

MINNESOTA RULES AMENDMENTS AND ADDITIONS

AGRICULTURE DEPARTMENT

1511.0111, .061, .0171, .0231, .0241, .0251, .0261, .0271, .0281, .0320, .0340, .0350, .0360 [Amend] (proposed) 133
1545.2050 (proposed) 150

CORRECTIONS DEPARTMENT

2920.0100, .0200, .0500, .0800-.1300, .1800, .1900, .2300, .2700, .3200, .3300, .3700, .4000, .4300, .4400, .4900-.5500, .5700-.6000, .6200-.6400, .6600, .6700, .6900, .7000, .7300-.7600 (proposed) 152
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STATE BOARD OF EDUCATION

3500.5000-.5070 (proposed) 168

ENERGY, PLANNING & DEVELOPMENT DEPARTMENT

Planning Division

4350.0200, .0400, .0600 (adopted) 111
4351.0100-.0800 (proposed) 90

MN HOUSING FINANCE AGENCY

4900.0550-.0580 (adopted) 112
4900.0601-.0605 (proposed) 173

POLLUTION CONTROL AGENCY

Water Quality Division

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PUBLIC UTILITIES COMMISSION

7835.0100-.6100, .9910 (proposed) 41

REVENUE DEPARTMENT

Property Equalization Division

8105.0100-.9900 [Emer] (proposed) 96

SMALL BUSINESS FINANCE AGENCY

8300.0100, .0300, .0500-.0600, .1000-.1200, .1500-.2200 (proposed) 111

PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Agriculture
Agronomy Services Division

Proposed Rules Amending Agricultural Seed Labeling and Inspection Requirements

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Department of Agriculture proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Agriculture has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.21-14.28 (1982).

Persons interested in these rules are encouraged to submit comment in support of or in opposition to the proposed rules, and shall have 30 days to do so. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the department and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. Persons requesting a public hearing should state their name and address, and are encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any proposed change. In the event a public hearing is required, the department will proceed according to the provisions of Minnesota Statutes, Sections 14.11-14.20 (1982).

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

Authority to adopt these rules is contained in Minnesota Statutes, Section 21.85, Subd. 11. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed amendments has been prepared and is available upon request from Mr. Heil.

Upon final adoption of the rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as adopted, should submit a written statement of such request to Mr. Heil.

The Commissioner is authorized by Minnesota Statutes, Section 21.85, Subd. 11 to promulgate rules for proper enforcement of Minnesota Statutes, Sections 21.80 to 21.92.

The proposed amendments to the seed rules provides specific direction for record keeping by labelers of seed sold in Minnesota, standards for labeling hermetically sealed seeds as well as vegetable and flower seeds, and establishes permanent fees at a level sufficient for effective seed regulation and operation of the seed testing laboratory. Certain existing rules are repealed. The proposed rules are necessary to meet requirements of the Minnesota Seed Law, Minnesota Statutes, Sections 21.80 to 21.92, amended in 1983. Rule changes are consistent with the Federal Seed Act and the recommended Uniform State Seed Law developed by the Association of American Seed Control Officials.

The proposed rules will impact and benefit small business as defined in Minnesota Statutes, Section 14.115, because credible record keeping and labeling in the seed industry encourage even competition and allow enforcement of fair trade practices.

Please be advised that Minnesota Statutes, Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, Section 10A.01, subdivision 11 (Supp. 1979) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 40 State Office Building, St. Paul, MN 55155, (612) 296-5615.

One free copy of this notice and the proposed rules are available and may be obtained by contacting Mr. Heil.

July 2, 1984

Rollin M. Denniston
Commissioner of Agriculture

Rules as Proposed (all new material)

1510.0111 INFORMATION REQUIRED ON HYBRID SEED CORN LABELS.

Seed labels for hybrid corn varieties or blends of varieties for either grain or forage purposes must include the day classification listed in five-day increments under the heading "Minnesota Relative Maturity." For hybrid seed corn blends, the relative maturity and the germination percentage must be derived by averaging the relative maturities and germination percentages according to the proportion of each component in the blend.

1510.0161 KINDS OF LAWN AND TURF GRASS SEEDS EXEMPT FROM TEN PERCENT INERT MATTER LIMITATION.

In accordance with Minnesota Statutes, section 21.82, subdivision 5, paragraph (a), Kentucky bluegrass is a kind of lawn and turf grass seed for which the ten percent inert matter limitation does not apply.

1510.0171 STANDARDS, REQUIREMENTS, AND CONDITIONS FOR LABELING HERMETICALLY-SEALED SEEDS.

In accordance with Minnesota Statutes, section 21.86, subdivision 1, paragraph (a), the following standards, requirements, and conditions must be met before seed is considered to be hermetically-sealed:

A. The seed must be packed within nine months after harvest.

B. The container used must 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 degrees Fahrenheit with a relative humidity on one side of 90 percent and on the other side of zero percent. Water vapor penetration or WVP is measured by the standards of the United States Bureau of Standards as:

gm. $H_2$0/24 hr./100 sq. in./100°F./90%RHV.0%RH

C. The agricultural seed in the container must not exceed the following percentages of moisture, on a wet weight basis:

(1) beet, field, 7.5 percent;

(2) beet, sugar, 7.5 percent;

(3) bluegrass, kentucky, 6.0 percent;

(4) clover, crimson, 8.0 percent;

(5) fescue, red, 8.0 percent;

(6) ryegrass, annual, 8.0 percent;

(7) ryegrass, perennial, 8.0 percent;

(8) all others, 6.0 percent; and

(9) mixture of above, 8.0 percent.

D. The vegetable seeds in the container must not exceed the following percentages of moisture, on a wet weight basis:

(1) bean, garden, 7.0 percent;

(2) bean, lima, 7.0 percent;

(3) beet, 7.5 percent;

(4) broccoli, 5.0 percent;

(5) brussels sprout, 5.0 percent;

(6) cabbage, 5.0 percent;

(7) carrot, 7.0 percent;

(8) caulifiower, 5.0 percent;

(9) celeriac, 7.0 percent;

(10) celery, 7.0 percent;

(11) chard, Swiss, 7.5 percent;

(12) Chinese cabbage, 5.0 percent;

(13) chives, 6.5 percent;

(14) collards, 5.0 percent;

(15) corn, sweet, 8.0 percent;

(16) cucumber, 6.0 percent;

(17) eggplant, 6.0 percent;

(18) kale, 5.0 percent;

(19) kohlrabi, 5.0 percent;

(20) leek, 6.5 percent;

(21) lettuce, 5.5 percent;

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(22) muskmelon, 6.0 percent;

(23) mustard, India, 5.0 percent;

(24) onion, 6.5 percent;

(25) onion, Welsh, 6.5 percent;

(26) parsley, 6.5 percent;

(27) parsnip, 6.0 percent;

(28) pea, 7.0 percent;

(29) pepper, 4.5 percent;

(30) pumpkin, 6.0 percent;

(31) radish, 5.0 percent;

(32) rutabaga, 5.0 percent;

(33) spinach, 8.0 percent;

(34) squash, 6.0 percent;

(35) tomato, 5.5 percent;

(36) turnip, 5.0 percent;

(37) watermelon, 6.5 percent; and

(38) all others, 6.0 percent.

E. The container must be 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.

F. The percentage of germination of seed at the time of packaging must be equal to or above the standards in part 1510.0231, subpart 1.

1510.0231 GERMINATION STANDARDS; STANDARDIZED GERMINATION TESTING PROCEDURES.

Subpart 1. Vegetable seed germination. In accordance with Minnesota Statutes, section 21.82, subdivision 7, paragraph (a), clause (2), the germination standards for vegetable seeds prepared for use by home gardeners are as follows:

A. artichoke, 60 percent;

B. asparagus, 70 percent;

C. asparagusbean, 75 percent;

D. bean, garden, 70 percent;

E. bean, lima, 70 percent;

F. bean, runner, 75 percent;

G. beet, 65 percent;

H. broadbean, 75 percent;

I. broccoli, 75 percent;

J. brussels sprout, 70 percent;

K. burdock, great, 60 percent;

L. cabbage, 75 percent;

M. cabbage, tronchuda, 75 percent;

N. cantaloupe (see muskmelon);

O. cardoon, 60 percent;

P. carrot, 55 percent;

P. carrot, 55 percent;
Q. cauliflower, 75 percent;
R. celeriac, 55 percent;
S. celery, 55 percent;
T. chard, Swiss, 65 percent;
U. chicory, 65 percent;
V. Chinese cabbage, 75 percent;
W. chives, 50 percent;
X. citron, 65 percent;
Y. collards, 80 percent;
Z. corn, sweet, 75 percent;
AA. cornsalad, 70 percent;
BB. cowpea, 75 percent;
CC. cress, garden, 75 percent;
DD. cress, upland, 60 percent;
EE. cress, water, 40 percent;
FF. cucumber, 80 percent;
GG. dandelion, 60 percent;
HH. eggplant, 60 percent;
II. endive, 70 percent;
JJ. kale, 75 percent;
KK. kale, Chinese, 75 percent;
LL. kale, Siberian, 75 percent;
MM. kohlrabi, 75 percent;
NN. leek, 60 percent;
OO. lettuce, 80 percent;
PP. muskmelon, 75 percent;
QQ. mustard, India, 75 percent;
RR. mustard, spinach, 75 percent;
SS. okra, 50 percent;
TT. onion, 70 percent;
UU. onion, Welsh, 70 percent;
VV. pak-choi, 75 percent;
WW. parsley, 60 percent;
XX. parsnip, 60 percent;
YY. pea, 80 percent;
ZZ. pepper, 55 percent;
AAA. pumpkin, 75 percent;

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BBB. radish, 75 percent;

CCC. rhubarb, 60 percent;

DDD. rutabaga, 75 percent;

EEE. salsify, 75 percent;

FFF. sorrel, 65 percent;

GGG. soybean, 75 percent;

HHH. spinach, 60 percent;

III. spinach, New Zealand, 40 percent;

JJJ. squash, 75 percent;

KKK. tomato, 75 percent;

LLL. tomato, husk, 50 percent;

MMM. turnip, 80 percent;

NNN. watermelon, 70 percent;

Subp. 2. Flower seed germination. In accordance with Minnesota Statutes, section 21.82, subdivision 8, paragraph (a), clause (3), the germination standards for flower seeds prepared for use by home gardeners are set in this subject.

A. The kinds of flower seeds listed below are those for which standard testing procedures have been prescribed. 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.

(1) Achillea (The Pearl), *Achillea ptarmica*, 50 percent;

(2) African Daisy, *Dimorphotheca aurantiaca*, 55 percent;

(3) Ageratum, *Ageratum mexicanum*, 60 percent;

(4) Agrostemma (rose campion), *Agrostemma coronaria*, 65 percent;

(5) Alyssum, *Alyssum compactum, A. maritimum, A. procumbens, A. saxatile*, 60 percent;

(6) Amaranthus, (*Amaranthus* spp.) 65 percent;

(7) Anagalis (pimpernel), (*Anagalis arvensis, Anagelis coerulia, Anagalis grandiflora*), 60 percent;

(8) Anemone, *Anemone coronaria, A. pulsatilla*, 55 percent;

(9) Angel's Trumpet, *Datura arborea*, 60 percent;

(10) Arabis, *Arabis alpina*, 60 percent;

(11) Arctotis (African lilac daisy), (*Arctotis grandis*), 45 percent;

(12) Armeria, (*Armeria formosa*), 55 percent;

(13) Asparagus, fern, (*Asparagus plumosus*), 50 percent;

(14) Asparagus, sprenger, (*Asparagus sprengeri*), 55 percent;

(15) Aster, China, *Callistephus chinensis*, except Pompon, Powderpuff, and Princess types, 55 percent;

(16) Aster, China, *Callistephus chinensis*, Pompon, Powderpuff, and Princess types, 50 percent;

(17) Aubretia, *Aubretia deltoides*, 45 percent;

(18) Balsam, *Impatiens balsamina*, 70 percent;

(19) Begonia, (*Begonia fibrous rooted*), 60 percent;

(20) Begonia, (*Begonia tuberous rooted*), 50 percent;

(21) Bells of Ireland, (*Molucella laevis*), 60 percent;

(22) Brachycome (swan river daisy), (*Brachycome iberidifolia*), 60 percent;

(23) Browallia, (*Browallia elata* and *B. speciosa*), 65 percent;

(24) Bupthalmum (sunwheel), (*Bupthalmum salicifolium*), 60 percent;

(25) Calceolaria, (*Calceolaria* spp.), 60 percent;

(26) Calendula, Calendula officinalis, 65 percent;

(27) California Poppy, *Eschscholtzia californica*, 60 percent;

(28) Calliopsis. *Coreopsis bicolor, C. drummondi, C. elegans*, 65 percent;

(29) Campanula:

(a) Canterbury Bells, *Campanula medium*, 60 percent;

(b) Cup and Saucer Bellflower. *Campanula medium calycanthema*, 60 percent;

(c) Carpathian Bellflower, *Campanula carpatica*, 50 percent;

(d) Peach Bellflower, *Campanula persicifolia*, 50 percent;

(30) Candytuft, Annual, *Iberis amara, I. umbellata*, 65 percent;

(31) Candytuft. Perennial, *Iberis gibraltarica, I. sempervirens*, 55 percent;

