



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Agriculture TITLE-SERIES: 61-09
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 61-09 West Virginia Seed Law

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: §19-16-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Establish by legislative rule germination standards for agricultural, forest, vegetable seeds;

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 7/28/2020

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 8/27/2020

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

n/a

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

declares seeds that are noxious, establishes germination test dates, germination standards, specifies additional labeling for tree and shrub seeds, defines what corn may be sold, specifies white sweet clove labeling, specifies seed labeling requirements for distribution to wholesalers, registration forms, defines sampler or display units and where fee stamps are to be displayed and reporting of pounds sold, establishes an assessment of penalty fees, provides lab service, sets fees, defines hermetically sealed seed requirements, defines growers declaration, establishes program for analysis of hold over seed, specifies relabeling requirements, establishes a seed certification agency, establishes labeling requirements for seeds for sprouting and sets requirements for treated seed.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

to establish standards

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

n/a

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

n/a

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

n/a

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2020 Increase/Decrease (use "-")	2021 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

n/a

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Norman Bailey -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 61
LEGISLATIVE RULE
DEPARTMENT OF AGRICULTURE

SERIES 9
WEST VIRGINIA SEED LAW

§61-9-1. General.

1.1. Scope. -- This legislative rule declares those seeds that are noxious seeds, ~~sets the size for working samples,~~ establishes germination test dates, germination standards ~~and tolerances,~~ specifies additional labeling for ~~forest tree and shrub seeds,~~ defines what corn may be sold as "Certified Hybrid," specifies white sweet clover labeling requirements, specifies seed labeling requirements for distribution to wholesalers, obtaining registration forms, defines sampler or display units and where fee stamps are to be displayed and reporting of pounds sold, establishes an assessment of penalty fees, provides laboratory service to individuals, farmers and dealers and sets fees, defines hermetically sealed seed requirements, defines growers declaration, establishes program for analysis of hold-over seed, specifies relabeling requirements, establishes a seed certification agency, establishes labeling requirements for seeds for sprouting, and sets requirements for treated seed.

1.2. Authority. -- W. Va. Code §19-16-6.

1.3. Filing Date. -- ~~April 30, 2004~~

1.4. Effective Date. -- ~~July 1, 2004~~

1.5. ~~Repeal and Replace.~~ This rule ~~repeals and replaces Department of Agriculture Rule, Title 61 Legislative Rules, Series 9 West Virginia Seed Law, Filed on June 2, 1975 with an Effective Date July 1, 1975.~~ Sunset Provision. – This rule shall expire and have no further force and effect ten years from its effective date.

§61-9-2. Policy.

2.1. All persons distributing ~~or using~~ agricultural, forest and shrub, flower, and vegetable seeds in the state of West Virginia, ~~including retailers, wholesalers, jobbers and brokers~~ are equally responsible for full compliance with the provisions of W. Va. Code, §§19-16-1 *et seq.* All persons are responsible for complying with the law, obtaining a certificate of registration, paying appropriate poundage and reporting fees, labeling the seed or any other legal requirement if not met by another person.

2.2. The documents of the following organizations are incorporated in their entirety by reference;

2.2.1. Association of American Seed Control Officials - Handbook for Seed Inspectors;

2.2.2. United States Department of Agriculture, Title I - V Federal Seed Act; Federal Seed Act Regulations Part 201-202;

~~2.2.3. Association of Official Seed Analyst - Journal of Seed Technology Vol. 16, No 3;~~

~~2.2.4. The Handbook of Seed Testing: Contribution #33 - Cultivar Purity Testing Handbook; Contribution #35 - Seedling Evaluation Handbook; Contribution #25 - Uniform Classification of Weed & Crop Seeds~~

2.2.3 United States Standards for Grades of Seed Potatoes § 51, Effective March 6, 1987.

2.2.4 Association of Official Seed Analysts, Rules for Testing Seeds, Volumes 1 – 4.

2.2.5 Association of Official Seed Analysts, Seed Vigor Testing Handbook.

2.2.6 Association of Official Seed Analysts, Seed Moisture Testing Handbook.

2.2.7 Association of Official Seed Analysts, Cultivar Purity Handbook.

2.2.8 Association of Official Seed Analysts, Tetrazolium Testing Handbook.

§61-9-3. ~~Weed Seeds And Size Of Working Sample.~~

~~3.1. When noxious weeds occur, the total amount present must be shown on the Dealer/Distributor's label, designated as number of seeds per ounce or per pound as required by law.~~

§61-9-4 Germination Standards And Tolerances.

~~4.1. 3.1.~~ The following germination test dates apply to seeds packaged in containers as indicated:

~~4.1.1. 3.1.1.~~ Seeds packed in regular containers: ~~Nine (9)~~ Twelve (12) months excluding the month in which the test was completed; and

~~4.1.2 3.1.2.~~ Seeds packed in "Hermetically" sealed containers: Thirty-six (36) months excluding the month in which the test was completed. The percentage of moisture shall not exceed percentages established in Appendix Number 2, Hermetically Sealed Seed.

3.1.3. For cool season lawn and turf grasses including Kentucky bluegrass, red fescue, chewings fescue, hard fescue, tall fescue, perennial ryegrass, intermediate ryegrass, annual ryegrass, colonial bentgrass, creeping bentgrass, and mixtures thereof: Fifteen (15) months excluding the month in which the test was completed.

~~4.2. 3.2.~~ The labels on all seeds germinating less than these standards shall show, in addition to other required information, the words "germination below standard" in eight (8) point bold face type.

~~4.2.1. 3.3.~~ The minimum germination standards for the various kinds of seed are contained in the appendix at the end of this rule as follows: Appendix 1, Germination Standard for Agricultural Seeds; ~~Appendix Number 2, Minimum Germination Standards for Vegetable Seeds~~ Appendix 3, Minimum Germination Standards Forest Seeds Germination Standard for Vegetable Seeds; and Appendix 5, Germination Standard for Flower Seed.

~~4.3. Standard germination tolerances for agricultural crops, forest lawn and turf, vegetable, tree and shrub, flower seeds and vegetable seeds. The tolerances shown in Appendix Number 4 are applicable to the percentage of germination and also to the sum of germination plus the hard seeds or firm ungerminated seeds of agricultural and forest seeds. There will be no tolerances applied to the minimum germination of vegetable seed.~~

~~§61-9-5~~ §61-9-4. Additional ~~Forest~~ Tree and Shrub Seed Labeling Requirements.

