

CHAPTER 51 REGULATIONS PERTAINING TO SEED LAW

Section 1. Authority. Pursuant to authority vested in the Department of Agriculture by W.S. 11-12-104(a) and the Board of Agriculture by virtue of W.S. 11-12-113 and W.S. 16-3-101 through 16-3-115 the following regulations are hereby promulgated and adopted.

Section 2. Purpose of rules. These rules pertain to the establishment of the prohibited noxious, restricted noxious and regulated weed species in the state of Wyoming, and establishing a tolerance for those species. These rules also include seed cleaning establishment requirements, recognition of 7 CFR Section 201-Federal Seed Act Regulations and the repeal of Chapter 26, Regulations Pertaining to Seeds & Seed Cleaning Establishments and Chapter 56, Regulations Pertaining to the Pricing of Seed Analysis.

Section 3. Definitions.

- a) “Board” means the Board of Agriculture.
- b) “Department” means the Wyoming Department of Agriculture.
- c) “Large seeded crops” means crops with seeds the size of winter wheat or larger.
- d) “Prohibited” means none allowed.
- e) “Restricted” means there is an established allowable tolerance.
- f) “Regulated” means there is an established tolerance specific to the issue.
- g) “Seed Cleaning Establishments” means any entity that processes grain to be seed for establishing a crop.
- h) “Small seeded crops” means crops with seeds smaller than winter wheat.

Section 4. Prohibited noxious weeds.

Black henbane *Hyoscyamus niger* L.
Black knapweed *Centaurea nigra* L.
Bladder campion *Silene vulgaris* (Moench) Garcke
Camelthorn *Alhagi maurorum* Medik.
Canadian thistle (Cirsium arvense) *Cirsium arvense* (L.) Scop.
Common burdock (Arctium minus) *Arctium minus* (Hill) Bernh.
Common crupina *Crupina vulgaris* Cass.
Dalmation toadflax *Linaria dalmatica* (L.) Mill.
Diffuse knapweed *Centaurea diffusa* Lam.
Dodder *Cuscuta* species
Dyers woad *Isatis tinctoria* L.
Field bindweed *Convolvulus arvensis* L.
Field sandbur *Cenchrus incertus* M.A. Curtis

Halogeton *Halogeton glomeratus* (M. Bieb.) C.A. Mey
Hound's tongue *Cynoglossum officinale* L.
Jointed goatgrass *Aegilops cylindrica* Host
Leafy Spurge *Euphorbia esula* L.
Longspine (mat) sandbur *Cenchrus longispinus* (Hack.) Fernald
Meadow knapweed *Centaurea moncktonii* C.E. Britton
Medusa-head *Taeniatherum caput-medusae* (L.) Nevski
Musk thistle *Carduus nutans* L.
Orange hawkweed *Hieracium aurantiacum* L.
Oxeye daisy *Leucanthemum vulgare* Lam.
Perennial pepperweed *Lepidium latifolium* L.
Perennial sow thistle *Sonchus arvensis* L.
Plumeless thistle *Carduus acanthoides* L.
Poison-hemlock *Conium maculatum* L.
Puncturevine *Tribulus terrestris* L.
Purple loosestrife *Lythrum salicaria* L. and *Lythrum virgatum* L.
Purple starthistle *Centaurea calcitrapa* L.
Quackgrass *Elytrigia repens* (L.) Desv. ex Nevski
Rush skeletonweed *Chondrilla juncea* L.
Russian knapweed *Acroptilon repens* (L.) DC.
Russian olive *Elaeagnus angustifolia* L.
Salt-cedar *Tamarix* spp.
Scotch thistle *Onopordum acanthium* L.
Serrated tussock *Nassella trichotoma* (Nees) Hack. ex Arechav.
Skeleton-leaf bursage *Ambrosia tomentosa* Nutt.
Spotted knapweed *Centaurea stoebe* L. *subsp. micranthos* (Gugler) Hayek
Squarrose knapweed *Centaurea virgata* Lam. *subsp. squarrosa* (Boiss.) Gugler
St. Johnswort *Hypericum* spp.
Swainson-pea *Sphaerophysa salsula* (Pall.) DC.
Tansy *Tanacetum vulgare* L.
Tansy ragwort *Jacobaea vulgaris* Gaertn.
Vipers bugloss *Echium vulgare* and *Echium plantagineum* L.
Whitetop *Lepidium draba* L. *ssp. draba*
Wild proso millet *Panicum miliaceum* L. *ssp. ruderale* (Kitag.) Tzvelev
Yellow starthistle *Centaurea solstitialis* L.
Yellow toadflax *Linaria vulgaris* Mill.

Section 5. Restricted Noxious Weeds. The tolerance for restricted noxious weeds, unless otherwise stated, shall be fifty (50) seeds per pound in small seeded crops and five (5) seeds per pound in large seeded crops.

Blue Lettuce *Lactuca tatarica* (L.) C.A. Mey *subsp. pulchella* (Pursh)
Buckhorn pliantain *Plantago lanceolata* L.
Curly dock *Rumex crispus* L.
Japanese knotweed *Polygonum cuspidatum* Siebold and Zucc.