(32) Castor Bean, *Ricinus communis*, 60 percent;

(33) Cathedral Bells, *Cobaea scandens*, 65 percent;

(34) Celosia, *Celosia argentea*, 65 percent;

(35) Centaurea (Basket Flower), *Centaurea americana*, Cornflower, *C. cyanus*, Dusty Miller, *C. candidissima*, Royal Centaurea, *C. imperialis*, Sweet Sultan, *C. moschata*, Velvet Centaurea, *C. gymnocarpa*, 60 percent;

(36) Chinese Forget-me-not, *Cynoglossum amabile*, 55 percent;

(37) Chrysanthemum. Annual, *Chrysanthemum carinatum, C. coronarium, C. segetum*, 40 percent;

(38) Clarkia, *Clarkia elegans*, 65 percent;

(39) Cleome, *Cleome gigantea*, 65 percent;

(40) Columbine, *Aquilegia* spp., 50 percent;

(41) Coral Bells, *Heuchera sanguinea*, 55 percent;

(42) Coreopsis, Perennial, *Coreopsis lanceolata*, 40 percent;

(43) Cosmos, Sensation, Mammoth, and Crested types, *Cosmos bipinnatus*, Klondyke type, *C. sulphureus*, 65 percent;

(44) Dahlia, *Dahlis* spp., 55 percent;

(45) Delphinium, Perennial, Belladonna and Bellamosum types, Cardinal Larkspur, *Delphinium cardinale*, Chinensis types, Pacific Giant, Gold Medal, and other hybrids of *D. elatum*, 55 percent;

(46) Dianthus, Carnation, *Dianthus caryophyllus*, 60 percent;

(47) Dianthus, China Pinks, *Dianthus chinensis, heddewigi, heddensis*, 70 percent;

(48) Grass Pinks, *Dianthus plumarius*, 60 percent;

(49) Maiden Pinks, *Dianthus deltoides*, 60 percent;

(5) Sweet William, *Dianthus barbatus*, 70 percent;

(51) Sweet Wiversfield, *Dianthus allwood*, 60 percent;

(52) Dracaena, *Dracaena indivisa*, 55 percent;

(53) English Daisy, *Bellis perennis*, 55 percent;

(54) Foxglove, *Digitalis* spp., 60 percent;

(55) Gaillardia, Annual, *Gaillardia pulchella, G. picta*, Perennial, *G. grandiflora*, 45 percent;

(56) Geum, *Geum* spp., 55 percent;

(57) Gilia, *Gilia* spp., 65 percent;

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(58) Godetia, *Godetia amoena, G. grandiflora*, 65 percent;

(59) Gourds: Yellow Flowered, *Cucurbita pepo*; White Flowered, *Lagenaria sisceraria*; Dishcloth, *Luffa cylindrica*, 70 percent;

(60) Gypsophila: Annual Baby's Breath, *Gypsophila elegans*; Perennial Baby's Breath, *G. paniculata, G. pacifica, G. repens*, 70 percent;

(61) Helenium, (*Helenium autumnale*), 40 percent;

(62) Helichrysum, *Helichrysum monstrosum*, 60 percent;

(63) Heliopsis, (*Heliopsis scabra*), 55 percent;

(64) Helipterum (*Acroclinium*), (*Helipterum roseum*), 60 percent;

(65) Hesperis (sweet rocket), (*Hesperis matronalis*), 65 percent;

(66) *Hollyhock, *Althea rosea*, 65 percent;

(67) Hunnemania (mexican tulip poppy), (*Hunnemania fumariaefolia*), 60 percent;

(68) *Hyacinth bean, (*Dolichos lablab*), 70 percent;

(69) Impatiens, (*Impatiens holstii, I. sultani*), 55 percent;

(70) *Ipomea, Cypress Vine, *Ipomea quamoclit*; Moonflower, *I. noctiflora*; Morning Glories, Cardinal Climber, Hearts and Honey Vine, *Ipomea* spp., 75 percent;

(71) Jerusulem cross (maltese cross), (*Lychnis chalcedonica*), 70 percent;

(72) Job's Tears, *Coix lacrymajobi*, 70 percent;

(73) Kochia, *Kochia childsi*, 55 percent;

(74) Larkspur, Annual, *Delphinium ajacis*, 60 percent;

(75) Lantana, *Lantana camara, L. hybrida*, 35 percent;

(76) Lilium (regal lily), (*Lilium regale*), 50 percent;

(77) Linaria, *Linaria* spp., 65 percent;

(78) Lobelia, Annual, *Lobelia erinus*, 65 percent;

(79) Lunaria, Annual, *Lunaria annua*, 65 percent;

(80) *Lupine, *Lupinus* spp., 65 percent;

(81) Marigold, *Tagetes* spp., 65 percent;

(82) Marvel of Peru, *Mirabilis jalapa*, 60 percent;

(83) Matricaria (feverfew), (*Matricaria* spp.), 60 percent;

(84) Migonette, *Reseda odorata*, 55 percent;

(85) Myosotis, *Myosotis alpestris, M. oblongata, M. palustris*, 50 percent;

(86) Nasturtium, *Tropaeolum* spp., 60 percent;

(87) Nemesia, *Nemesia* spp., 65 percent;

(88) Nemophila, *Nemophila insignis*, 70 percent;

(89) Nemophila, Spotted, (*Nemophila maculata*), 60 percent;

(90) Nicotiana, *Nicotiana affinis, N. sanderae, N. sylvestris*, 65 percent;

(91) Nierembergia, *Nierembergia* spp., 55 percent;

(92) Nigella, *Nigella damascena*, 55 percent;

(93) Pansy, *Viola tricolor*, 60 percent;

(94) Penstemon, *Penstemon barbatus, P. grandiflorus, P. laevigatus, P. pubescens*, 60 percent;

(95) Petunia, *Petunia* spp., 45 percent;

(96) Phacelia, *Phacelia campanularia, P. minor, P. Tanacetifolia*, 65 percent;

(97) Phlox, Annual, *Phlox drummondi* all types and varieties, 55 percent;

(98) Physalis, *Physalis*, spp., 60 percent;

(99) Platycodon (balloon flower), (*Platycodon grandiflorum*), 60 percent;

(100) Plumbago, cape, (*Plumbago capensis*), 50 percent;

(101) Poppy: Shirley Poppy, *Papaver rhoeas*; Iceland Poppy, *P. nudicaule*; Oriental Poppy, *P. orientale*; Tulip Poppy, *P. glaucum*, 60 percent;

(102) Portulace, *Portulaca grandiflora*, 55 percent;

(103) Primula (primrose), (*Primula* spp.), 50 percent;

(104) Pyrethrum (painted daisy), (*Pyrethrum coccineum*), 60 percent;

(105) Salpiglossis, *Salpiglossis gloxinaeflora, S. sinuata*, 60 percent;

(106) Salvia, Scarlet Sage, *Salvia splendens*; Mealycup Sage (blue bedder), *Salvia farinacea*, 50 percent;

(107) Saponaria, *Saponaria ocymoides, S. vaccaria*, 60 percent;

(108) Scabiosa, Annual, *Scabiosa atropurpurea*, 50 percent;

(109) Scabiosa, Perennial, *Scabiosa caucasica*, 40 percent;

(110) Schizanthus, *Schizanthus* spp., 60 percent;

(111) *Sensitive plant (mimosa), (*Mimosa pudica*), 65 percent;

(112) Shasta Daisy, *Chrysanthemum maximum, C. leucanthemum*, 65 percent;

(113) Snapdragon. *Antirrhinum* spp., 55 percent;

(114) Solanum, *Solanum* spp., 60 percent;

(115) Statice, (*Statice sinuata, S. suworonii*) (flower heads), 50 percent;

(116) Stocks: Common, *Mathiola incana*; Evening Scented, *Mathiola bicornis*, 65 percent;

(117) Sunflower, *Helianthus* spp., 65 percent;

(118) *Sweet Pea, Annual and Perennial other than dwarf bush, *Lathyrus odoratus, L. latifolius*, 75 percent;

(119) *Sweet Pea, dwarf bush, *Lathyrus odoratus*, 65 percent;

(120) Tahoka daisy, (*Machaeanthera tanacetifolia*), 60 percent;

(121) Thunbergia, *Thunbergia alata*, 60 percent;

(122) Torch flower, *Tithonia speciosa*, 70 percent;

(123) Torenia (wishbone flower), (*Torenia fournieri*), 70 percent;

(124) Tritoma, *Kniphofia* spp., 65 percent;

(125) Verbena, Annual, *Verbena hybrida*, 35 percent;

(126) Vinca, *Vinca rosea*, 60 percent;

(127) Viola, *Viola cornuta*, 55 percent;

(128) Virginian stocks, (*Malcolmia maritima*), 65 percent;

(129) Wallflower, *Cheiranthus allioni*, 65 percent;

(130) Yucca (Adam's needle), (*Yucca filamentosa*), 50 percent;

(131) Zinnia (except Linearis and Creeping), *Zinnia augustifolia, Z. elegans, Z. grandiflora, Z. gracillima, Z. haegeana, Z. multiflora, Z. pumila*, 65 percent; and

(132) Zinnia, Linearis and Creeping, *Zinnia linearis, Sanvitalia procumbens*, 50 percent.

B. A mixture of kinds of flower seeds is below 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.

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1510.0241 STANDARDIZED GERMINATION TESTING PROCEDURES AVAILABLE.

A. In accordance with Minnesota Statutes, section 21.83, subdivision 2, paragraph (h), item B lists the kinds of tree and shrub seed that have standardized germination testing procedures available for them.

B. Tree and shrub seeds with standardized germination testing procedures available for them are as follows:

(1) *Abies amabilis* (Dougl.) Forbes, Pacific Silver Fir;

(2) *Abies balsamea* (L.) Mill., Balsam Fir;

(3) *Abies concolor* (Gord. and Glend.) Lindl., White Fir;

(4) *Abies fraseri* (Pursh.) Poir, Fraser Fir;

(5) *Abies grandis* (Dougl.) Lindl., Grand Fir;

(6) *Abies homolepis* Sieb. and Zucc., Nikko Fir;

(7) *Abies lasiocarpa* (Hook.) Nutt., Subalpine Fir;

(8) *Abies magnifica* A. Murr., California Red Fir;

(9) *Abies magnifica* var. *shastensis* Lemm., Shasta Red Fir;

(10) *Abies procera* Rehd., Nobel Fir;

(11) *Abies veitchii* (Lindl.), Veitch Fir;

(12) *Acer ginnala* Maxim., Amur Maple;

(13) *Acer macrophyllum* Pursh., Bigleaf Maple;

(14) *Acer negundo* L. Boxelder;

(15) *Acer pensylvanicum* L., Striped Maple;

(16) *Acer platanoides* L., Norway Maple;

(17) *Acer pseudoplatanus* L., Sycamore Maple;

(18) *Acer rubrum* L., Red Maple;

(19) *Acer saccharinum* L., Silver Maple;

(20) *Acer saccharum* Marsh., Sugar Maple;

(21) *Acer spicatum* Lam., Mountain Maple;

(22) *Acer spicatum* Lam., Mountain Maple;

(22) *Aesculus pavia* L., Red Buckeye;

(23) *Ailanthus altissima* (Mill.) Swingle, Tree of Heaven, Ailanthus;

(24) *Berberis thunbergii* DC., Japanese Barberry;

(25) *Berberis vulgaris* L., European Barberry;

(26) *Betula lenta* L., Sweet Birch;

(27) *Betula alleghaniensis* Britton, Yellow Birch;

(28) *Betula nigra* L., River Birch;

(29) *Betula papyrifera* Marsh., Paper Birch;

(30) *Betula pendula* Roth., European White Birch;

(31) *Betula populifolia* Marsh., Gray Birch;

(32) *Carya illinoensis* (Wang.) K. Koch, Pecan;

(33) *Carya ovata* (Mill) K. Koch, Shagbark Hickory;

(34) *Casuarina* spp., Beefwood;

(35) *Catalpa bignonioides* Wat., Southern Catalpa;

(36) *Catalpa speciosa* Warder., Northern Catalpa;

(37) *Cedrus atlantica* Manetti, Atlas Cedar;

(38) *Cedrus deodara* (Roxb.) Loud., Deodar Cedar;

(39) *Cedrus libani* (Loud.), Cedar of Lebanon;

(40) *Celastrus scandens* L., American Bittersweet;

(41) *Celastrus orbiculata* Thumb., Oriental Bittersweet;

(42) *Chamaecyparis lawsoniana* (A. Murr.) Parl. Port Oxford Cedar;

(43) *Chamaecyparis nootkatensis* (D. Don.) Spach., Alaska Cedar;

(44) *Cornus florida* L., Flowering Dogwood;

(45) *Cornus Stolonifera* Michx., Red-osier Dogwood;

(46) *Crataegus mollis*, Downy Hawthorn;

(47) *Cupressus arizonica* Greene, Arizona Cypress;

(48) *Eucalyptus deglupta;*

(49) *Eucalyptus grandis;*

(50) *Fraxinus americana* L., White Ash;

(51) *Fraxinus excelsior* L., European Ash;

(52) *Fraxinus latifolia* Benth., Oregon Ash;

(53) *Fraxinus nigra* Marsh., Black Ash;

(54) *Fraxinus pensylvanica* Marsh., Green Ash;