In addition to the label requirements established by law, the following data shall be shown on the analysis tag and invoice for all seeds listed in Appendix 4, Kind of Tree and Shrub Seeds Subject to Germination Labeling:

~~5.1-4.1.~~ 5.1-4.1. Seed Origin;

~~5.1.1-4.1.1.~~ 5.1.1-4.1.1. For seed collected from a predominantly indigenous (natural) stand, the area of collection given by latitude and longitude or geographic description or political subdivision such as state or county.

~~5.1.2-4.1.2.~~ 5.1.2-4.1.2. For seed collected from other than predominantly indigenous stand (plantation), the identity of the area of collection and the origin of the stand or the statement "Origin Not Indigenous.";

~~5.2-4.2.~~ 5.2-4.2. The upper and lower elevations within which seed was collected;

~~5.3-4.3.~~ 5.3-4.3. The common name and scientific or genetic name;

~~5.4-4.4.~~ 5.4-4.4. The year in which the collection was made as required by W. Va. Code, §19-16-2(~~n~~)(~~r~~)(2)(H); and

~~5.5-4.5.~~ 5.5-4.5. Seed Germination;

~~5.5.1-4.5.1.~~ 5.5.1-4.5.1. Germination shall be shown in percentage and percentage of firm ungerminated seed or hard seed; or

~~5.5.2-4.5.2.~~ 5.5.2-4.5.2. As required by W. Va. Code, §19-16-2(~~n~~)(~~r~~)(2)(G)(iv), when the seed is transported or delivered for transportation within the calendar year collected or within six (6) months following the calendar year of collection the seed may bear the statement "Test in Progress"; or

~~5.5.3-4.5.3.~~ 5.5.3-4.5.3. When the seed is being transported to a consumer, the name of the consumer and the statement "Contract seed not for resale and subject to test to be arranged."

~~§61-9-6~~ §61-9-5. Hybrid Seed Corn.

~~6.1-5.1.~~ 6.1-5.1. Only seed of field corn hybrids that has been certified by an officially recognized certifying agency in the state, province or county in which the seed is grown may be labeled or advertised as "Certified Hybrid Seed Corn."

§61-9-6. White Sweet Clover.

6.1. Sweet clover seed containing more than five (5) percent of yellow sweet clover seed when tested (or more than 1.25 percent mottled seeds as identified during a visual examination) may not be labeled white sweet clover. Such seed must be labeled as sweet clover or as a mixture.

§61-9-7. Certificate Of Registration.

7.1. Application forms may be obtained for certificate of registration from the West Virginia Department of Agriculture, Charleston, West Virginia.

§61-9-8. Sampler Or Display Unit - Reporting of Pounds Seed Sold.

8.1. A sampler or display unit means a display collection of garden, vegetable, or flower seeds commonly known as "Packet Seeds" originally packed in primary consumer containers of eight (8) ounces (226.8 grams) or less by the person, firm or corporation who has registered to sell the seeds.

8.2. For sampler or display units, stamps shall be attached by the Dealer in a conspicuous place on the front of the display unit. The appropriate fees are listed in Appendix 6 - Registration and Poundage Fees.

8.3. For seeds requiring a sworn statement of pounds sold, the total poundage of each kind sold shall be reported by the Dealer/Distributor on a form supplied by the Commissioner and the fee paid at the rate prescribed - Appendix 6 - Registration and Poundage Fees.

8.4. For seed potatoes: The number, variety and size of containers bought, offered or exposed for sale shall be reported by the person first entering the seed potatoes into West Virginia trade channels on forms provided by the Commissioner. The person first offering seed potatoes for sale within the State of West Virginia shall pay the required fee and shall furnish to his or her customers an invoice bearing the statement "West Virginia Seed Fee Paid". The statement may also be used by wholesale dealers on an arrears basis to accommodate their bookkeeping systems: Provided, that arrears payments shall be not later than the fifteenth day of the following month for the previous reporting period. Any person having in his or her custody any lot of seed potatoes and who is unable to produce evidence that he or she paid the seed fee is liable for payment of the fee.

§61-9-9. Laboratory Service To Individuals, Farmers and Dealers.

9.1. Seed testing facilities are available for making purity, noxious weed, vigor, moisture, seed identification, and germination analyses tests for interested persons, ~~during the months of September through January inclusive.~~

9.2. The charges ~~to dealers~~ for ~~the~~ these tests are specified in Appendix 7 - Testing Fees.

§61-9-10. Hold Over Seed.

10.1. Seeds bearing germination test dates older than those specified in ~~Subdivision 5.5.2~~ Subsection 3.1 of this rule shall be retested and relabeled or removed from sale.

§61-9-11. Establishment of Certifying Agency.

11.1. The West Virginia Associated Crop Growers is hereby designated as ~~the~~ an official certifying agency for the seeds, other than industrial hemp, grown in West Virginia.

11.2 The West Virginia Department of Agriculture is hereby designated as an official certifying

agency for all seeds, including industrial hemp, grown in West Virginia.

§61-9-12. Treated Seed.

12.1. For all seeds named and treated as defined in this Rule (for which a separate label may be used) the following is required:

12.1.1. A word or statement indicating that the seed has been treated;

12.1.2. The commonly accepted coined, biological, chemical or abbreviated chemical (generic) name of the applied substance or description of the process used; and

12.1.3. If the substance in the amount present with the seed is harmful to humans or other vertebrate animals, a caution statement such as "Do not use for food or feed or oil purposes; and

12.1.4. If the seed is treated with an inoculant, the date beyond which the inoculant is not to be considered effective (date of expiration).

§61-9-13. Noxious Weed Seeds.

13.1. Noxious weed seeds are divided into ~~two~~ three classes – "Prohibited Noxious Weed Seeds", ~~and~~ "Restricted Noxious Weed Seeds", and "Undesirable Grass Seeds".

