

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 establishing prohibited noxious, restricted noxious, and regulated weed species in the state of Wyoming, and establishing a tolerance for these species. These rules also include seed cleaning establishment requirements, adoption by reference of the current edition of the Federal Seed Act Regulations Part 201, <http://www.ecfr.gov/cgi-bin/text-idx?SID=03d3df93572eff5f7ee29fa68465030&node=pt7.3.201&rgn=div5>.

Section 3. Definitions.

- (a) "Board" means the Wyoming 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.
- (i) "Tetrazolium test" or "TZ test" means a chemical test which indicates seed viability.
- (j) "Person" includes an individual, partnership, corporation, company, society, or other association.
- (k) "Weed Seeds" includes the seeds of all plants generally recognized as weeds within this state, and includes noxious weed seeds.
- (l) "Reclamation Species" means native or introduced species used for range or fire re-vegetation, not intended to include agronomic crops.

(m) "Weight" shall be understood and construed to mean the net weight.

Section 4. Prohibited Noxious Weeds. No seeds from the following noxious weeds are allowed.

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| Bindweed, field | <i>Convolvulus arvensis</i> L. |
| Blueweed | <i>Echium vulgare</i> L. |
| Burdock, common | <i>Arctium minus</i> (Hill) Bernh. |
| Bursage, skeletonleaf | <i>Ambrosia tomentosa</i> Nutt. |
| Camelthorn | <i>Alhagi maurorum</i> Medik. |
| Campion, bladder | <i>Silene vulgaris</i> (Moench) Garcke subsp. <i>vulgaris</i> |
| Crupina common | <i>Crupina vulgaris</i> Cass. |
| Daisy, oxeye | <i>Leucanthemum vulgare</i> Lam. |
| Dodder | <i>Cuscuta</i> spp. |
| Goatgrass, jointed | <i>Aegilops cylindrical</i> Host |
| Halogeton | <i>Halogeton glomeratus</i> (M. Bieb.) Ledeb. |
| Hawkweed, orange | <i>Hieracium aurantiacum</i> L. |
| Hemlock, poison | <i>Conium maculatum</i> L. |
| Henbane, black | <i>Hyoscyamus niger</i> L. |
| Hound's tongue | <i>Cynoglossum officinale</i> L. |
| Knapweed, black | <i>Centaurea nigra</i> L. |
| Knapweed, diffuse | <i>Centaurea diffusa</i> Lam. |
| Knapweed, meadow | <i>Centaurea x moncktonii</i> C. E. Britton |
| Knapweed, Russian | <i>Rhaponticum repens</i> L. Hidalgo |
| Knapweed, spotted | <i>Centaurea stoebe</i> subsp. <i>micranthos</i> (Gugler) Hayek |
| Knapweed, squarose | <i>Centaurea squarrosa</i> Willd. |
| Loosestrife, purple | <i>Lythrum salciaria</i> L. |
| Medusa-head | <i>Taeniatherum caput-medusae</i> (L.) Nevski subsp. <i>caput-medusae</i> |
| Millet, wild proso | <i>Panicum milliaceum</i> L. subsp. <i>ruderales</i> (Kitag.) Tzvelev |
| Olive, Russian | <i>Elaeagnus angustifolia</i> L. |
| Pepperweed, perennial | <i>Lepidium latifolium</i> L. |
| Puncturevine | <i>Tribulus terrestris</i> L. |
| Quackgrass | <i>Elymus repens</i> L. Desv. ex Nevski |
| Saltcedar | <i>Tamarix</i> spp. |
| Salvation jane | <i>Echium plantagineum</i> L. |
| Sandbur, field | <i>Cenchrus incertus</i> M. A. Curtis |
| Sandbur, longspine (mat) | <i>Cenchrus longispinus</i> (Hack.) Fernald |
| Skeletonweed, rush | <i>Chondrilla juncea</i> L. |
| Sowthistle, perennial | <i>Sonchus arvensis</i> L. |
| Spurge, leafy | <i>Euphorbia esula</i> L. |
| Starthistle, purple | <i>Centaurea calcitrapa</i> L. |
| Starthistle, yellow | <i>Centaurea solstitialis</i> L. |

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| St. Johnswort | <i>Hypericum perforatum</i> L. |
| Swainsonpea | <i>Sphaerophysa salsula</i> (Pall.) DC. |
| Tansy, common | <i>Tanacetum vulgare</i> L. |
| Thistle, Canada | <i>Cirsium arvense</i> (L.) Scop. |
| Thistle, musk | <i>Carduus nutans</i> L. |
| Thistle, plumeless | <i>Carduus acanthoides</i> L. |
| Thistle, Scotch | <i>Onopordum acanthium</i> L. |
| Toadflax, Dalmatian | <i>Linaria dalmatica</i> (L.) Mill. |
| Toadflax, yellow | <i>Linaria vulgaris</i> Mill. |
| Tussock, serrated | <i>Nassella trichotoma</i> (Nees) Hack. ex Arechav. |
| Whitetop | <i>Lepidium draba</i> L. |
| Woad, dyers | <i>Isatis tinctoria</i> L. |

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.