(55) *Fraxinus pensylvanica* var. *lanceolata* (Borkh.) Sarg., Green Ash;

(56) *Gleditsia triacanthos* L., Honey Locust;

(57) *Grevillea robusta*, Silk-oak;

(58) *Larix decidua* Mill., European Larch;

(59) *Larix eurolepis* Henry, Dunkfeld Larch;

(60) *Larix leptolepis* (Sieb. and Zucc.) Gord., Japanese Larch;

(61) *Larix occidentalis* Nutt., Western Larch;

(62) *Larix sibirica* Ledeb., Siberian Larch;

(63) *Libocedrus decurrens*, incense cedar;

(64) *Liquidambar styraciflua* L., Sweetgum;

(65) *Liriodendron tulipifera* L., yellow-poplar;

(66) *Magnolia grandiflora*, Southern magnolia;

(67) *Malus* spp., Apple;

(68) *Malus* spp., Crabapple;

(69) *Nyssa aquatica* L., Water tupelo;

(70) *Nyssa sylvatica* var. *sylvatica*, Black tupelo;

(71) *Picea abies* (L.) Karst., Norway Spruce;

(72) *Picea engelmanni* Parry, Engelmann Spruce;

(73) *Picea glauca* (Moench.) Voss, White Spruce;

(74) *Picea glauca* var. *albertiana* (S. Brown) Sarg., Western White Spruce, Alberta White Spruce;

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(75) *Picea glehnii* (Fr. Schmidt) Mast., Sakhalin Spruce;
(76) *Picea jezoensis* (Sieb. and Zucc.) Carr, Yeddo Spruce;
(77) *Picea Koyamai* Shiras, Koyama Spruce;
(78) *Picea mariana* (Mill.) B.S.P., Black Spruce;
(79) *Picea omorika* (Pancic.) Purkyne, Serbian Spruce;
(80) *Picea orientalis* (L.) Link., Oriental Spruce;
(81) *Picea polita* (Sieb. and Zucc.) Carr, Tigertail Spruce;
(82) *Picea pungens* Engelm., Blue Spruce, Colorado Spruce;
(83) *Picea pungens* var. *glauca* Reg., Colorado Blue Spruce;
(84) *Picea rubens* Sar., Red Spruce;
(85) *Picea sitchensis* (Bong.) Carr, Sitka Spruce;
(86) *Pinus albicaulis* Engelm., Whitebark Pine;
(87) *Pinus aristata* Engelm., Bristlecone Pine;
(88) *Pinus banksiana* Lamb., Jack Pine;
(89) *Pinus canariensis* C. Smith, Canary Pine;
(90) *Pinus caribaea*, Caribbean Pine;
(91) *Pinus cembroides* Zucc., Mexican Pinyon Pine;
(92) *Pinus clausa*, Sand Pine;
(93) *Pinus contorta* Dougl., Lodgepole Pine;
(94) *Pinus contorta* var. *latifolia* Engelm., Lodgepole Pine;
(95) *Pinus coulteri* D. Don., Coulter Pine, Bigcone Pine;
(96) *Pinus densiflora* Sieb. and Zucc., Japanese Red Pine;
(97) *Pinus echinata* Mill., Shortleaf Pine;
(98) *Pinus elliottii* Engelm., Slash Pine;
(99) *Pinus flexilis* James, Limber Pine;
(100) *Pinus glabra* Walt., Spruce Pine;
(101) *Pinus griffithi* McClelland, Himalayan Pine;
(102) *Pinus halepensis* Mill., Aleppo Pine;
(103) *Pinus jeffreyi* Grev. and Balf., Jeffrey Pine;
(104) *Pinus khasya* Royle, Khasia Pine;
(105) *Pinus lambertiana* Dougl., Sugar Pine;
(106) *Pinus heldreichii* var. *leucodermis* (Ant.) Markgraf ex Fitschen, Balkan Pine, Bosnian Pine;
(107) *Pinus markusii* DeVriese, Markus Pine;
(108) *Pinus monticola* Dougl., Western White Pine;
(109) *Pinus mugo* Turra., Mountain Pine;
(110) *Pinus mugo* var. *mughus* (Scop.) Zenari, Mugo Swiss Mountain Pine;
(111) *Pinus muricata* D. Don., Bishop Pine;
(112) *Pinus nigra* Arnold, Austrian Pine;
(113) *Pinus nigra poiretiana* (Ant.) Aschers and Graebn., Corsican Pine;
(114) *Pinus palustris* Mill., Longleaf Pine;
(115) *Pinus parviflora* Sieb. and Zucc., Japanese White Pine;
(116) *Pinus patula* Schl. and Cham., Jelecote Pine;

(117) *Pinus pinaster* Sol., Cluster Pine;

(118) *Pinus pinea* L., Italian Stone Pine;

(119) *Pinus ponderosa* Laws., Ponderosa Pine, Western Yellow Pine;

(120) *Pinus radiata* D. Don., Monterey Pine;

(121) *Pinus resinosa* Ait., Red Pine, Norway Pine;

(122) *Pinus rigida* Mill., Pitch Pine;

(123) *Pinus serotina* Michx., Pond Pine;

(124) *Pinus strobus* L., Eastern White Pine;

(125) *Pinus sylvestris* L., Scotch Pine;

(126) *Pinus taeda* L., Loblolly Pine;

(127) *Pinus taiwanensis* Hayata, Formosa pine;

(128) *Pinus thunbergii* Parl., Japanese Black pine;

(129) *Pinus virginiana* Mill., Virginia Pine, Scrub Pine;

(130) *Plantanus occidentalis* L., American Sycamore;

(131) *Populus* spp., Poplars;

(132) *Prunus armeriaca* L., Apricot;

(133) *Prunus avium* (L.) L., Cherry;

(134) *Prunus domestica* L., Plum, Prune;

(135) *Prunus persica* Batsch., Peach;

(136) *Pseudotsuga menziesii* var. *glauca* (Beissn.) Franco, Blue Douglas Fir;

(137) *Pseudotsuga menziesii* var. *caesia* (Beissn.) Franco, Gray Douglas Fir;

(138) *Pseudotsuga menziesii* var. *viridis*, Green Douglas Fir;

(139) *Pyrus communis* L., Pear;

(140) *Quercus* spp., (Red or black oak group);

(141) *Quercus alba* L., White Oak;

(142) *Quercus muehlenbergii* Engelm., Chinkapin Oak;

(143) *Quercus virginiana* Mill., Live Oak;

(144) *Rhododendron* spp., Rhododendron;

(145) *Robinia pseudoacacia* L., Black Locust;

(146) *Rosa multiflora* Thunb., Japanese Rose;

(147) *Sequoia gigantea* (Lindl.) Decne., Giant Sequoia;

(148) *Sequoia sempervirens* (D. Don.) Engl., Redwood;

(149) *Syringa vulgaris* L., Common lilac;

(150) *Thuja occidentalis* L., Northern White Cedar, Eastern Arborvitae;

(151) *Thuja orientalis* L., Oriental Arborvitae, Chinese Arborvitae;

(152) *Thuja plicata* Donn., Western Red Cedar, Giant Arborvitae;

(153) *Tsuga canadensis* (L.) Carr., Eastern Hemlock, Canada Hemlock;

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(154) *Tsuga heterophylla* (Raf.) Sarg., Western Hemlock, Pacific Hemlock;

(155) *Ulmus americana* L., American Elm;

(156) *Ulmus parvifolia* Jacq., Chinese Elm;

(157) *Ulmus pumila* L., Siberian Elm;

(158) *Vitis vulpina* L., Riverbank Grape.

1510.0251 KIND AND VARIETY OR TYPE AND PERFORMANCE CHARACTERISTICS OF FLOWER SEEDS.

In accordance with Minnesota Statutes, section 21.82, subdivision 8, paragraph (a), clause (1), this part contains the requirements for labeling the kind and variety or a statement of type and performance characteristics for flower seeds prepared for use by home gardeners.

A. For seeds of plants grown primarily for their blooms;

(1) if the seeds are of a single named variety, the kind and variety must 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 it is significant, and the type and color of bloom must be indicated, for example, "Scabiosa, Tall, Large Flowered, Double, Pink";

(3) if the seeds consist of a mixture of colors or a blend of varieties of a single kind, the kind name, the type of plant, if it is significant, and the type of bloom must be indicated, and it must be clearly indicated that the seed is mixed or blended, for example, "Marigold, Dwarf Double French, Mixed Colors" or "Marigold Blend, Dwarf Double French, Mixed Colors";

(4) if the seeds consist of a mixture of kinds, it must be clearly indicated that the seed is mixed and the specific use of the mixture must be indicated, for example, "Cut Flower Mixture" or "Rock Garden Mixture." Statements like "Wild Flower Mixture," "General Purpose Mixture," "Wonder Mixture," or any other statement which fails to indicate the specific use of the seed is not permitted unless the specific use of the mixture is also stated.

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

1510.0261 REQUIREMENTS FOR COMPLETE RECORD.

The initial labeler of agricultural, vegetable, flower, tree, or shrub seeds subject to Minnesota Statutes, sections 21.82 and 21.83, must have the following information as part of the complete record for each seed lot sold:

A. lot number or other lot identification;

B. a copy of the genuine grower's declaration or tree seed collector's declaration or similar documents containing the same information;

C. copies of invoices showing the sale of each seed lot, including the name of the person the seed was sold to, the amount sold, the date of sale, the name of the kind or kind and variety, and the lot number;

D. a copy of the label that was attached to or accompanied the seed lot;

E. a copy of the field and final certification documents, if applicable;

F. a copy of each report concerning the testing of the seed for labeling purposes; and

G. a file sample of the seed lot which is representative of the seed lot and of sufficient size to constitute an official sample as prescribed in section 201.43 of the Federal Seed Act regulations. The prescribed official sample sizes are as follows:

(1) two ounces of grass seed not otherwise mentioned, white or alsike clover, or seeds not larger than these;

(2) five ounces of red or crimson clover, alfalfa, lespedeza, ryegrass, bromegrass, millet, flax, rape, or seeds of similar size;

(3) one pound of sudangrass, sorghum, proso, or seeds of similar size;

(4) two pounds of cereals, vetch, or seeds of similar or larger size; and

(5) at least 400 vegetable seeds.

1510.0271 PROHIBITED WEED SEEDS.

The following are weed seeds which are prohibited from being present in agricultural, vegetable, flower, tree, and shrub seeds sold in Minnesota in accordance with Minnesota Statutes, section 21.86, subdivision 1, paragraph (d):

A. bull thistle *(Cirsium vulgare L.)*;

B. Canada thistle *(Cirsium arvense Scop.)*;

C. musk thistle (Carduus nutans L.);

D. perennial sow thistle *(Sonchus arvensis L.)*;

E. plumeless thistle *(Carduus acanthoides L.)*;

F. field bindweed *(Convolvulus arvensis L.)*;

G. hemp *(Cannabis sativa L.)*;

H. leafy spurge *(Euphorbia esula L.)*;

I. perennial peppergrass *(Lepidium draba L.)*; and

J. Russian knapweed *(Centaurea repens L.)*.

1510.0281 CHARGES UNDER MINNESOTA SEED LAW.

Subpart 1. Definitions. As used in this rule, "commissioner" means the commissioner of agriculture or the commissioner's designee, "person" has the meaning given in Minnesota Statutes, section 21.81, subdivision 18, and "initial labeler" has the meaning given in Minnesota Statutes, section 21.81, subdivision 12.

Subp. 2. Sampling export seed. In accordance with Minnesota Statutes, section 21.85, subdivision 13, the commissioner shall, if requested, sample seed destined for export to other countries. The fee for sampling export seed is $20 per hour per inspector.

Subp. 3. Seed fee permits. An initial labeler who wishes to sell seed in Minnesota must comply with Minnesota Statutes, section 21.89, subdivisions 1 and 2, and the procedures in this subpart.

A. Each initial labeler who wishes to sell seed in Minnesota must apply to the commissioner to obtain a permit. The application must contain the name and address of the applicant, the application date, and the name and title of the applicant's contact person. The application must be accompanied by an application fee of $10. Initial labelers holding seed fee permits on the effective date of this rule need not apply for a new permit or pay the application fee.

(1) If, for reasons beyond the control and knowledge of the initial labeler, seed is shipped into Minnesota by a person other than the initial labeler, the responsibility for the seed fees are transferred to the shipper. An application for a transfer of this responsibility must be made to the commissioner. Upon approval by the commissioner of the transfer, the shipper is responsible for payment of the seed permit fees.

(2) Seed permit fees may be included in the cost of the seed either as a hidden cost or as a line item cost on each invoice for seed sold. To identify the fee on an invoice, the words "Minnesota seed permit fees" must be used.

B. All seed fee permit holders must file quarterly reports with the commissioner, even if no seed was sold during the reporting period. Each quarterly report must be submitted within 30 days of the end of each reporting period. The reporting periods are January 1 to March 31, April 1 to June 30, July 1 to September 30, October 1 to December 31 of each year.

C. The holder of a seed fee permit must pay fees on all seed for which the permit holder is the initial labeler and which are covered by Minnesota Statutes, sections 21.80 to 21.92 and sold during the reporting period.