13.1.1. Prohibited Noxious Weed Seeds. Prohibited noxious weed seeds in this state are the seeds or bulblets of Autumn Olive (Elaeagnus umbellate), Balloonvine (Cardiospermum halicacabum), Bindweed, Field (Convolvulus arvensis), Bindweed, Hedge (Calystegia sepium), Japanese Knotweed (Polygonum cuspidatum), Japanese Stiltgrass (Microstegium vimineum), Jimsonweed (Datura stramonium), Johnsongrass (Sorghum halepense), Kudzu (Pueraria thunbergiana (S & Z) Benth.), Loosestrife, Purple (Lythrum salicaria), Mile-a-minute (Polygonum perfoliatum), Morrow's Honeysuckle (Lonicera morrowii), Poison Hemlock (Conium maculatum), Quackgrass (Elytrigia repens), Rose, Multiflora (Rosa multiflora), Shattercane (Sorghum bicolor), Sicklepod (Senna obtusifolia), Sowthistle, Perennial (Sonchus arvensis), Tartarian Honeysuckle (Lonicera tartarica), Thistle, Canada (Cirsium arvense), Thistle; Plumeless, Musk, and Curled (Carduus spp.), Tree of Heaven (Ailanthus altissima), and Tussock, Serrated (Nassella trichotoma). ~~quack grass (Agropyron repens), Johnson grass (Sorghum halepense), Canada thistle (Carduus arvensis), perennial sow thistle (Sonchus arvensis), serrated tussock (Nassella trichotoma)~~

13.1.2. Restricted Noxious Weed Seeds. Restricted noxious weed seeds in this state are the seed or bulblet of Anoda, Spurred (Anoda cristata), Bedstraw (Galium spp.), Bermudagrass (Cynodon dactylon), Carrot, Wild (Daucus carota), Cocklebur (Xanthium strumarium), Corncockle (Agrostemma githago), Daisy, Oxeye (Leucanthemum vulgare), Dock, Curly (Rumex crispus), Dodder (Cuscuta spp.), Foxtail, Giant (Setaria faberi), Garlic or Onion, Wild (Allium spp.), Hawkweed (Hieracum spp.), Horsenettle (Solanum carolinense), Morning Glory, Wild (Ipomoea purpurea), Mustard, India (Brassica juncea), Mustard, Wild (Brassica arvensis), Pennycress, Field (Thlaspi arvense), Peppergrass, Field (Lepidium campestre), Plantain, Buckhorn (Plantago lanceolata), and Thistle, Bull (Cirsium vulgare). ~~wild onion (Allium vineale), hawk weed (Hieracum spp.), buckhorn (Plantago lanceolata), English charlock or wild mustard (Brassica arvensis), corn cockle (Agrostemma githago), oxeye daisy (Chrysanthemum leucanthemum), Indian mustard (Brassica juncea), star thistle (Centurea solstitialis), wild carrot (Daucus~~

~~carota), horse nettle (Solanum carolinense), field pepper grass (Lepidium compestre), wild morning glory (Ipomea purpurea), bindweed (Convolvulus arvensis), dodder (Cuscuta spp)~~

13.1.3. Undesirable Grass Seed. Restricted noxious weed seed in lawn and turf seed and mixtures - except as provided in subdivision 13.1.2 of this section, seed of the following plants are restricted noxious weed seed and shall be listed on the tag or label under the heading "Noxious Weed Seed" or "Undesirable Grass Seed" by name and number per pound or ounce when present in bentgrass, Kentucky bluegrass, Chewing fescue, hard fescue, red fescue, varieties of named turf-type tall fescue, varieties of perennial ryegrass, or a mixture containing any of these grasses: Bentgrass - creeping, colonial, velvet - (Agrostis spp.); Bermudagrass, ~~giant Bermuda grass~~ (Cynodon dactylon); Annual bluegrass (Poa annua); Rough bluegrass (Poa trivialis); Meadow fescue (Festuca pratensis); Tall fescue (Festuca arundinacea); Orchardgrass (Dactylis glomerata); Redtop (Agrostis gigantea); Timothy (Phleum pratense); Velvetgrass (Holcus lanatus).

13.1.4. The amount of restricted noxious weed seeds set forth in subdivision 13.1.3, of this section shall not exceed 0.5 percent of the total weight of sample.

13.1.5. If included on the tag or label, seed designated as noxious weed seed in other states shall be listed under the heading "Noxious Weed Seed" or "Undesirable Grass Seed".

13.1.6. The restricted noxious weed seed set forth in subdivision 13.1.3, of this section shall not apply to grasses or mixtures clearly labeled for: Pasture, Forage, Hay, Conservation or Spoil bank reclamation usage.

13.1.7. The restricted noxious weed seeds set forth in subdivision 13.1.3, of this rule shall not apply when seeds are present in excess of 5.0% of the whole and the label contains the information required by W. Va. Code, §19-16-2 (e)(3) relating to labeling of lawn or turf grasses and mixtures.

13.1.8. It is unlawful to sell or offer for sale agricultural, lawn and turf, vegetable, and flower seed which contains restricted noxious weed seeds, set forth in subdivision 13.1.2 of this section, in excess of one seed or bulblet, singly or collectively, in each 5 grams (approximately 5 seeds per ounce) of seeds listed in 19-16-2(c)(5)(A) and in each 100 grams (approximately 5 seeds per pound) of seeds listed in 19-16-2(c)(5)(B).

§61-9-14. Certified Seed Potatoes.

14.1. As required by W. Va. Code §19-16-2 (e)(s) only "certified seed potatoes" shall be sold in the state of West Virginia.

§61-9-15. Relabeling

15.1. The following information shall appear on a label for relabeling seeds in their original containers:

15.1.1. The calendar month and year the test was completed to determine such percentage.

15.1.2. The same lot designation as on the original labels.

15.1.3. The identity of the labeling person if different from original labeler.

§61-9-16. Labeling of Seed Distributed to Wholesalers.

16.1. After seed has been conditioned, it must be labeled before distribution to any person including a wholesaler. Each bag or bulk lot must be completely labeled when supplied to a retailer or consumer.

16.2. 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.

§61-9-17. Seeds for Sprouting.

17.1 The following information shall be indicated on all labels of seeds sold for sprouting for salad or culinary purposes.