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| Cinquefoil, sulphur | <i>Potentilla recta</i> L. ‘Warrenii’ |
| Dock, curly | <i>Rumex crispus</i> L. |
| Knotweed, Japanese | <i>Fallopia japonica</i> (Houtt.) Ronse Decr. |
| Lettuce, blue | <i>Lactuca tatarica</i> subsp. <i>pulchella</i> (Pursh) Stebbins |
| Licorice, wild | <i>Glycyrrhiza lepidota</i> Pursh |
| Mallow, Venice | <i>Hibiscus trionum</i> L. |
| Mustard, wild | <i>Sinapis arvensis</i> L. subsp. <i>arvensis</i> |
| Oat, wild | <i>Avena fatua</i> L. |
| Plantain, buckhorn | <i>Plantago lanceolata</i> L. |
| Povertyweed | <i>Iva axillaris</i> Pursh |
| Ragweed, perennial | <i>Ambrosia psilostachya</i> DC. |

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. subsp. *cereale* – 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 diandrus* Roth var. *rigidus* (Roth) Sales – Tolerance shall be 1,200 seeds per pound.

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

a) The procedures for amending or changing the Prohibited, Restricted, and Regulated weed lists and the Reclamation Species list 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, direct the Department to 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.

- (1) Invasiveness.
- (2) Economic harm to ranching, farming, or general public.
- (3) Impact on native species, including plants and wildlife.
- (4) Toxicity to grazers.
- (5) Other relevant factors.

Section 8. The date of test for germination or TZ.

(a) The date of germination or TZ testing shall not exceed the following:

- (i) Agricultural seed: twelve months excluding the month of the test;
- (ii) Flower and vegetable (greater than 1 pound containers), reclamation species seed: twelve months excluding the month of the test;
- (iii) Cool season lawn and turf grasses: fifteen months excluding the month of the test;
- (iv) Seed in hermetically sealed containers: 24 months excluding the month of the test;

(v) Flower and vegetable (less than 1 pound containers) must indicate a “sell-by” or “packed-for” date or year, respectively.

Section 9. Tetrazolium (TZ) testing. Exceptions allowing labeling with a tetrazolium (TZ) test.

(a) The reclamation species below are in the rules for testing and may be labeled using either a germination or a tetrazolium (TZ) test.

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| Balsamroot | <i>Balsamorhiza</i> spp. |
| Bitterbrush | <i>Purshia</i> spp. |
| Cliffrose | <i>Purshia</i> spp. |
| Kochia, forage | <i>Bassia prostrata</i> |
| Lupine | <i>Lupinus</i> spp. |
| Mormon-tea | <i>Ephedra</i> spp. |
| Mountain-Mahogany | <i>Cercocarpus</i> spp. |
| Needlegrass | <i>Achnatherum</i> spp. |
| Needlegrass | <i>Nassella</i> spp. |
| Penstemon | <i>Penstemon</i> spp. |
| Rabbitbrush | <i>Chrysothamnus</i> spp. |
| Ricegrass, Indian | <i>Achnatherum</i> spp. |
| Sagebrush | <i>Artemisia</i> spp. |
| Saltbush | <i>Atriplex</i> spp. |
| Winterfat | <i>Krascheninnikovia</i> spp. |

(b) Any species not listed in the germination table of the rules for testing as cited in W.S. 11-12-101 may be labeled using a germination or a tetrazolium (TZ) test.

Section 10. Minimum Germination Standards for Vegetable Seeds:

(a) Vegetable seeds must have a germination equal to or better than those listed in Section 201.31 of the Federal Seed Act Regulations Part 201- Germination standards for vegetable seeds in interstate commerce.

(b) The minimum germination standard for vegetable seeds, for which no other standard has been established, shall be 50%.

Section 11. Tags and Labels.

(a) The following weight or seed count requirements apply:

(i) Net weight is required on all containers and shall be clearly and plainly labeled.

(ii) Pre-planted containers, mats, tapes, or other planting devices shall state the minimum number of seeds in the container.

(iii) When a seed bag is used, the weight information may appear on a seed tag rather than on the seed bag.

Section 12. Altering of Tags or Labels. No tag or label attached or imprinted upon the exterior of the container or displayed on the container as required by W.S. 11-12-105, shall be altered or defaced in any manner. Any tag or label altered or defaced is voidable.

Section 13. Blank Spaces Defined. Blank spaces are construed to mean "0.00" for the purpose of applying the tolerances prescribed in these regulations.

Section 14. Seed Laboratory Name Not Used in Advertising. The name of the State Seed Laboratory shall not be used for advertising purposes in connection with seed analysis reports.

Section 15. 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 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 shall properly contain weed seed to prevent spread and proliferation of weeds.

(vii) 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 an inspection fee must be 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, <http://wyseedcert.com/>; or the Wyoming Department of Agriculture, 2219 Carey Avenue, Cheyenne, WY 82002, <http://wyagric.state.wy.us/>.

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

Section 16. 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, <http://wyagric.state.wy.us/> 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, http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/planthealth?1dmy&urile=wcm%3Apath%3A%2Faphis_content_library%2Fsa_our_focus%2Fsa_plant_health%2Fsa_program_overview%2Fct_sphd; the Wyoming Seed Certification Service, <http://wyseedcert.com/> or the University of Wyoming Agriculture Experiment Station, <http://www.uwyo.edu/uwexpstn/centers/powell/>, both located at 747 Road 9, Powell, WY 82345.