(1) For the following kinds of agricultural seed sold either in bulk or containers, the fees are:

(a) oats, wheat, barley, 3 cents per cwt.;

(b) rye, field beans, soybeans, 4 cents per cwt.;

(c) buckwheat, flax, 6 cents per cwt.;

(d) field corn, 15 cents per cwt.;

(e) forage, lawn and turf grasses, and legumes, 20 cents per cwt.;

(f) sugar beet, sunflower, 70 cents per cwt.; and

(g) other agricultural seeds except vegetables grown for processing, 10 cents per cwt.

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(2) For vegetable and flower seeds packed in small containers or in bulk for use by home gardeners, the fee is ten cents per $100 of net sales of these seeds.

D. If a seed fee permit holder fails to submit a quarterly report and pay the seed fee within 30 days after the end of each reporting period, the commissioner shall assess a penalty of $10 or eight percent, calculated on an annual basis, of the fee due, whichever is greater, but no more than $100 for each later quarterly report. A $10 penalty will be charged when the quarterly report is late, even if no fee is due for the reporting period. Seed fee permits may be revoked for failure to comply with the applicable provisions of this rule or the Minnesota seed law.

Subp. 4. Hybrid seed corn variety registration fee. In accordance with Minnesota Statutes, section 21.90, subdivision 2, the annual fee for the registration of each hybrid seed corn variety or blend is $27.50, which must be paid at the time of registration.

Subp. 5. Service testing and identification. The fees in items A to D for purity, germination, identification, or other related tests of seeds or plants for farmers, dealers, and others are established pursuant to Minnesota Statutes, section 21.85, subdivision 12.

A. General crops, including corn, cereals, soybeans, sorghum, millet, sunflowers, clovers, alfalfa, ryegrass, timothy, flax, rape, vegetable, and other similar seeds:

(1) Purity, $8;

(2) Germination, $5;

(3) Purity and germination, $11;

(4) Noxious weed seed only, $4; and

(5) Tetrazolium, $10.

B. Grasses, including bromes, fescues, orchardgrass, reed canary, wheat grasses, bluegrasses, bentgrasses, redtop, green needle grass, weeping lovegrass, sandlove, sanddrop seed, flower, and other similar seeds:

(1) Purity, $12;

(2) Germination, $7;

(3) Purity and germination, $17;

(4) Noxious weed seed only, $6; and

(5) Tetrazolium, $12.

C. Chaffy range grasses, including big bluestem, Indiangrass, side oats grama, gramagrass, little bluestem, meadow foxtail, and similar seeds:

(1) Purity, $20;

(2) Germination, $10;

(3) Purity and germination, $28;

(4) Noxious weed seed only, $10; and

(5) Tetrazolium, $18.

D. Mixtures. "A" means the full price of the highest-priced species plus one-half the price of each additional species. "B" means one-half of the price of the purity test on the highest-priced species in the mixture.

(1) Purity, A;

(2) Germination, A;

(3) Purity and germinatoin, not applicable;

(4) Noxious weed seed only, B; and

(5) Tetrazolium, A.

E. A fee of $12 per hour will be charged for tests which are specially requested but not included in items A to D, or which require excess time due to abnormal sample conditions, such as unusual amounts of dirt or foreign material.

F. An additional fee of $2 per sample will be charged for any sample for which special handling is requested, such as samples marked "RUSH."

G. Fees are payable within 30 days of the invoice date by the person requesting a service. Late payment will result in an eight percent service charge calculated on an annual basis and assessed against the unpaid balance.

H. Testing for germination percentage on seed with outdated labeling will be done for one-half of the normal fee when the sample is received during the months of October and November of each year. In order to qualify for this special fee, the person requesting the service must submit a copy of the outdated label for the seed lot that needs new test information for germination percentage in order to be labeled legally for sale in Minnesota.

Rules as Proposed

1510.0320 RESTRICTED WEED SEEDS.

"Restricted weed seeds" are those weed seeds which, if present in agricultural, vegetable, flower, tree, and shrub seed, ~~shall~~ must be named on the label together with the number per ounce or pound of seed specified and which ~~shall~~ may not exceed the legal limit. They are seeds of ~~such~~ weeds ~~as~~ which are objectionable in fields, lawns, and gardens of this state, and which can be controlled by good cultural practice and use of herbicides. Restricted weed seeds are seeds of buckthorn plantain (Plantago lanceolata L.), dodder (Cuscuta spp.), Frenchweed (Thlaspi arvense L.), hoary alyssum (Berteroa incana D.C.), horse nettle (Solanum carolinense L.), wild mustard (Brassica arvensis L.), quack grass (~~Apropyron~~ Agropyron repens L.), wild radish (Raphanus ~~rephanistrum)~~ ~~and~~ raphanistrum), giant foxtail (Seteria faberii), and Eastern black nightshade (Solanum ptycanthum Dun).

1510.0340 SAMPLE LABELS FOR AGRICULTURAL SEED.

The labels shown in parts 1510.0350 and 1510.0360 are suggestive of suitable arrangement of required labeling data. Any arrangement is legal as long as data is complete and may be read and understood readily by the buyer of the seed. Misleading and confusing statements and data must be avoided. ~~No disclaimer clause may be used on any seed label, or in connection with any seed sale.~~

1510.0350 SUGGESTED LABEL FOR SINGLE AGRICULTURAL SEED.

This label may be used for hybrid corn, or a special label may be used. The hybrid corn part may be omitted if not wanted. ~~County where grown is required only for open pollinated corn. Where grown required for alfalfa, red clover, field corn (county), and hybrid corn (state)~~ If known, the origin of the seed must be stated for all agricultural seeds or that the origin is unknown if the origin cannot be determined.

KIND
~~OF SEED~~ ..... VARIETY ..... LOT NO. .....

~~PURITY~~
PURE SEED % ..... GERM % ..... HARD SEED % ..... GERM. DATE .....

WEED SEED % ..... INERT MATTER % ..... OTHER CROP ~~SEED~~ % .....

~~NO.~~ NOXIOUS WEED SEEDS ..... NO. PER ~~LB.~~ ~~OR PER OZ.~~ POUND .....

(Name)

~~GROWN IN~~ ORIGIN .....

(State or Foreign Country)

FOR HYBRID MINNESOTA RELATIVE MATURITY .....DAYS

CORN: ~~ZONE~~ ..... ~~DAYS FOR MATURITY~~ ..... ~~SINGLE CROSS~~ ( )
~~DOUBLE CROSS~~ ( )
~~TRIPLE CROSS~~ ( )

~~DEALER'S~~
LABELER'S NAME
AND ADDRESS .....

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1510.0360 SUGGESTED LABEL FOR MIXTURES AND BLENDS OF AGRICULTURAL SEED.

~~Where grown required for alfalfa, red clover, field corn, and hybrid corn.~~

			LOT NO.....
KIND ~~AND~~.....	.....	.....	.....
VARIETY	.....	.....	.....
~~PURITY~~ PURE SEED %	.....	.....	.....
GERMINATION %.....	.....	.....	.....
HARD SEED %.....	.....	.....	.....
~~GERM. DATE~~.....	.....	.....	.....
~~GROWN IN~~ ORIGIN	.....	.....	.....
WEED SEED %.....	INERT MATTER %.....	OTHER CROP ~~SEED~~ %	
~~NO.~~ NOXIOUS WEED SEEDS ..... (Name)	NO. PER ~~LB.~~ ~~OR PER OZ.~~ POUND.....	GERM. DATE	

~~DEALER'S~~ LABELER'S NAME AND ADDRESS .....

REPEALER. Minnesota Rules, parts 1510.0010; 1510.0120; 1510.0160; 1510.0170; 1510.0230; 1510.0240; 1510.0250; 1510.0260; 1510.0270; 1510.0280; 1510.0290; and 1510.0300 are repealed.

Department of Agriculture
Food Inspection Division

Proposed Rules Governing Dyeing of Fish and Fish Products

Notice of Intent to Amend Rules Without a Public Hearing

Notice is hereby given that the Minnesota Department of Agriculture proposes to adopt the above-entitled amendments without a public hearing. The Commissioner of Agriculture has determined that the proposed adoption of these amendments will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.21-14.28 (1982).

Persons interested in these rules are encouraged to submit comment in support of or in opposition to the proposed amendments, and shall have 30 days to do so. Each comment should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed. The proposed amendments may be modified if the modifications are supported by the data and views submitted to the department and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period, a public hearing will not be held. Persons requesting a public hearing should state their name and address, and are encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any proposed change. In the event a public hearing is required, the department will proceed according to the provisions of Minnesota Statutes, Sections 14.11-14.20 (1982).

STATE OF MINNESOTA
DEPARTMENT OF AGRICULTURE

IN THE MATTER OF THE PROPOSED NEW AND AMENDED)
RULES OF THE DEPARTENT OF AGRICULTURE GOVERNING) STATEMENT OF NEED
SEED LABELS, LABELING REQUIREMENTS, PROHIBITED) AND REASONABLENESS
AND RESTRICTING NOXIOUS WEED SEED, RECORD)
KEEPING, AND FEES)
(MINNESOTA RULES 1510.0111 - 1510.0360)

I. INTRODUCTION

The subject of this rulemaking is the proposal for new rules and amendments to existing rules of the Minnesota Department of Agriculture governing seed labels, labeling requirements, prohibited and restricted noxious weed seeds, record keeping, and fees.

The new rules pertaining to labeling requirements, prohibited noxious weed seeds, and record keeping are proposed for adoption pursuant to Minnesota Statutes 21.85, subdivision 11 which authorizes the department to establish rules for the proper enforcement of the seed law. The new rule pertaining to fees is proposed for adoption pursuant to Minnesota Statutes 21.85, subdivisions 12 and 13, Minnesota Statutes 21.89, subdivision 1, and Minnesota Statutes 21.90, subdivision 2, each of which authorizes the establishment of a different fee.

The amendments to existing rules pertain to seed labels and restricted noxious weed seeds, and they are proposed for adoption pursuant to Minnesota Statute 21.85, subdivision 11 which authorizes the department to establish rules for the proper enforcement of the seed law.

All the proposed rulemaking is necessary as a result of a major revision in the Minnesota Seed Law, Minnesota Statutes 21.80 through 21.92, which became effective on July 1, 1983.

The specific items to be considered in this rulemaking pertain to hybrid seed corn labeling, exemptions to the 10% inert matter limitation for lawn and turf grass seeds, standards for hermetically sealed seeds, germination standards for vegetable and flower seeds, germination standards and testing methods which are available for tree and shrub seeds, labeling kind and variety or type and performance characteristics for flower seeds, requirements for a complete record, prohibited noxious weed seeds, charges under the Minnesota Seed Law, restricted noxious weed seeds, disclaimers, and examples of seed labels.

The notice of intent to solicit outside opinion was published in the state register by the Department on April 10, 1984. The Commissioner of the Minnesota Department of Agriculture proposes the rules for adoption in accordance with Minnesota Statutes 14.21 to 14.28. Responses to the solicitation of outside opinion and consultations with seed industry representatives indicate that the proposed rulemaking is non-controversial. Outside opinion was considered when the final draft of this proposed rulemaking was written.

The discussion provided in this statement is divided into the following parts:

II. Small Business Impact

III. General Overview

IV. Summary Of The History Of The Minnesota Seed Law.

V. Need For And Reasonableness Of The Proposed New And Amended Rules

VI. Fee Review And Approval

VII. Attachments

II. SMALL BUSINESS IMPACT

Minnesota Statute 14.115 requires an assessment of the impact on small businesses when laws and rules are enacted that affect them.

The proposed rulemaking pertaining to seed labels, labeling requirements and prohibited and restricted noxious weed seeds will not impact small seed businesses since anyone who labels and sells seeds has always had to comply with these provisions in the law or rules. In addition, the purpose of this rulemaking is to update the rules to reflect the new seed law. This means that some provisions which were previously established by law are now proposed for establishment through rules. The net result is no change in the impact.

The proposed rulemaking dealing with export seed sampling fees indicates a decrease from the amount charged in the existing rule. The fee for this service can be lowered because the $20.00 per hour per inspector service charge is sufficient to cover the costs for the service. Therefore, the fees in the existing rule concerning the reimbursement for additional costs such as mileage, meals, lodging, copying, or any materials used can be dropped. This will impact some small businesses who are exporters in that their costs would be less for this service.

The proposed rulemaking pertaining to seed permit fees establishes a new schedule of fees for seed sold and drops the $5.00 filing fee. The new Minnesota Seed Law in Minnesota Statutes 21.89 changed the criteria for determining who must have a seed permit from what the previous law required. Because of this change, some of the existing permit holders

no longer needed their permits. The Department did not have sufficient data on each permit holder to make a decision on how the law change affected each permit holders' responsibility for fees on seed sold. Therefore, it was decided to require a $5.00 filing fee for each quarterly report of seed sold. The filing fee accomplished two things in that it covered the cost of handling the mailing and receiving of each quarterly report and it caused many permit holders to re-assess their need for the permit. As a result, 70 permits were dropped by persons who no longer needed them. Additionally, the revenue from the proposed schedule for fees on seed sold should be sufficient to cover the costs of administering the permits so the filing fee is no longer needed.