17.1.1. Commonly accepted name of kind or kinds.

17.1.2. Lot number.

17.1.3. Percentage by weight of each pure seed component in excess of 5% of the whole, other crop seeds, inert matter and weed seeds if occurring.

17.1.4. Percentage of germination of each pure seed component.

17.1.5. Percentage of hard seed, if present.

17.1.6. The calendar month and year the test was completed to determine such percentages.

§61-9-18. Hermetically-Sealed Seed.

18.1. The following standards, requirements and conditions must be met before seed is considered to be hermetically-sealed under the provisions of this Act:

18.1.1. The seed was packaged within 9 months after harvest.

18.1.2. The container used does not allow water vapor penetration through any wall, including the seals, greater than 0.05 grams of water per 24 hours per 100 square inches of surface at 100- F. with a relative humidity on one side of 90 percent and on the other side 0 percent. Water vapor penetration or WVP is measured by the standards of the U.S. Bureau of Standards as: gm.H2O/24 hr./100 sq. in./100....F./90% RHV.0% RH.

18.1.3. The seed in the container does not exceed the percentage of moisture, on a wet weight basis, as listed in Appendix 2 – Hermetically Sealed Seed.

§61-9-19. Labeling Kind and Variety or Type and Performance Characteristic of Flower Seeds.

19.1. The requirements of Chapter 19 Article 16 Section 2 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:

19.1.1. For seeds of plants grown primarily for their blooms –

19.1.1.a. If the seeds are of a single names variety, the kind and variety shall be stated, for example - "Marigold, Butterball".

19.1.1.b. 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".

19.1.1.c. If the seeds consist of an assortment or mixture of colors or varieties of a single kind, the kind name, the type of plant (if significant) and the type or types of bloom shall be indicated. In addition, it shall be clearly indicated that the seed is mixed or assorted. An example of labeling such a mixture or assortment is -"Marigold, Dwarf Double French, Mixed Colors".

19.1.1.d. If the seeds consist of an assortment or mixture of kinds or kinds and varieties, it shall be clearly indicated that the seed is assorted or mixed and the specific use of the assortment or mixture shall be indicated, for example - "Cut Flower Mixture", or "Rock Garden Mixture". Such statements as "General Purpose Mixture", Wonder Mixture", or any other statement which fails to indicate the specific use of the seed shall not be considered as meeting the requirements of this provision unless the specific use of the mixture is also stated. Containers with over 3 grams of seed shall list the kind or kind and variety names of each component present in excess of 5.0% of the whole in the order of their predominance giving the percentage by weight of each. Components of 5.0% or less shall be listed but need not be in order or predominance. A single percentage by weight shall be given for these components. If no component of a mixture exceeds 5% of the whole, the statement "No component in excess of 5%" may be used. Containers with 3 grams of seed or less shall list the components without giving percentage by weight and need not be in order of predominance.

19.1.2. 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".

§61-9-20. Flower Seeds Subject to Germination Labeling Requirement.

20.1. The flower seeds listed in Appendix 5 - Germination Standard for Flower Seed, 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 W. Va. Code §19-16-2. 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.

§61-9-21. Assessment of Penalties.

21.1. A penalty shall be assessed each time a lot of seed is found to be deficient in any of the following areas.

21.1.1. When it fails for any component of the purity analysis.

21.1.2. When it fails for the germination analysis.

21.1.3. When it is found to contain excess weed seed.

21.1.4. When it fails for the noxious weed seed examination.

21.1.5. When no analysis tag is attached.

21.1.6. When it is found to be mislabeled.

21.2. The amount of the penalty for each deficiency shall be 20% of the selling price of the lot of seed. The selling price shall be calculated by multiplying the selling price per container and the total number of containers in the lot.

§61-9-22. Seed Conditioning.

22.1. Upon application for a permit to condition certified seed, the department shall inspect the seed conditioning facilities of the applicant to determine that genetic purity and identity of seed conditioned can be maintained.

22.2. Upon approval, the department shall issue a seed conditioning permit, for each regular place of business, which shall be conspicuously displayed in the office of such business.

22.3. The permit shall remain in effect for one calendar year.

22.4. The applicant is responsible for paying all necessary fees (Appendix 6 – Registration & Poundage Fees).

22.5. All screenings, removed in the cleaning or conditioning of seeds, which contain prohibited or restricted noxious weed seeds shall be removed from the seed conditioning plant only under conditions that will prevent weed seeds from being dispersed into the environment.

APPENDIX NUMBER 1Minimum
GERMINATION STANDARDS

For Agricultural Seeds (Including Hard Seeds)

<u>Seed</u>	<u>Germination</u>	<u>Seed</u>	<u>Germination</u>
Alfalfa	75	(b) Blue	65
Barley	80	(c) Fescues	70
Buckwheat	80	(d) Orchard	75
Clovers:		(e) Rye	80
(a) Alsike	80	(f) Sudan	70
(b) Crimson	75	Lespedeza	75
(c) Ladino	80	Millet	70
(d) Red	80	Oats	75
(e) Sweet	75	Rye	70
(f) White	80	Sorghum	65
Corn	80	Soybeans	75
Cow Peas	65	Timothy	75
Grasses:		Vetch	80
(a) Bentgrass, (hulled		Wheat	80
redtop creeping,		All other seeds not	
etc.)	75	listed above	50

APPENDIX NUMBER 1**Germination Standard for Agricultural Seeds**

The germination standard for all other agricultural seed, for which a standard has not been established, shall be 70%.