Perennial ragweed *Ambrosia psilostachya* DC.
Povertyweed *Iva axillaris* Pursh
Sulphur cinquefoil *Potentilla recta* L.
Venice mallow *Hibiscus trionum* L.
Wild licorice *Glycyrrhiza lepidota* (Nutt.) Pursh
Wild mustard *Synapsis arvensis* L. *ssp arvensis*
Wild oat *Avena fatua* L.

Section 6. Regulated weeds. The tolerance for regulated weeds is specified for each species as shown below. These species are not considered to be prohibited or restricted noxious weeds.

Cheat *Bromus secalinus* L. – Tolerance shall be 1,200 seeds per pound.
Downy brome *Bromus tectorum* L. – Tolerance shall be 1,200 seeds per pound.
Feral rye *Secale cereale* L. - Tolerance shall be none (0) in small grains other than rye.
Japanese brome *Bromus japonicus* Thunb. - Tolerance shall be 1,200 seeds per pound.
Ripgut brome *Bromus rigidus* Roth – Tolerance shall be 1,200 seeds per pound.

Section 7. Amendments and changes to Prohibited, Restricted and Regulated weed lists and considerations for such actions.

- a) The procedures for amending or changing the Prohibited, Restricted and Regulated weed lists are as follows:
- i) A person may propose an amendment or change to the lists, which shall be presented in writing to the State Seed Analyst.
 - ii) The State Seed Analyst shall present the proposed amendment or change to the Seed Lab Advisory Group. The State Seed Analyst with the Seed Lab Advisory Group shall approve or disapprove the proposed amendment or change by motion at the next regular scheduled meeting of the Seed Lab Advisory Group or at a special Seed Lab Advisory Group meeting, and if approved, shall forward the recommendation for change to the Department and the Board.
 - iii) The Board shall consider the recommended change at its next scheduled meeting, and if approved, recommend the Department institute the process to change the regulations.
 - iv) The following may be considered in the decision to include a weed on the Prohibited, Restricted or Regulated weed lists.
 - v) Invasiveness
 - vi) Economic harm to ranching, farming or general public
 - vii) Impact on native species, including plants and wildlife
 - viii) Poisonous to grazers
 - ix) Other relevant factors.

Section 8. Seed Cleaning Establishments.

- a) To be licensed as a certified seed cleaner, seed cleaning establishments must meet the requirements set forth below.

i) The approval status of all certified conditioners will be reviewed annually by the Wyoming Seed Certification Service. All approved plants are subject to inspection during normal business hours.

ii) A certified conditioner must have a designated person in charge of each facility and handling of certified seed. The designated person must be trained and have experience in handling, sampling and labeling of certified seed.

iii) All seed conditioning plants, including all seed handling equipment, will be thoroughly cleaned between each seed lot to prevent contamination or varietal mixture.

iv) All seed cleaning establishments must keep complete and accurate records showing identity, origin, every process, and every movement of each lot of seed from the time of receipt until delivery. These records must be maintained for 7 (seven) years.

v) Federal and state seed laws and Wyoming certification standards must be complied with in the production, cleaning, labeling, sampling, shipment and sale of certified seed.

vi) All seed conditioners will properly contain weed seed to prevent spread and proliferation of weeds.

vii) One-Time Cleaning--If no approved seed conditioning plant is located within one-hundred fifty miles (150 miles) hauling distance of a seed grower, a non-approved plant may be approved on a one-time basis only to clean that lot of seed for that particular grower. A thorough inspection must be conducted by the Seed Certification Service and inspection fee paid before that lot of seed may be cleaned.

viii) Conditioners must comply with all appropriate regulations and standards outlined in the Wyoming Certified Seed Handbook with respect to conditioning specific crops. The Wyoming Certified Seed Handbook as revised in February 2007 is adopted, but does not include any later amendments or editions. Copies are available for public inspection and may be purchased at cost from the Wyoming Seed Certification Service, 747 Road 9, Powell, Wyoming 82435; or the Wyoming Department of Agriculture, 2219 Carey Avenue, Cheyenne, WY 82002.

b) All seed cleaning establishments shall adhere to the Wyoming seed law and these regulations.

Section 9. Adoption of Federal Seed Act Regulations, 7 CFR 201.38 through 201.76.

The Federal Seed Act Regulations , 7 CFR 201.38 through 201.76 currently in effect and not including any later amendments or editions are adopted. Copies are available for public inspection and may be purchased at cost from the Wyoming Department of Agriculture, 2219 Carey Avenue, Cheyenne, WY 82002 and may also be inspected at the United States Department of Agriculture, Animal Plant Health Inspection Service, Plant Protection and Quarantine, 5353 Yellowstone Road, Suite 208, Cheyenne, WY 82002; the Wyoming Seed Certification Service or the University of Wyoming Agriculture Experiment Station, both located at 747 Road 9, Powell, WY 82345.

Section 10. Repeal of Chapter 26 and 56 Pertaining to The Seed Law. Chapter 26, Regulations Pertaining To Seeds & Seed Cleaning Establishments and Chapter 56, Regulations Pertaining to the Pricing of Seed Analysis are hereby repealed.