The proposed new schedule of fees for seed sold is designed to correct inequities that were evident in the existing fee schedule. The following is an example of just one of the observed inequities:

Field peas @ 7¢ per hundred weight sold

1. Field peas are planted at a rate of 300 pounds per acre.
2. The rate on a per acre planted basis is 21¢.

Sunflowers @ 7¢ per hundred weight sold

1. Sunflowers are planted at a rate of 3 to 4 pounds per acre.
2. The rate on a per acre planted basis is .025 cents.

The fees on seed sold are a legitimate cost for seed and are included in the selling price. Therefore, according to the existing fee schedule the consumer is actually paying a user type fee that was nearly 100 times higher for field peas than for sunflowers. This impacted small businesses and consumers in that the fees were unfairly apportioned.

The proposed new fee schedule removes these types of inequities and in addition lowers the average fee on seed sold as well. The proposed new fee schedule is based on a 2.5¢ per acre planted basis regardless of the crop planted or the amount of seed normally used. This basis ensures equitable treatment of all consumers no matter which crop seed they purchase. Small seed businesses should not be impacted adversely in the seed fees they pay since they recover their costs in the selling price of the seed.

When the average fee rate per hundred weight on seed sold is calculated for the existing fee schedule and the proposed fee schedule, the average fee rate for the proposed schedule is nearly .8¢ less. Because of the law change for seed permit responsibility, the total revenue received from seed permits will increase due to an overall increase in the number of permit holders. Attachment C at the end of this statement is a fiscal analysis of the effect on revenue that changing the fee schedule will have.

The proposed fees for seed testing and identification are the same except for an extra fee which was dropped and a special half price rate which was added for carry-over seed testing. In the existing seed testing and identification fee schedule, a $2.00 extra fee is charged for service samples received between March 15 and June 30 of each year. The original purpose of this extra fee was to encourage earlier submission of service samples in order to provide for a more uniform work flow in the seed laboratory. The previously observed work flow problem has been corrected and the extra fee is no longer needed. The

special half price rate for retesting carry-over seeds was added in the proposed rule to encourage the retesting of these seeds in October and November of each year. A seed label is valid for only nine months which means that seed legally labeled for one cropping season cannot legally be offered for sale in the next unless it is retested and relabeled. The amount of carry-over seed is usually small and the potential profit on the sale of these small amounts of seed normally would not pay for the full price of testing. Carry-over seed is also too valuable, in most cases, to dispose of as other than seed. The half price rate will provide incentive and benefit in retesting and relabeling carry-over seed. These two changes in the seed testing and identification fees will impact small businesses with slightly lower costs for having their seed tested prior to labeling or relabeling their seed for sale.

The seed fees established in the present rule and proposed in the new rule are needed to fund the state's seed regulatory and service program. Any size business selling seed in this state benefits from an effective seed regulatory and service program through a fair marketplace in which to compete for the consumer dollar. Therefore, a seed business should pay for this benefit in proportion to their share of the marketplace. Taken one step further, the consumer benefits from an effective seed regulatory and service program through being able to buy truthfully labeled seed to fit their needs. Consumers ultimately pay for this benefit in the purchase price of the seed, but only in proportion to the amount purchased.

III. GENERAL OVERVIEW

A. The Need for Seed Labels, Labeling Requirements, Prohibited And Restricted Weed Seed Lists, Record Keeping, and Seed Fees.

To understand the need for and reasonableness of the proposed new and amended rules, it is important to know why they are proposed. Seed technology, crop production, and the mechanisms of seed marketing are continually changing as a result of scientific research and innovative competition in the marketing of seed. Regulation of this dynamic industry must keep abreast of the change in order for consumers to be adequately protected and for a fair and competitive marketplace for seed to be achieved. Attachment A gives a summary of this change through a chronological history of seed regulation in Minnesota. In 1983, the Minnesota Seed Law, Minnesota Statutes 21.80 through 21.92, underwent the first major revision in over 30 years. A basic goal of this change was to write a seed law that would not require frequent change but rather could be updated through the rulemaking process. The proposed rulemaking discussed in this statement has two purposes. The first is to update the current rules to reflect the requirments of the existing seed law, and secondly, to add new rules that are now necessary due to changes in the seed industry and the need for regulation of this industry.

Other states have seen the need for these changes in recent years and more are considering them now. In addition, the Federal Seed Act, which is administered and enforced by the United States Department of Agriculture, is in the process of being revised and updated. Because of this increased legislative activity, uniformity

in state and federal seed laws and rules is a major concern for interstate shippers of seed. For this reason, the American Association of Seed Control Officials, of which Minnesota is a member, developed a model seed law and rules. This model law is referred to as the Recommended Uniform State Seed Law (hereafter called RUSSL), and it was last updated in 1979. The Minnesota Seed Law enacted in 1983 used this model law as a guide in order to maintain unformity in seed regulation with other states. Some deviations from the model law were enacted but only to address specific needs for seed regulation in Minnesota. These deviations were written in a manner that will not disrupt uniform labeling for those who ship seeds on an interstate basis. The proposed rulemaking is designed to follow a similar course to that of the seed law in that much of the proposed rulemaking was derived from the model rules which are part of the RUSSL.

This rulemaking is necessary and reasonable to provide protection for consumers through uniform and accurate labeling of seed sold in Minnesota. Uniformity and accuracy in labeling of seed also provides a fair and competitive marketplace for the sale of seed and thereby benefits the seed industry as well. By using the RUSSL as a guide, the labeling for seed sold in Minnesota is also acceptable in other states and thereby facilitates interstate trade.

B. Format Of The Proposed New And Amended Rules.

The proposed new and amended rules are set forth in the following manner: information required on hybrid seed corn labels; kinds of lawn and turf grass exempt from 10% inert matter limitation;

standards, requirements, and conditions for labeling hermetically-sealed seeds; vegetable seed germination standards; flower seed germination standards; standardized germination procedures available for tree and shrub seeds; labeling kind and variety or type and performance characteristics for flower seeds; requirements for a complete record; prohibited weed seeds; definition of terms used in establishing fees; seed fee permits; hybrid seed corn variety registration fee; service testing and identification fees; restricted weed seeds; sample labels for agricultural seed (disclaimers); suggested label for single agricultural seed; suggested label for mixtures or blends of agricultrural seed; and repealer.

In this statement, for the sake of brevity, the content of each new or amended rule as not been repeated. However, the number and title of each affected rule has been noted for reference purposes.

IV. HISTORICAL SUMMARY OF THE MINNESOTA SEED LAW

The first seed regulatory legislation was called the "Pure Seeds Act" and it was enacted in 1913. This act provided for the experiment station to draw seed samples and to test them for weed seed and germination. This act also provided that service testing would be done for anyone wishing to purchase the service. This generated revenue which increased in amount each year until in 1928, a dedicated seed account was established. This account then became the source of funding for the seed program until 1979.

In 1939, the seed law or act was amended to grant authority to the Commissioner of the Minnesota Department of Agriculture for the promulgation of rules under the seed law.

In 1941, the seed tax tag and stamp system was established to generate additional revenue for an increased regulatory program. Every container of seed sold by a vendor in Minnesota had to have a tax tag or stamp attached. The tags or stamps were purchased from the department. Also in 1941, the hybrid seed corn registration system was established in order to check the maturity ratings of hybrid seed corn sold in Minnesota.

Mechanization of agriculture and related industries began to have significant affects on the seed marketing system during the late 1940's. Seed was starting to be sold in bulk lots instead of bags. The tax tag or stamp was not applicable to bulk seed sales. The seed permit system was developed as an alternative to the tax tag or stamp system. Under the permit system the vendor reports what is sold and pays a fee with each report in lieu of the attachment of tax tags or stamps.

In 1951, the state seed laboraty was established within the department of Agriculture and thereby removing that responsibility from Minnesota Agricultural Experiment Station.

The evolution of the seed law had come a long way since 1913 in that in 1951, the basic authorities and functions of the seed regulatory program were nearly complete. Since 1951, the seed law has been updated several times, but it was not until 1983 that any major revision took place.

The new Minnesota Seed Law enacted in 1983 did not change the basic authorities and functions of the seed law, but rather brought them up to date and in line with projected future needs. This means that the new seed law is a more basic law that can more easily be updated through the making of rules. The rulemaking discussed in this statement is the first step in updating seed regulation through the rules.

V. NEED FOR AND REASONABLENESS OF THE PROPOSED NEW RULES AND THE PROPOSED AMENDMENTS TO THE EXISTING RULES.

The need for and reasonableness of each proposed new or amended rule follows.

1510.0111 Information Required On Hybrid Seed Corn Labels

This new rule is made up of two existing rules (1510.0010 and 1510.0230) because they are being combined and the wording modified to clarify the intent of the new seed law. It is necessary to combine the two rules to make it easier for hybrid seed corn labelers to determine th labeling requirements for germination and relative maturity rating of hybrid seed corn when sold singly or in blends. It is further necessary to modify the wording so that the requirements are clearly stated and because the new seed law no longer requires the zone of adaptation to be stated on the label. It is reasonable that the two rules be combined because they both pertain to hybrid seed corn labeling and because there was no reason for separate rules. It is further reasonable to modify the wording in order to make it possible for hybrid seed corn labelers to use a more uniform label because this will facilitate interstate shipment and still provide the necessary label information to the consumer.

1510.0161 Kinds of Lawn And Turf Grass Seeds Exempt From Ten Percent Inert Matter Limitation

This rule is all new material. The ten percent limitation is imposed by statute and is intended to limit the addition of adulterants to lawn and turf grass seeds. It is necessary to provide an exemption for a labeler from having to meet this statutory limitation because it would, in some cases, be economically a hardship to do so. Some lots of Kentucky bluegrass seed are unable to meet the limitation in their normal state. It is reasonable to exempt Kentucky bluegrass from the limitation because for some lots, expensive cleaning would have to take place for the seed to be legally sold. It is further reasonable to provide the exemption because cleaning to meet the limitation would only raise the selling price and provide no corresponding benefit to the consumer.

1510.0171 Standards, Requirements, And Conditions For Labeling Hermetically-Sealed Seeds

This rule is all new material, and it is derived entirely from the model rules under the RUSSL. It is necessary to establish these special standards, requirements, and conditions so that labelers of hermetically-sealed seeds can label this type of packaged seed in a uniformly prescribed manner. It is further necessary to define the conditions under which seed is considered hermetically sealed in order for seed labelers to be able to comply with Minnesota Statute 21.86, subdivision 1, part (a). It is reasonable that consumers have access to uniformly accurate and complete label information upon which to base a purchasing decision. It is further reasonable in that when these special conditions of packaging are met the seed will be able to perform as labeled for up to 36 months rather than the normal nine months.

1510.0231 Germination Standards; Standarized Germination Testing Procedures, Subpart 1. Vegetable Seed Germination.

This part is all new material, and it was derived from the Federal Seed Act Regulations, 7CFR, section 201.31. It is necessary to establish a standard germination percentage for each kind of vegetable seed because they are different in their ability to germinate. It is further necessary to establish standards in order for labelers to comply with Minnesota Statutes 21.82, subdivision 7, part (a)(1). It is reasonable to allow labelers to omit the actual germination percentage because it reduces the costs of labeling on a large number of small packets of seed and thereby lowering the cost of the seed to the consumer. It is further reasonable because the consumer will still be protected when the standards are met in that part of the label for small packets will read "Packed For (year seed is packed for use in)."

1510.0231 Germination Standards; Standardized Germination Testing Procedures, Subpart 2. Flower Seed Germination.

This part is all new material, and it was derived entirely from the model rules under the RUSSL. It is necessary to establish a standard germination percentage for each kind of flower seed because they are different in their ability to germinate. It is further necessary to establish a standard germination percentage for each kind of flower seed for which there are testing procedures available in order for labelers to comply with Minnesota Statute 21.82, subdivision 8, part (a)(3). It is reasonable to allow labelers to omit the actual percentage of germination because it reduces the costs of labeling on a large number of small packets of seed and thereby lowering the cost of the seed to the consumer. It is further reasonable because the consumer will still be protected when the standards are met in that part of the label of small packets will read "Packed For (year seed is packed for use in)."

1510.0241 Standardized Germination Testing Procedures Available

This rule is new material derived entirely from the model rules under the RUSSL and it is necessary for two reasons. The first is to establish the list of tree and shrub seeds which have standard germination testing procedures available for them in accordance with Minnesota Statues 21.83, subdivision 2, part (h). The second is that by establshing this list, labelers are informed of their responsibility to label the germination percentage for the kinds listed. It is reasonable because tree and shrub seeds are usually very expensive and therefore consumers need a statement of viability such as a germination percentage in order to determine the appropriate value of the seed they wish to purchase. It is further reasonable because labelers can label in accordance with Minnesota Seed Law and be able to ship interstate due to the uniformity in labeling as a result of the RUSSL.

1510.0251 Kind And Variety Or Type And Performance Characteristics Of Flower Seeds.

This rule is new material derived entirely from the model rules under the RUSSL and it is necessary for three reasons. The first is that it provides an alternative to labeling the variety name because in many cases there are no recognized variety names for flower seeds. The second is to establish standard criteria to be used in this alternate naming system. The third is clarify the intent of the seed law in Minnesota Statutes 21.82, subdivision 8, part (a), clause (1) in order for labelers to know how to use alternate naming of flower seeds. It is reasonable that this alternative be provided to make possible the uniform naming on the label of flower seeds without variety names and thereby facilitating their sale to consumers. It is further reasonable because without uniform labeling of alternate names, a single unnamed variety of flower seed could be sold under many different alternate names and thereby create confusion for the consumer.