<u>Kind</u>	<u>Percent</u>	<u>Kind</u>	<u>Percent</u>
<u>Alfalfa</u>	<u>75</u>	<u>Fescue</u>	<u>70</u>
<u>Barley</u>	<u>80</u>	<u>Lespedeza</u>	<u>75</u>
<u>Bentgrass</u>	<u>75</u>	<u>Millet</u>	<u>70</u>
<u>Bluegrass</u>	<u>65</u>	<u>Oat</u>	<u>75</u>
<u>Buckwheat</u>	<u>80</u>	<u>Orchardgrass</u>	<u>75</u>
<u>Clover, Alike</u>	<u>80</u>	<u>Rye</u>	<u>70</u>
<u>Clover, Crimson</u>	<u>75</u>	<u>Ryegrass</u>	<u>80</u>
<u>Clover, Ladino</u>	<u>80</u>	<u>Sorghum</u>	<u>65</u>
<u>Clover, Red</u>	<u>80</u>	<u>Soybean</u>	<u>75</u>
<u>Clover, Sweet</u>	<u>75</u>	<u>Sudangrass</u>	<u>70</u>
<u>Clover, White</u>	<u>80</u>	<u>Timothy</u>	<u>75</u>
<u>Cowpea</u>	<u>65</u>	<u>Vetch</u>	<u>80</u>
<u>Corn, Field</u>	<u>80</u>	<u>Wheat</u>	<u>80</u>

APPENDIX NUMBER 2MinimumGERMINATION STANDARDS

For Vegetable Seeds (Including Hard Seeds)

<u>Seed</u>	<u>Germination</u>	<u>Seed</u>	<u>Germination</u>
Artichoke	60	Lettuce	80
Asparagus	70	Muckmelons	75
Beans, Bush	70	Mustard	75
Beans, Lima	70	Okra	50
Beans, Pole	75	Onion	70
Beets	65	Parsley	60
Broccoli	75	Parsnips	60
Brussel Sprouts	70	Peas	80
Cabbage	75	Pepper	55
Cardoon	60	Pumpkin	75
Carrot	55	Radish	75
Cauliflower	75	Rhubarb	60
Celery	55	Rutabaga	75
Celeriac	55	Salsify	75
Chicory	65	Soybeans, edible	75
Collards	80	Sorrel	60
Corn	75	Spinach	60
Cucumber	80	Spinach (New Zealand)	40
Dandelion	45	Squash	75
Egg Plant	60	Swiss Chard	65
Endive	70	Tomato	75
Fetticus	70	Tomato (husk)	50
Kale	75	Turnip	80
Kohl Rabi	75	Watermelon	70
Leek	60		

APPENDIX NUMBER 2**Hermetically Sealed Seed**

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

<u>Agricultural Seeds</u>	<u>Percent</u>	<u>Agricultural Seeds</u>	<u>Percent</u>
<u>Beet, Field</u>	<u>7.5</u>	<u>Cucumber</u>	<u>6.0</u>
<u>Beet, Sugar</u>	<u>7.5</u>	<u>Eggplant</u>	<u>6.0</u>
<u>Bluegrass, Kentucky</u>	<u>6.0</u>	<u>Kale</u>	<u>5.0</u>
<u>Clover, Crimson</u>	<u>8.0</u>	<u>Kohlrabi</u>	<u>5.0</u>
<u>Fescue, Red</u>	<u>8.0</u>	<u>Leek</u>	<u>6.5</u>
<u>Ryegrass, Annual</u>	<u>8.0</u>	<u>Lettuce</u>	<u>5.5</u>
<u>Ryegrass, Perennial</u>	<u>8.0</u>	<u>Muskmelon</u>	<u>6.0</u>
<u>All others</u>	<u>6.0</u>	<u>Mustard, India</u>	<u>5.0</u>
<u>Mixtures of Above</u>	<u>8.0</u>	<u>Onion</u>	<u>6.5</u>
<u>Bean, Garden</u>	<u>7.0</u>	<u>Onion, Welsh</u>	<u>6.5</u>
<u>Bean, Lima</u>	<u>7.0</u>	<u>Parsley</u>	<u>6.5</u>
<u>Beet</u>	<u>7.5</u>	<u>Parsnip</u>	<u>6.0</u>
<u>Broccoli</u>	<u>5.0</u>	<u>Pea</u>	<u>7.0</u>
<u>Brussels Sprouts</u>	<u>5.0</u>	<u>Pepper</u>	<u>4.5</u>
<u>Cabbage</u>	<u>5.0</u>	<u>Pumpkin</u>	<u>6.0</u>
<u>Carrot</u>	<u>7.0</u>	<u>Radish</u>	<u>5.0</u>
<u>Cauliflower</u>	<u>5.0</u>	<u>Rutabaga</u>	<u>5.0</u>
<u>Celeriac</u>	<u>7.0</u>	<u>Spinach</u>	<u>8.0</u>
<u>Celery</u>	<u>7.0</u>	<u>Squash</u>	<u>6.0</u>
<u>Chard, Swiss</u>	<u>7.5</u>	<u>Tomato</u>	<u>5.5</u>
<u>Chinese Cabbage</u>	<u>5.0</u>	<u>Turnip</u>	<u>5.0</u>
<u>Chives</u>	<u>6.5</u>	<u>Watermelon</u>	<u>6.5</u>
<u>Collards</u>	<u>5.0</u>	<u>All Others</u>	<u>6.0</u>
<u>Corn, Sweet</u>	<u>8.0</u>		

APPENDIX NUMBER 3MinimumGERMINATION STANDARDS

Forest Seeds (Includes Firm Ungerminated Seeds)

<u>Seed</u>	<u>Germination</u>
Red Pine (<i>Pinus resinosa</i>)	85
Scotch Pine (<i>Pinus sylvestris</i>)	85
Shortleaf Pine (<i>Pinus echinata</i>)	85
Virginia Pine (<i>Pinus Virginiana</i>)	85
Eastern White Pine (<i>Pinus strobus</i>)	85
Colorado Blue Spruce (<i>Picea pungens</i>)	80
Norway Spruce (<i>Picea abies</i>)	80
Red Spruce (<i>Picea rubens</i>)	80
Douglas Fir (<i>Pseudotsuga menziesii</i>)	70
Balsam Fir (<i>Abies balsamea</i>)	30
Frazer Fir (<i>Abies fraseri</i>)	30
Eastern Hemlock (<i>Tsuga canadensis</i>)	30
Japanese Larch (<i>Larix leptolepis</i>)	60
Red Oak (<i>Quercus borealis</i>)	60
White Oak (<i>Quercus alba</i>)	60
Black Cherry (<i>Prunus serotina</i>)	60
Black Walnut (<i>Juglans nigra</i>)	60
Black Locust (<i>Robinia pseudoacacia</i>)	50
Sycamore (<i>Platanus occidentalis</i>)	30

All other forest seed shall be labeled in accordance with actual germination test results and seed shall be stored in appropriate containers at a temperature of not more than thirty eight (38) degrees F.