1510.0261 Requirements For Complete Record

This is new material derived from both the RUSSL and the Federal Seed Act, United States Code, Title II, section 202. It is necessary for three reasons. The first is so that the seed permit provisions of the law can be enforced when necessary by auditing records. The second is that when a lot of seed is found to be faulty, culpability can be established by reviewing records to see who raised, tested, and labeled the seed for sale in violation of the seed law. The third is so that when a seed lot is found to be faulty, a review of the record for the seed lot will reveal to whom the seed was sold and the buyer(s) can be notified of the problem. It is reasonable that labelers be able to document their efforts to ensure their seed is legally labeled at the time of sale. It is further reasonable because after seed is planted, the only documentable proof of the ability of the seed to perform is in the record for the seed lot. In addition, it is reasonable because the act of compiling a record is a guide and an assurance that the labeling requirements of the seed law and rules are complied with.

1510.0271 Prohibited Weed Seeds

This is new material in the rules because this list was previously established by the seed law that was repealed. Bull thistle, musk thistle, plumeless thistle, and hemp are added to the original list because they fit the definition of a prohibited weed seed and because they are considered primary noxious weeds in Minnesota Statutes 18.171, subdivision 5 of the Minnesota Noxious Weed Law. The adoption of this proposed rule is necessary for two reasons. The first is because according to Minnesota Statutes 21.86, subdivision 1, part (d), it is a violation if any of the weed seeds on this list are present in seed sold in Minnesota. The second is so that labelers and consumers of seed may know which weed seeds are prohibited from being present in seed and thereby avoid buying or selling seed lots containing them. It is reasonable that this list be established so that the harm caused by inadvertently planting prohibited weed seeds can be avoided by consumers. It is further reasonable because by prohibiting the presence of certain weed seeds in crop seed offered for sale, a method of controlling the spread of these undesirable weeds is established.

1510.0281. Charges Under Minnesota Seed Law. Subpart 1. Definitions

This part is from the existing rule which pertains to fees but it is proposed in a new rule because the existing rule is a temporary rule which will expire in September 1984 unless it is repealed prior to that time. It is both necessary and reasonable that labelers of seed be informed of the meanings of terms used in describing their responsibilities for payment of fees established under the Minnesota Seed Law.

1510.0281. Charges Under Minnesota Seed Law. Subpart 2. Sampling Export Seed

This part is from the existing rule which pertains to fees but it is proposed in a new rule in order to incorporate a needed change and because the existing rule is a temporary rule which will expire in September 1984 unless it is repealed prior to that time. The change is discussed under the "Small Business Impact" part of this statement. It is necessary and reasonable to lower the fee for this service since the existing fee provides for payment of more than needed to cover the cost of the service.

1510.0281. Charges Under Minnesota Seed Law. Subpart 3. Seed Feed Permits

This part is from the existing rule which pertains to fees but it is proposed in a new rule in order to incorporate needed changes and because the existing rule is a temporary rule which will expire in September 1984 unless it is repealed prior to that time. Attachment C of this statement contains a fiscal analysis of the effects of these changes. The changes involve the dropping of the requirement for a $5.00 quarterly filing fee and a new fee schedule for payment of fees on seed sold.

It is necessary to delete the requirement of a $5.00 filing fee with each quarterly report because enough revenue is collected for fees on seed sold to pay for the costs of mailing and receiving of the quarterly reports. It is reasonable that this fee be discontinued because it is not necessary any longer and because public comment was heavily against continuing it.

It is necessary to revise the fee schedule for seed sold to remove inequities that were observed in the existing schedule. It is further necessary to revise the fee schedule to simplify it and thereby create less confusion for permit holders in the payment of fees. It is reasonable that inequities be corrected to prevent discrimination against certain permit holders. It is further reasonable because a discriminatory fee schedule gives those who are favored an unfair market place advantage through lower fees paid on the seed they sell. Six meetings were held around the state in January and February of this year to discuss the new fee schedule and public comment has supported the proposed change. The new fee schedule is based on a 2.5¢ per acre assessment for each acre planted regardless of the crop. The fee per hundred weight as listed in the fee schedule is calculated by multiplying 2.5¢ times the number of acres seeded with one hundred pounds of seed. Some minor deviation is present in the 2.5¢ per acre rate but only to restrict the number of categories in the schedule and thereby make it less complicated and confusing to permit holders. The change in the fee schedule is discussed in depth in the "Small Business Impact" part of this statement.

1510.0281 Charges Under Minnesota Seed Law. Subpart 4. Hybrid Seed Corn Variety Registration Fee

This part is from the existing rule which pertains to fees but it is proposed in a new rule because the existing rule is a temporary rule which will expire in September 1984 unless repealed prior to that time. At least 80% of all registration fees collected are paid to the Minnesota Agricultural Experiment Station for testing to determine whether or not each hybrid corn variety is labeled accurately for maturity rating. This registration and testing requirement is necessary because enough mislabeling of maturity is discovered each year that if uncorrected, Minnesota farmers could lose in excess of $2.0 million annually because of extra drying costs alone. The fee charged is reasonable because private companies could not normally test the maturity of a new hybrid for the amount of the fee.

1510.0281 Charges Under Minnesota Seed Law. Subpart 5. Seed Testing And Identification

This part is from the existing rule which pertains to fees but it is proposed in a new rule because two changes were made and because the existing rule is a temporary rule which will expire in September, 1984 unless repealed prior to that time. The two changes involve the lowering of fees for specific testing periods of each year.

The first change drops the $2.00 extra fee for service samples received during the period March 15 to June 30 of each year. It was first imposed to correct a potential work flow problem during the busiest season in the seed laboratory. It is necessary now to drop the extra fee because the work flow problem has been corrected by other means which do not need an extra $2.00 to cover their cost. It is reasonable that whenever a fee is not needed that it be dropped from the requirements.

The second change offers a special half price testing fee for the months of October and November of each year to encourage the retesting of carry-over seed. Seed labels are valid for a nine month period which means seed carried over from one cropping season to the next must be retested to show current information. Carry-over seed usually is found in small quantities from which the profit would not pay the retesting expense. The seed is usually still good and often too expensive to dispose of so this special price will enable retesting and subsequent sale of carry-over seed. It is necessary and reasonable to lower a particular fee when it creates an economic hardship on certain clientele and when the change will increase regulatory compliance.

1510.0321 Restricted Weed Seeds

The existing rule (1510.0320) contains only a partial list of the restricted weed seed species because the remainder of the list was contained in the previous seed law that has been repealed. The purpose of this proposed rulemaking is an amendment that would add the restricted weed seed species that were previously contained in the seed law and to add one new weed seed species. It is necessary to amend this rule in order to again provide a complete list of the restricted weed seeds. It is further necessary to add a new weed species, Eastern black nightshade, to the restricted list because this species fits the definition of restricted contained in Minnesota Statutes 21.81, subdivision 23 and because there have been requests from consumers that it be added. It is reasonable that this list be complete in order for consumers to have access to complete and truthful labeling of the harmful contaminants of seed. It is further reasonable to add Eastern black nightshade to the list in order to control the spread of this harmful weed through the sale of seed.

1510.0341 Sample Labels For Agricultural Seed

The proposed rulemaking amends the existing rule in order to change one of the requirements which contradicts another existing rule. Disclaimers are not prohibited in Minnesota or other states. Disclaimers are, however, prohibited from denying or modifying the information stated on a seed label. The existing rule prohibits the use of a disclaimer at all. It is necessary to amend this rule so that it does not contradict existing rule 1510.0020. It is further necessary because other states do not prohibit disclaimers and if Minnesota does, problems will arise on interstate shipments. It is reasonable to correct contradictory statements in the law and rules wherever they occur. It is further reasonable that laws and rules be made consistent with those of other states, whenever possible, in order to facilitate interstate business.

1510.0351 Suggested Label For Single Agricultural Seed

The existing rule specifies that origin is required on the label for corn, alfalfa, and red clover but the new seed law, enacted in 1983, requires the origin statement on the label for all agricultural crops. Also, some of the terminology used on the suggested label in the existing rule is not consistent with that of the new seed law. It is necessary and reasonable that the existing rule be amended to correctly reflect the intent and wording of the new Minnesota Seed Law, Minnesota Statutes 21.80 through 21.92.

1510.0361 Suggested Label For Mixtures And Blends Of Agricultural Seed

The existing rule specifies that origin is required on the label for corn, alfalfa, and red clover but the new seed law, enacted in 1983, requires the origin statement on the label for all agricultural crops. Also, the existing rule only pertains to mixtures whereas the new seed law differentiates between what a mixture and a blend are. In addition, the existing rule uses terminology which is not consistent with that of the new seed law. It is necessary and reasonable that the existing rule be amended to reflect the intent and wording of the new Minnesota Seed Law, Minnesota Statutes 21.80 through 21.92.

Repealers

Rules 1510.0010, 1510.0120, 1510.0160, 1510.0170, 1510.0230, 1510.0240, 1510.0250, 1510.0260, 1510.0270, 1510.0280, 1510.0290, 1510.0300, 1510.0320, 1510.0340, 1510.0350, 1510.0360 are proposed for repeal because changes in the law make them inappropriate. New and amended rules have been developed and proposed that pertain to current requirements of the seed law. It is unreasonable to retain old rules when new governing statutes exist for which the old rules do not apply.

Attachments

The following attachments have been referred to or pertain to this statement. The first attachment is a history of the changes of Minnesota Seed Law. The second is a copy of the 1979 edition of the RUSSL and suggested rules. The third is a comparative fiscal analysis of the change in seed permit fees.

Attachment A - History of the Minnesota Seed Law, 1982, 3 pages
Attachment B - "RUSSL," 1979, 27 pages
Attachment C - Comparative Fiscal Analysis of the change in seed permit fees, 2 pages.

RECOMMENDED UNIFORM

STATE SEED LAW

NOVEMBER 1979

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NOTES

The RUSSL is being up-dated as one complete unit covering all seeds, rather than the previous four. It is felt that this one complete unit will be less confusing and easier to work with when up-date is necessary. For those states that are not concerned with flower or tree and shrub seeds refer to pages 27 and 28 which shows which parts should be eliminated.

The provisions in this recommended uniform state seed law has been approved by the following organizations:

Association of American Seed Control Officials (AASCO)

Association of Official Seed Analysts (AOSA)

Association of Official Seed Certifying Agencies (AOSCA)

American Seed Trade Association (ASTA)

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".

Definitions

Section 1. When used in this Act -

(a) The term "person" includes any individual, partnership, corporation, company, society, or association.

(b) The term "agricultural seed" includes the seeds of grass, forage, cereal, and fiber crops and other kinds of seeds commonly recognized within this state as agricultural seeds, lawn seeds and mixtures 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) The term "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.

(d) The term "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 seeds in this State.

(e) The term "tree and shrub seeds" includes seeds of woody plants commonly known and sold as tree and shrub seeds in this State.

(f) The term "weed seeds" includes the seeds of all plants commonly recognized as weeds within this State and includes noxious weed seeds.

(g) Noxious weed seeds are divided into two classes -- "Prohibited Noxious Weed Seeds" and "Restricted Noxious Weed Seeds" as defined in (1) and (2) of this subsection:

(1) "Prohibited Noxious Weed Seeds" are the seeds of perennial weeds such as not only reproduce by seeds but also spread by underground roots, stems, and other reproductive parts, and which when well established, are highly destructive and difficult to control in this State by ordinary good cultural practice.

(2) "Restricted Noxious Weed Seeds" are the seeds of such weeds as are very objectionable in fields, lawns, and gardens of this State, but can be controlled by good cultural practices.

(h) The term "labeling" includes all labels, and other written, printed, or graphic representations, in any form whatsoever, accompanying or pertaining to any seed whether in bulk or in containers, and includes representations on invoices.

(i) The term "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.

(j) The term "record" includes all information relating to the shipment or shipments involved and includes a file sample of each lot of seed. For tree and shrub seed, the record will also include all documents supporting statement of origin and elevation of said seed.

(k) The term "stop sale" means an administrative order provided by law, restraining the sale, use, disposition, and movement of a definite amount of seed.

(l) The term "seizure" means a legal process carried out by court order against a definite amount of seed.

(m) The term "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.

(n) The term "variety" means a subdivision of a kind characterized by growth, yield, plant, fruit, seed, or other characteristics, by which it can be differentiated from other plants of the same kind.

(o) The term "lot" means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors which appear in the labeling.

(p) The term "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 or subsequent generations from such crosses shall not be regarded as hybrids. Hybrid designations shall be treated as variety names.

(q) The terms "pure seed", "germination", and other seed labeling and testing terms in common usage shall be defined as in the Rules for Testing Seeds published by the Association of Official Seed Analysts, effective October 1, 1978 and as subsequently amended.

(r) The term "type" means a group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions.

(s) The term "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.

(t) A "private hearing" may consist of a discussion of facts between the person charged and the enforcement officer.

(u) The term "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).

(v) "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.

(w) The term "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.

Label Requirements

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 vertabrate animals, a caution statement such as "Do not use for 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 grass seed mixtures as provided in (c):

(1) The name of the kind or 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 designed 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 of 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) 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.

(9) 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 seed mixtures for lawn and/or turf purposes.

(1) The word "mixed" or "mixture" shall be stated with the name of the mixture.