APPENDIX NUMBER 3**Germination Standard for Vegetable Seeds**

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

<u>Kind</u>	<u>Percent</u>		
<u>Anise</u>	<u>50</u>	<u>Cucumber</u>	<u>80</u>
<u>Artichoke</u>	<u>60</u>	<u>Dandelion</u>	<u>60</u>
<u>Asparagus</u>	<u>70</u>	<u>Eggplant</u>	<u>60</u>
<u>Asparagusbean</u>	<u>75</u>	<u>Endive</u>	<u>70</u>
<u>Basil, Sweet</u>	<u>70</u>	<u>Fennel, Florence</u>	<u>60</u>
<u>Bean, garden</u>	<u>70</u>	<u>Fennel, Sweet</u>	<u>50</u>
<u>Bean, Lima</u>	<u>70</u>	<u>Kale</u>	<u>75</u>
<u>Bean, Runner</u>	<u>75</u>	<u>Kale, Chinese</u>	<u>75</u>
<u>Beet</u>	<u>65</u>	<u>Kale, Siberian</u>	<u>75</u>
<u>Broadbean</u>	<u>75</u>	<u>Kohlrabi</u>	<u>75</u>
<u>Broccoli</u>	<u>75</u>	<u>Leek</u>	<u>60</u>
<u>Brussel Sprouts</u>	<u>70</u>	<u>Lettuce</u>	<u>80</u>
<u>Burdock, Great</u>	<u>60</u>	<u>Muskmelon</u>	<u>75</u>
<u>Cabbage</u>	<u>75</u>	<u>Marjoram, Sweet</u>	<u>50</u>
<u>Cabbage Tronchuda</u>	<u>70</u>	<u>Mustard</u>	<u>75</u>
<u>Cantaloupe</u>		<u>Mustard, Spinach</u>	<u>75</u>
<u>(see Muskmelon)</u>		<u>Okra</u>	<u>50</u>
<u>Caraway</u>	<u>55</u>	<u>Onion</u>	<u>70</u>
<u>Cardoon</u>	<u>60</u>	<u>Onion, Welsh</u>	<u>70</u>
<u>Carrot</u>	<u>55</u>	<u>Oregano</u>	<u>60</u>
<u>Cauliflower</u>	<u>75</u>	<u>Pak-Choi</u>	<u>75</u>
<u>Celeraic</u>	<u>55</u>	<u>Parsley</u>	<u>60</u>
<u>Celery</u>	<u>55</u>	<u>Parsnip</u>	<u>60</u>
<u>Chard, Swiss</u>	<u>65</u>	<u>Pea</u>	<u>80</u>
<u>Chervil, Salad</u>	<u>65</u>	<u>Peanut</u>	<u>80</u>
<u>Chicory</u>	<u>65</u>	<u>Pepper</u>	<u>60</u>
<u>Chinese Cabbage</u>	<u>75</u>	<u>Pumpkin</u>	<u>75</u>
<u>Chives</u>	<u>50</u>	<u>Radish</u>	<u>75</u>
<u>Collards</u>	<u>80</u>	<u>Rhubarb</u>	<u>60</u>
<u>Citron</u>	<u>65</u>	<u>Roquette</u>	<u>60</u>
<u>Coriander</u>	<u>70</u>	<u>Rosemary</u>	<u>30</u>
<u>Corn, Pop</u>	<u>75</u>	<u>Rutabaga</u>	<u>75</u>
<u>Corn, Sweet</u>	<u>75</u>	<u>Sage</u>	<u>60</u>
<u>Cornsalad</u>	<u>70</u>	<u>Salsify</u>	<u>75</u>
<u>Cowpea</u>	<u>75</u>	<u>Savory, Summer</u>	<u>55</u>
<u>Cress, Garden</u>	<u>75</u>	<u>Sorrel</u>	<u>65</u>
<u>Cress, Upland</u>	<u>60</u>	<u>Soybean</u>	<u>75</u>
<u>Cress, Water</u>	<u>40</u>	<u>Spinach</u>	<u>60</u>
		<u>Spinach, New Zealand</u>	<u>40</u>

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<u>Squash</u>	<u>75</u>
<u>Thyme</u>	<u>50</u>
<u>Tomato</u>	<u>75</u>

<u>Tomato, Husk</u>	<u>50</u>
<u>Turnip</u>	<u>80</u>
<u>Watermelon</u>	<u>70</u>

APPENDIX NUMBER 4

Germination Standard Tolerances
Agricultural and Forest Seeds

FOUND BY TEST _____ TOLERANCE

96 or over _____	5
90 or over but less than 96 _____	6
80 or over but less than 90 _____	7
70 or over but less than 80 _____	8
60 or over but less than 70 _____	9
Less than 60 _____	10

No tolerance will be allowed on minimum germination standards for vegetable seeds.