(2) The heading "Pure Seed" and "Germination" or "Germ" shall be used in the proper places.

(3) 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.

(4) Percentage by weight of agricultural seed other than those required to be named on the label (which shall be designated as "crop seed"). If the mixture contains no crop seed, the following statement may be used and may be flagged - "Contains No Other Crop Seed".

(5) Percentage by weight of inert matter not to exceed (10) percent by weight. Foreign material not common to grass seed shall not be added.

(6) Percentage by weight of all weed seeds. Maximum weed seed content not to exceed one-half of one percent (0.50%) by weight.

(7) Noxious weeds that are required to be labeled will be listed under the heading "Noxious Weed Seeds".

(8) For each agricultural seed named under (3) 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.

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

Note: For regulatory purposes those labels reflecting the phrase "Contains No Other Crop Seeds," the Minimum Weights for Noxious Weed Seed Examination (Section 2.3d and Section 2.4 - AOSA Rules for Testing Seeds) shall be used and the tolerances found in Section 5.3, Table 10 shall be applied.

(d) For agricultural seeds that are coated.

(1) Percentage of pure seeds with coating material removed.
(2) Percentage of coating material should be shown as a separate item in close association with the percentage of inert matter.
(3) Percentage of germination should be determined on 400 pellets with or without seeds.
(4) 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 preplanted 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) The year for which the seed was packed for sale as "Packed for _____" or the percentage germination and the calender month and year the test was completed to determine such percentage.
(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 house hold plantings or flower seeds in preplanted 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) The calendar month and year the seed was tested or the year for which the seed was packaged, and,

(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) 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 prepared for use in home flower gardens or household plantings and other than preplanted containers, mats, tapes, or other planting devices:

(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.

(2) The lot number of other lot identification,
(3) The calendar month and year that the seed was tested or the year for which the seed was packaged,
(4) The name and address of the person who labeled said seed or who sells, offers, or exposes said seed for sale within this State, and,
(5) For those kinds of seed for which standard testing procedures are prescribed:

(A) Percentage germination exclusive of hard seed, and,
(B) Percentage of hard seed, if present,

Section 2A. Label requirements 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) 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 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 this 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.

Prohibitions

Section 3. (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 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 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 identity 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.

(2) To disseminate any false of 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 the purpose specified thereby.

(5) To use the word "trace" 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.

Records

Section 4. 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.

Exemptions

Section 5.

(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 processing establishment for cleaning or processing, provided, that the invoice or labeling accompanying any shipment of said seed bears the statement "seeds for processing"; and provided that any labeling or other representation which may be made with respect to the uncleaned or unprocessed seed shall be subject to this Act.

(3) To any carrier in respect to any seed transported or delivered for transportation in the ordinary course of its business as a carrier; provided, that such carrier is not engaged in producing, processing, 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.

Duties and Authority of (State Seed Law Enforcement Officer)

Section 6.

(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).

(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, and 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, processing 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, processing 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, processing 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 regulations 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.

Seizure

Section 7. 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 process or relabel it into compliance with this Act.

Injunction

Section 8. 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.

Violations and Prosecutions

Section 9. 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 defendent 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 defendent 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 judgement of such officer, the information submitted warrants such action.

After judgement 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 judgement by the court in such media as he may designate from time to time.

Complaint

Section 10. Complaint, investigation, findings and recommendation.

(1) When any farmer is damaged by the failure of agricultural or vegetable seed to produce or perform as represented by the label attached to such seed, such farmer shall make a sworn complaint against such dealer alleging damages sustained and file same with the commissioner of agriculture within ten days after defect or violation becomes apparent and send a copy of said complaint to said dealer by United States registered mail; provided that requirements for filing complaint herein set forth appears legibly typed or printed on the analysis label attached to the package containing such seed at the time of purchase by the farmer. A filing fee of ten dollars shall be paid to the commissioner of agriculture with each complaint filed and shall be recovered from the dealer upon the recommendations of the arbitration committee. Within five days after receipt of a copy of complaint, the dealer shall file with the commissioner of agriculture his answer to said complaint and send a copy of same to the farmer by United States registered mail. Any seed dealer against whom a complaint is filed by a farmer who

alleges that he has been damaged by the failure of seed purchased from a seed dealer to perform as labeled, may request an investigation by the investigating committee.

(2) The commissioner of agriculture shall refer the complaint and the answer thereto to the arbitration committee provided by law for investigation, findings and recommendation on the matters complained of. Upon receipt of same the commissioner shall transmit the findings and recommendation of the arbitration committee to the farmer and to the dealer by United States registered mail.

Arbitration Council

Section 11. Arbitration council; composition; purpose; meetings; duties; expenses.--

(1) The department of agriculture and consumer services shall appoint an arbitration council composed of five members and five alternate members, one member and one alternate to be appointed upon the recommendation of each of the following: the deans of extension and research of the agricultural university, president of the seedsmen and garden supply association, president of the farm bureau federation, and the commissioner of agriculture. Each member and alternate shall continue to serve until replaced by the department. Each alternate member shall serve only in the absence of the member for whom he is an alternate. The council shall elect a chairman and a secretary from its membership. It shall be the duty of the chairman to conduct all meetings and deliberations held by the council and to direct all other activities of the council. It shall be the duty of the secretary to keep accurate and correct records on all meetings and deliberations and perform other duties for the council as directed by the chairman.

(2) The purpose of the arbitration committee is to assist farmers and agricultural seed dealers in determining the validity of complaints made by farmers against dealers and recommend cost damages resulting from alleged failure of seed to produce as represented by label on the seed package.

(3) The arbitration committee may be called into session by the commissioner of agriculture at his discretion or upon the direction of the chairman to consider matters referred to it by the commissioner of agriculture.

(4) (A) When the commissioner of agriculture refers to the arbitration committee any complaint made by a farmer against a dealer said committee shall make a full and complete investigation of the matters complained of and at the conclusion of said investigation report its findings and make its recommendation of cost damages and file same with the commissioner of agriculture.

(B) In conducting its investigation the arbitration committee or any member or members thereof is authorized to examine the farmer on his farming operation of which he complains and the dealer on his packaging, labeling and selling operation of the seed alleged to be faulty; to grow to production a representative sample of the alleged faulty seed through the facilities of the state under the supervision of the commissioner of agriculture

when such action is deemed to be necessary; to hold informal hearings at a time and place directed by the chairman of committee upon reasonable notice to the farmer and the dealer.

(C) Any investigation made by less than the whole membership of the committee shall be by authority of a written directive by the chairman and such investigation shall be summarized in writing and considered by the committee in reporting its findings and making its recommendation.

(5) The members of the committee shall receive no compensation for the performance of their duties hereunder, but the members of the committee shall be reimbursed for travel expenses when they attend a meeting or perform a service in conformity with the requirements of this section.

Miscellaneous

Options of Review Systems

Section 12. 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 Tolerances 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 _____ __19____. (List here the prohibited noxious weed seeds bearing in mind suggested lists developed for regions).

3. Restricted Noxious Weed Seeds. The following list of restricted noxious weed seeds is established effective _____ __19____. (List here the restricted noxious weed seeds bearing in mind suggested lists developed for regions).

4. Germination Standards 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).

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 processed, 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 in health food stores or other outlets:

(a) Commonly accepted name of kind
(b) Lot number
(c) Percentage by weight of the pure seed, crop seeds, inert matter and weed seeds if required.
(d) Percentage of germination
(e) The calendar month and year the test was completed to determine such percentage.

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:

$$gm.H_2O/24\ hr./100\ sq.\ in./100^{o}F./90\%\ RHV.0\%\ RH$$

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

Agricultural Seeds	Percent
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

Vegetable Seeds	Percent
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
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 Characteristics 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 consists 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 consists of an assortment or mixture of kinds, 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 "Wild Flower Mixture", "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.

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. Kinds of Flower Seeds Subject to Germination Labeling Requirements and Germination Standards for Flower Seeds

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.

Kind	%
Achillea (The Pearl) - Achillea ptarmica	50
African Daisy - Dimorphotheca aurantiaca	55
Ageratum - Ageratum mexicanum	60
Agrostemma (rose campion) - Agrostemma coronaria	65
Alyssum - Alyssum compactum, A. maritimum, A. procumbens A. saxatile	60
Amaranthus - (Amaranthus spp.)	65
Anagalis (pimpernel) - (Anagalis arvensis, Anagalis coerulia, Anagalis grandiflora)	60
Anemone - Anemone coronaria, A. pulsatilla	55
Angel's Trumpet - Datura arborea	60
Arabis - Arabis alpina	60
Arctotis (African lilac daisy) - (Arctotis grandis)	45
Armeria - (Armeria formosa)	55
Asparagus, fern - (Asparagus plumosus)	50
Asparagus, sprenger - (Asparagus sprengeri)	55
Aster, China - Callistephus chinensis, except Pompon, Powderpuff, and Princess types	55
Aster, China - Callistephus chinensis, Pompon, Powderpuff, and Princess types	50
Aubretia - Aubretia deltoides	45
Balsam - Impatiens balsamina	70
Begonia - (Begonia fibrous rooted)	60
Begonia - (Begonia tuberous rooted)	50
Bells of Ireland - (Molucella laevis)	60
Brachycome (swan river daisy) - (Brachycome iberidifolia)	60
Browallia - (Browallia elata and B. speciosa)	65
Bupthalmum (sunwheel) - (Buphthalmum salicifolium)	60
Calceolaria - (Calceolaria spp.)	60
Calendula - Calendula officinalis	65
California Poppy - Eschscholtzia californica	60
Calliopsis - Coreopsis bicolor, C. drummondi, C. elegans	65
Campanula:	
Canterbury Bells - Campanula medium	60
Cup and Saucer Bellflower - Campanula medium calycanthema	60
Carpathian Bellflower - Campanula carpatica	50
Peach Bellflower - Campanula persicifolia	50

Kind	%
Godetia - Godetia amoena, G. grandiflora	65
Gourds: Yellow Flowered - Cucurbita pepo; White Flowered - Lagenaria sisceraria; Dishcloth - Luffa cylindrica	70
Gypsophila: Annual Baby's Breath - Gypsophila elegans; Perennial Baby's Breath - G. paniculata, G. pacifica, G. repens	70
Helenium - (Helenium autumnale)	40
Helichrysum - Helichrysum monstrosum	60
Heliopsis - (Heliopsis scabra)	55
Helipterum (Acroclinium) - (Helipterum roseum)	60
Hesperis (sweet rocket) - (Hesperis matronalis)	65
*Hollyhock - Althea rosea	65
Hunnemania (mexican tulip poppy) - (Hunnemania fumariaefolia)	60
*Hyacinth bean - (Dolichos lablab)	70
Impatiens - (Impatiens holstii, I. sultani)	55
*Ipomea - Cypress Vine - Ipomea quamoclit; Moonflower - I. noctiflora; Morning Glories, Cardinal Climber, Hearts and Honey Vine - Ipomea spp.	75
Jerusulem cross (maltese cross) - (Lychnis chalcedonica)	70
Job's Tears - Coix lacrymajobi	70
Kochia - Kochia childsi	55
Larkspur, Annual - Delphinium ajacis	60
Lantana - Lantana camara, L. hybrida	35
Lilium (regal lily) - (Lilium regale)	50
Linaria - Linaria spp.	65
Lobelia, Annual - Lobelia erinus	65
Lunaria, Annual - Lunaria annua	65
*Lupine - Lupinus spp.	65
Marigold - Tagetes spp.	65
Marvel of Peru - Mirabilis jalapa	60
Matricaria (feverfew) - (Matricaria spp.)	60
Mignonette - Reseda odorata	55
Myosotis - Myosotis alpestris, M. oblongata, M. palustris	50
Nasturtium - Tropaeolum spp.	60
Nemesia - Nemesia spp.	65
Nemophila - Nemophila insignis	70
Nemophila, spotted - (Nemophila maculata)	60
Nicotiana - Nicotiana affinis, N. sanderae, N. sylvestris	65
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
Phlox, Annual - Phlox drummondi all types and varieties	55
Physalis - Physalis spp.	60
Platycodon (balloon flower) - (Platycodon grandiflorum)	60
Plumbago, cape - (Plumbago capensis)	50

Kind	%
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 plant (mimosa) - (Mimosa pudica)	65
Shasta Daisy - Chrysanthemum maximum, C. leucanthemum	65
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.	65
*Sweet Pea, Annual and Perennial other than dwarf bush - Lathyrus odoratus, L. latifolius	75
*Sweet Pea, dwarf bush - Lathyrus odoratus	65
Tahoka daisy - (Machaeanthera 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 - Cheiranthus allioni	65
Yucca (Adam's needle) - (Yucca filamentosa)	50
Zinnia (except Linearis and Creeping) - Zinnia angustifolia, Z. elegans, Z. grandiflora, Z. gracillima, Z. haegeana, Z. multiflora, Z. pumila	65
Zinnia, Linearis and Creeping - Zinnia linearis, Sanvitalia procumbens	50

A mixture of kinds of flower seeds will be considered to be below 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 Fir
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 Catalpa
Cedrus atlantica Manetti - Atlas Cedar
Cedrus deodara (Roxb.) Loud. - Deodar Cedar
Cedrus libani (Loud.) - Cedar of Lebanon
Celastrus scandens L. - American Bittersweet
Celastrus orbiculata Thunb. - Oriental Bittersweet
Chamaecyparis lawsoniana (A. Murr.) Parl - Port Orford Cedar
Chamaecyparis nootkatensis (D. Don.) Spach. - Alaska Cedar
Cornus florida L. - Flowering dogwood
Cornus stolonifera Michx. - Red-osier dogwood
Crataegus mollis - Downy hawthorn
Cupressus arizonica Greene - Arizona Cypress
Eucalyptus deglupta
Eucalyptus grandis

Fraxinus americana L. - White Ash
Fraxinus excelsior L. - European Ash
Fraxinus latifolia Benth. - Oregon Ash
Fraxinus nigra Marsh. - Black Ash
Fraxinus pensylvanica Marsh. - Green Ash
Fraxinus pensylvanica 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 contorta 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 griffithi 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

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), (v), (w)

(2) Section 2A

(3) Section 5 (b) delete 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.