APPENDIX NUMBER 4Kind of Tree and Shrub Seeds Subject to Germination Labeling

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

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

Picea sitchensis (Bong.) Carr - Sitka Spruce
Pinus albicaulis Engelm. - Whitebark Pine
Pinus aristata Engelm. - Bristlecone Pine
Pinus banksiana Lamb. - Jack Pine
Pinus canariensis C. Smith - Canary Pine
Pinus caribaea - Caribbean Pine
Pinus cembroides Zucc. - Mexican Pinyon Pine
Pinus clausa - Sand Pine
Pinus conorta Dougl. - Lodgepole Pine
Pinus contorta var. *latifolia* Engelm. - Lodgepole Pine
Pinus coulteri D. Don. - Coulter Pine, Bigcone Pine
Pinus densiflora Sieb. Zucc. - Japanese Red Pine
Pinus echinata Mill. - Shortleaf Pine
Pinus elliottii Engelm. - Slash Pine
Pinus flexilis James - Limber Pine
Pinus glabra Walt. - Spruce Pine
Pinus griffithii McClelland - Himalayan Pine
Pinus halepensis Mill. - Aleppo Pine
Pinus jeffreyi Grev. Balf. - Jeffrey Pine
Pinus khasya Royle - Khasia Pine
Pinus lambertiana Dougl. - Sugar Pine
Pinus heldreichii var. *leucodermis* (Ant.) Markgraf ex Fitschen - Balkan Pine, Bosnian Pine
Pinus markusii DeVriese - Markus Pine
Pinus monticola Dougl. - Western White Pine
Pinus mugo Turra. - Mountain Pine
Pinus mugo var. *mughus* (Scop.) Zenari - Mugo Swiss Mountain Pine
Pinus muricata D. Don. - Bishoppine
Pinus nigra Arnold - Austrian Pine
Pinus nigra poiretiana (Ant.) Aschers Graebn. - Corsican Pine
Pinus palustris Mill. - Longleaf Pine
Pinus parviflora Sieb. Zucc. - Japanese White Pine
Pinus patula Schl. Cham. - Jelecote Pine
Pinus pinaster Sol. - Cluster Pine
Pinus pinea L. - Italian Stone Pine
Pinus ponderosa Laws. - Ponderosa Pine, Western Yellow Pine
Pinus radiata D. Don. - Monterey Pine
Pinus resinosa Ait. - Red Pine, Norway Pine
Pinus rigida Mill. - Pitch Pine
Pinus serotina Michx. - Pond Pine
Pinus strobus L. - Eastern White Pine
Pinus sylvestris L. - Scotch Pine
Pinus taeda L. - Loblolly Pine
Pinus taiwanensis Hayata - Formosa Pine
Pinus thunbergii Parl. - Japanese Black Pine
Pinus virginiana Mill. - Virginia Pine, Scrub Pine

Platanus occidentalis L. - American Sycamore
Populus spp. - Poplars
Prunus armeriaca L. - Apricot
Prunus avium (L.) L. - Cherry
Prunus domestica L. - Plum, Prune
Prunus persica Batsch. – Peach
Pseudotsuga menziesii var. glauca (Beissn.) Franco - Blue Douglas Fir
Pseudotsuga menziesii var. caesia (Beissn.) Franco - Gray Douglas Fir
Pseudotsuga menziesii var. viridis - Green Douglas Fir
Pyrus communis L. - Pear
Quercus spp. - (Red or black oak group)
Quercus alba L. - White oak
Quercus muehlenbergii Engelm. - Chinkapin oak
Quercus virginiana Mill. - Live Oak
Rhododendron spp. – Rhododendron
Robinia pseudoacacia L. - Black Locust
Rosa multiflora Thunb. - Japanese Rose
Sequoia gigantea (Lindl.) Decne. - Giant Sequoia
Sequoia sempervirens (D. Don.) Engl. - Redwood
Syringa vulgaris L. - Common Lilac
Thuja occidentalis L. - Northern White Cedar, Eastern Arborvitae
Thuja orientalis L. - Oriental Arborvitae, Chinese Arborvitae
Thuja plicata Donn. - Western Red Cedar - Giant Arborvitae
Tsuga canadensis (L.) Carr. - Eastern Hemlock, Canada Hemlock
Tsuga heterophylla (Raf.) Sarg. - Western Hemlock, Pacific Hemlock
Ulmus americana L. - American Elm
Ulmus parvifolia Jacq. - Chinese Elm
Ulmus pumila L. - Siberian Elm
Vitis vulpina L. - Riverbank Grape

APPENDIX NUMBER 5

TESTING FEES

	CHARGES FOR GERMINATION	CHARGES FOR PURITY
All vegetables	\$10.00	\$
Bentgrasses, redtop, bluegrasses, brome grasses, orchard grass, tall oat grass, fescues, rye grasses and all other chaffy grasses.....	\$15.00	\$15.00
Alfalfa, clover, millets, rape, sudan grasses, soybeans, sorghums, timothy, vetches, all cereal grains and all other seeds not listed	\$10.00	\$10.00
Mixtures: Lawn, pasture, etc.	\$15.00	\$20.00*
*Per each ingredient		
Noxious weed examination	\$20.00	
Tree and shrub seed	\$20.00	
Flower seed	\$20.00	

Proportionate charges will be made for tests and other seed determinations not listed in this Appendix.