Summary of History and Development Minnesota Seed Law

Minnesota Seed Law ("Pure Seeds Act") enacted by General Laws of Minnesota (1913) Chapter 141, effective July 1, 1913; agricultural experiment station to inspect and draw samples and make analysis; any citizen to send samples for testing and examination, free of charge; appropriation of funds ($10000) to agricultural experiment station to fund program for 1914-15 biennium.

Session Laws of Minnesota (1927) Chapter 387, effective July 1, 1927; established State Seed Laboratory; authorized commissioner to establish and collect fees (25 cents each for germination test, purity tests--25 cents each for wheat, oats, barley, etc., 50 cents each for timothy, rye grass, fescues, etc., $1 each for white clover, all mixtures of clover, etc., $2 each for Kentucky blue grass and other blue grasses, all lawn grass mixtures); any person to have 10 free samples per year; all fees collected to constitute the "Seed Act Account" as a revolving fund to assist in meeting the expense of inspection, laboratory and other services.

Session Laws of Minnesota (1939) Chapter 106, effective July 1, 1939; related to hybrid seed corn; defining; requiring dean of agriculture to establish corn growing sections of state and maturity ratings of hybrid seed corn.

Session Laws of Minnesota (1939) Chapter 307, approved April 20, 1939; enlarges upon powers of commissioner re: promulgation of rules and regulations; changes number of free tests per person per year from 10 to 5; changes fees for each germination test as follows: 25 cents for corn, peas, beans, cereals and all such larger seeds, and 30 cents for alfalfa, clover, timothy, and similar seeds, and 40 cents for blue grass, fescues, and similar smaller seeds, and adds to the kinds of seeds for which 50 cents is to be charged for each pure-seed analysis; details label information required for distribution of screenings.

Session Laws of Minnesota (1941) Chapter 472, effective August 1, 1941; provides for tags and labels to be affixed to each container of seeds, except cereals; establishes color of tags; establishes prices to be paid by vendors for tags and labels as follows:

100 to 150	pound	containers	5 cents each
60 to 90	"	"	4 cents each
30 to 59	"	"	3 cents each
15 to 29	"	"	2 cents each
1 to 14	"	"	1 cents each

Session Laws of Minnesota (1941) Chapter 280, approved April 16, 1941; establishes specifications for hybrid seed corn (information required on label, maturity rating, etc.); provides for registration of each hybrid seed corn variety to be distributed in state ($2 for initial registration, $1 for annual renewal, fees to be deposited in Seed Act Account).

Session Laws of Minnesota (1947) Chapter 544, approved April 26, 1947; requires annual registration by February 1 of all hybrid seed corn varieties, fee of $15; renewal fee of $15 for the first two years of renewal thereafter and $2 each for every year thereafter; appropriates annually to the agricultural experiment station the sum of $9000 for making maturity tests.

Session Laws of Minnesota (1949) Chapter 488, approved April 18, 1949; authorizes commissioner to issue permits for payment of seed inspection fees in lieu of attachment of tags or stamps.

Current Seed Law enacted by Session Laws of Minnesota (1951) Chapter 552, effective July 1, 1951; authorizes commissioner to test seeds (purity and germination tests) maintain seed laboratory, prescribe rules and regulations for testing, establish and collect suitable charges for samples in excess of free samples (each state resident entitled to 5 free tests each year); no change in prices for stamps or tags; no change in registration fees for hybrid seed corn; no change in appropriation for maturity testing; seed act account continued.

Session Laws of Minnesota (1955) Chapter 213, approved March 21, 1955; changed the prices to be paid for tags and stamps as follows:

100	to	160	pound container	7 cents
60	"	99	"	6 cents
30	"	59	"	5 cents
15	"	29	"	4 cents
1/2	"	14	"	3 cents

Session Laws of Minnesota (1955) Chapter 231, approved March 23, 1955; increases the annual fee to be paid for maturity testing to $12500.

Session Laws of Minnesota (1961) (Extra Session) Chapter 6, effective July 1, 1961; establishes annual registration fee for hybrid seed corn to be $7.50 per variety; increases the annual fee to be paid for maturity testing from $12500 to $18000.

Session Laws of Minnesota (1965) Chapter 322, effective July 1, 1965; provides that no free tests and identification shall be allowed between March 15 and June 30 of each year.

Session Laws of Minnesota (1976) Chapter 133, effective July 1, 1968; provides that fees on cereal grains and oil crops of flax and soybeans and seeds of vegetables grown for processing under the permit system shall be:

Cereals:	Each 100 pounds	1 cent
Peas, flax and soybeans:	Each 100 pounds	3 cents

Session Laws of Minnesota (1969) Chapter 38, approved March 12, 1969; increases the number of free tests from five to six; provides for free tests to be allowed up to April 16 and after June 30 for the calendar 1969.

Session Laws of Minnesota (1969) Chapter 827, effective July 1, 1969; increases the amount to be paid for maturity testing from $18000 to $25000.

Session Laws of Minnesota (1971) Chapter 24, effective July 1, 1971; amended by correcting some erroneous, ambiguous, and obselete statutory references and terminology in Minnesota statutes 21.49, subdivision 1, clause (e).

Session Laws of Minnesota (1971) Chapter 25, effective July 1, 1971; amended by deleting the last sentence of Minnesota statute 21.51, subdivision 7. This section deals with free tests on seed during nine months of the year.

Session Laws of Minnesota (1971) Chapter 642, effective July 1, 1971; eliminated the requirement of including the seed tax permit number on the seed label.

Session Laws of Minnesota (1971) Chapter 642, effective July 1, 1971; established limits for moisture content of hybrid field corn varieties when they are compared to known standards in relative maturity testing. Excess moisture content above the limits requires a change in relative maturity rating of a hybrid field corn variety.

Session Laws of Minnesota (1973) Chapter 35, effective July 1, 1973; changed a statutory reference for exemption from seed tax.

Session Laws of Minnesota (1973) Chapter 507, effective July 1, 1973; instructs the revisors office to make changes in terminology as may be required to carry out the terms and provisions of the seed act.

Session Laws of Minnesota (1975) Chapter 412, effective July 1, 1975; increased the registration fee for hybrid field corn varieties from $7.50 per variety to $12.50 per variety.

Session Laws of Minnesota (1976) Chapter 53, effective July 1, 1976; removed quack grass (Agropyron repens L.) from the prohibited noxious weed seed list and placed it on the restricted noxious weed seed list.

Session Laws of Minnesota (1976) Chapter 53, effective July 1, 1976; established that a violation of the Plant Variety Protection Act (U.S. Public Law 91-577; December 24, 1970) is also an unlawful act in Minnesota.

Session Laws of Minnesota (1977) Chapter 289, effective July 1, 1977; abolished the categories and accompanying lists of crops which were to be considered when determining label information relating to the number of restricted noxious weed seeds per ounce and per pound.

Session Laws of Minnesota (1977) Chapter 289, effective July 1, 1977; deleted a phrase which related to the categories and lists in Minnesota Statute 21.48, section (b), clause (5), because they had been abolished by previous legislative action.

Session Laws of Minnesota (1977) Chapter 289, effective July 1, 1977; increased the taxation rate for seeds by approximately 3 cents per category.

Session Laws of Minnesota (1977) Chapter 289, effective July 1, 1977; increased the registration fee for hybrid field corn varieties from $12.50 per variety to $15.00 per variety.

Session Laws of Minnesota (1979) Chapter 68, effective July 1, 1979; increased the registration fee for hybrid field corn varieties from $15.00 per variety to $22.50 per variety.

Session Laws of Minnesota (1979) Chapter 68, effective July 1, 1979; increased the amount of money paid to the Minnesota Agricultural Experiment Station for maturity testing of hybrid field corn varieties from $25,000 to $35,000 annually.

Session Laws of Minnesota (1979) Chapter 333, effective July 1, 1979; abolished the Seed Act Account and made provision for fees collected to go into the general fund.

FISCAL ANALYSIS OF PRESENT SEED PERMIT FEES

CROP	ACREAGE PLANTED SUBJECT TO FEES	POUNDS OF SEED USED	PRESENT FEE RATE*	PRESENT REVENUE
Oats	675,000	54,000,000	3¢ per cwt.	16,200
Wheat	1,370,800	109,667,000	3¢ per cwt.	32,900
Barley	458,300	36,667,000	3¢ per cwt.	11,000
Rye	52,000	3,000,000	3¢ per cwt.	1,000
Soybeans	2,433,300	146,000,000	7¢ per cwt.	102,200
Fieldbeans	83,300	5,000,000	7¢ per cwt.	3,400
Buckwheat	25,000	1,000,000	3¢ per cwt.	300
Flax	136,000	5,700,000	7¢ per cwt.	4,000
Field Corn	7,230,000	122,938,000	8¢ per container (equals 16¢ per cwt.)	196,700
Forage Grasses	250,000	2,500,000	8¢ per container (equals 16¢ per cwt.)	4,000
Forage Legumes	481,000	4,812,500	8¢ per container (equals 16¢ per cwt.)	7,700
Lawn & Turf Grasses	N/A	2,000,000	5¢ per container (equals 69¢ per cwt.)	13,800
Sugar Beet	258,000	392,800	7¢ per container (equals 28¢ per cwt.)	1,100
Sunflower	861,000	3,000,000	7¢ per cwt.	2,100
Other Agricultural Crops (except vegetables grown for processing)	80,000	N/A	0	0
Vegetable	N/A	N/A	10¢ per pound	3,000
Flower	N/A	N/A	15¢ per pound	2,000
				$401,400
			Filing Fees	7,500
			TOTAL Seed Permit Fees	$408,900

*Average Fee Per Cwt. - 5.37¢

FISCAL ANALYSIS OF PROPOSED SEED PERMIT FEES

CROP	ACREAGE PLANTED SUBJECT TO FEES	POUNDS OF SEED USED	PROPOSED FEE RATE*	PROPOSED REVENUE
Oats	675,000	54,000,000	3¢ per cwt.	16,200
Wheat	1,370,800	109,667,000	3¢ per cwt.	32,900
Barley	458,300	36,667,000	3¢ per cwt.	11,000
Rye	52,000	3,000,000	4¢ per cwt.	1,200
Soybeans	2,433,300	146,000,000	4¢ per cwt.	48,400
Field Beans	83,300	5,000,000	4¢ per cwt.	2,000
Buckwheat	25,000	1,000,000	6¢ per cwt.	600
Flax	136,000	5,700,000	6¢ per cwt.	3,400
Field Corn	7,230,000	122,938,000	15¢ per cwt.	184,400
Forage Grasses	250,000	2,500,000	20¢ per cwt.	5,000
Forage Legumes	481,000	4,812,500	20¢ per cwt.	9,600
Lawn & Turf Grasses	N/A	2,000,000	20¢ per cwt.	4,000
Sugar Beet	258,000	392,800	70¢ per cwt.	2,700
Sunflower	861,000	3,000,000	70¢ per cwt.	21,000
Other Agricultural Crops (except vegetables grown for processing)	80,000		10¢ per cwt.	2,000
Vegetable	N/A	N/A	10¢ per $100 net sales	2,000
Flower	N/A	N/A	10¢ per $100 net sales	1,500
		TOTAL Seed Permit Fees		357,900

* Average Fee Per Cwt. - 4.58¢ per cwt.

COMPARISON OF ACTUAL AND PROJECTED SEED PERMIT REVENUE

	FY82	FY83	FY84	FY85	
Annual fees per permit	$670.	$587.	$681	$596.	(Est.)
Number of permits issued	460	460	600	600	
Revenue from permits	308,000.	270,000.	408,900.	357,900.	(Est.)

TOTAL REVENUE RECEIVED UNDER THE MINNESOTA SEED LAW

Seed permits	$308,000.	$270,000	$408,900	$357,900	(Est.)
Hybrid corn registration	33,000.	31,000.	38,000.	38,000	(Est.)
Seed Laboratory	15,000	15,000.	45,000.	40,000	(Est.)
	$356,000.	$316,000.*	$491,900	$435,900	(Est.)

*PIK Program affected sales of seed because of acreage withdrawn from production.

In the Matter of the Proposed
Amendments to the Rules of the
Department of Agriculture
Governing Seed Labeling Requirements,
Record Keeping and Fees
(Minnesota Rules 1510.0111 - 1510.0360)

STATEMENT OF
COMPLIANCE WITH
RULEMAKING PROCEDURES

I, (Special Assistant Attorney General) Jon Murphy, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Special Assistant Attorney General

Date: 8/17/84