APPENDIX NUMBER 5**Germination Standard for Flower Seed.**

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

Seed Kind	Percent	Seed Kind	Percent
<u>Archillea (The Pearl) - <i>Achillea ptarmica</i></u>	50	<u>Calceolaria - <i>Calceolaria spp</i></u>	60
<u>African Daisy <i>Dimorphotheca aurantiaca</i></u>	55	<u>Calendula - <i>Calendula officinalis</i></u>	65
<u>African Violet- <i>Saintpaulia spp</i></u>	30	<u>California Poppy - <i>Eschscholtzia californica</i></u>	60
<u>Ageratum- <i>Ageratum mexicanum</i></u>	60	<u>Calliopsis - <i>Coreopsis bicolor,</i></u>	
<u>Agrostemma (rose campion) –</u>		<u><i>C. drummondii, C. elegans</i> <i>Campanula</i></u>	65
<u><i>Agrostemma coronaria</i></u>	65	<u>Canterbury Bells - <i>Campanula medium</i></u>	60
<u>Alyssum- <i>Alyssum compactum, A.</i></u>		<u>Cup and Saucer Bellflower –</u>	
<u><i>Maritimum, A. procumbens, A. saxatile</i></u>	60	<u><i>Campanula medium calycanthema.</i></u>	60
<u>Amaranthus- <i>Amaranthus spp</i></u>	65	<u>Carpathian Bellflower - <i>Campanula carpatica</i></u>	50
<u>Anagalis (primpernel) - <i>Anagalis arvensis,</i></u>		<u>Peach Bellflower - <i>Campanula persicifolia</i></u>	50
<u><i>Anagalis coerulea, Anagalis grandiflora</i></u>	60	<u>Candytuft, Annual - <i>Iberis amara,</i></u>	
<u>Anemone- <i>Anemone coronaria, A. pulsatilla</i></u>	55	<u><i>I. umbellata</i></u>	65
<u>Angel's Trumpet- <i>Datura arborea</i></u>	60	<u>Candytuft, Perennial - <i>Iberis gibraltarica, I.</i></u>	
<u>Arabis- <i>Arabis alpine</i></u>	60	<u><i>sempervirens</i></u>	55
<u>Arctotis- (African lilac daisy)-</u>		<u>Castor Bean - <i>Ricinus communis</i></u>	60
<u><i>Arctotis grandis</i></u>	45	<u>Cathedral Bells - <i>Cobaea scandens</i></u>	65
<u>Armeria- <i>Armeria Formosa</i></u>	55	<u>Celosia - <i>Celosia argentea</i></u>	65
<u>Asparagus, fern- <i>Asparagus plumosus</i></u>	50	<u>Centaurea: Basket Flower –</u>	
<u>Asparagus, sprenger, <i>Asparagus sprengeri</i></u>	55	<u><i>Centaurea Americana</i></u>	65
<u>Aster, China- <i>Callistephus chinensis; Except</i></u>		<u>Cornflower -</u>	
<u>Pompon, Powderpuff, and Princess types</u>	55	<u><i>C. cyanus, Dusy Miller - C. candidissima,</i></u>	
<u>Aster, China- <i>Callistephus chinensis;</i></u>		<u><i>Royal Centaurea, C. imperialis</i> Sweet Sultan –</u>	
<u>Pompon, Powderpuff, and Princess types</u>	50	<u><i>C. moschata, Velvet Centaurea</i></u>	
<u>Aubretia - <i>Aubretia deltoideis</i></u>	45	<u><i>C. gymnocarpa</i></u>	60
<u>Baby Smilax - <i>Asparagus asparagoides</i></u>	25	<u>Cerasium (snow-in-summer)</u>	
<u>Balsam - <i>Impatiens balsamina</i></u>	70	<u><i>Cerastium biebersteini and C. tomentosum</i></u>	65
<u>Begonia - (Begonia fibrous rooted)</u>	60	<u>Chinese Forget-me-not –</u>	
<u>Begonia - (Begonia tuberous rooted)</u>	50	<u><i>Cynoglossum amabile</i></u>	55
<u>Bells of Ireland - <i>Molucella laevis</i></u>	60	<u>Chrysanthemum, Annual - <i>Chrysanthemum</i></u>	
<u>Brachycome (swan river daisy) –</u>		<u><i>carinatum C. coronarium, C. segetum</i></u>	50
<u><i>Brachycome iberidifolia</i></u>	60	<u>Cineraria – <i>Senecio cruentus</i></u>	60
<u>Browallia - <i>Browallia elata and B. speciose</i></u>	65	<u>Clarkia - <i>Clarkia elegans</i></u>	65
<u>Bupthalam (sunwheel) –</u>		<u>Cleome - <i>Cleome aqiantean</i></u>	65
<u><i>Bupthalam salicifolium</i></u>	60	<u>Coleus - <i>Coleus blumei</i></u>	65

<u>Columbine - <i>Aquilegia spp</i></u>	50	<u>White Flowered – <i>Lagenaria sisceraria</i>;</u>	
<u>Coral Bells - <i>Heuchera sanguinea</i></u>	55	<u>Dishcloth - <i>Luffa cylindrical</i></u>	70
<u>Coreopsis, Perennial - <i>Coreopsis lanceolata</i></u>	40	<u>Gypsophila: Annual Baby's Breath –</u>	
<u>Corn, ornamental - <i>Zea mays</i></u>	75	<u><i>Gypsophlla elegans</i>;</u>	
<u>Cosmos: Sensation, Mammoth and</u>		<u>Perennial Baby's Breath - <i>G. paniculata</i>,</u>	
<u>Crested types – <i>Cosmos bipinnatus</i>;</u>		<u><i>G. pacifica</i>; <i>G. Repens</i></u>	70
<u><i>Klondyke type - C. sulphureau</i></u>	65	<u>Helenium - <i>Helenium autumnale</i></u>	40
<u>Crossandra - <i>Crossandra infundibuliformis</i></u>	50	<u>Helichrysum - <i>Helichrysum monstrosum</i></u>	60
<u>Dahlia - <i>Dahlia spp</i></u>	55	<u>Heliopsis - <i>Heliopsis scabra</i></u>	55
<u>Daylily - <i>Hemerocallis spp</i></u>	45	<u>Heliotrope - <i>Heliotropium spp.</i></u>	35
<u>Delphinium, Perennial- Belladonna and</u>		<u>Helipterum (Acroclinium) <i>Helipterum roseum</i></u>	60
<u>Bellamosum types</u>		<u>Hesperis (sweet rocket) -<i>Hesperis matronalis</i></u>	65
<u>Cardinal Larkspur - <i>Delphinium</i></u>		<u>*Hollyhock - <i>Althea rosea</i></u>	65
<u><i>cardinale</i>; <i>Chinensis</i> types; <i>Pacific Giant</i>,</u>		<u>Hunnemania (mexican tulip poppy) –</u>	
<u><i>Gold Medal</i> and other hybrids of <i>D. elatum</i></u>	55	<u><i>Hunnemania Fumariaefolia</i></u>	60
<u>Dianthus:</u>		<u>Hyacinh bean - <i>Dolichos lablab</i></u>	70
<u>Carnation - <i>Dianthus caryophyllus</i></u>	60	<u>Impatiens - <i>Impatiens hostii, I. sultani</i></u>	55
<u>China Pinks - <i>Dianthus chinensis, heddewiqi</i></u>	70	<u>*Ipomea - Cypress Vine - <i>Ipomea quamoclit</i>;</u>	
<u><i>Heddensis</i></u>	60	<u>Moonflower – <i>I. noctiflora</i>; Morning Glories,</u>	
<u>Grass Pinks - <i>Dianthus plumarius</i></u>	60	<u>Cardinal Climber, Hearts and Honey Vine –</u>	
<u>Maiden Pinks - <i>Dianthus deltoids</i></u>	70	<u><i>Ipomea spp</i></u>	75
<u>Sweet William - <i>Dianthus barbatus</i></u>	60	<u>Jerusalem cross (maltese cross) - <i>Lychnis</i></u>	
<u>Sweet Wivelsfield - <i>Dianthus allwoodi</i></u>	60	<u><i>chalcedonica</i></u>	70
<u>Didiscus - (blue lace flower) –</u>		<u>Job's Tears - <i>Coix lacrymajobi</i></u>	70
<u><i>Didiscus coerulea</i></u>	65	<u>Kochia - <i>Kochia childsi</i></u>	55
<u>Doronicum (leopard's bane) - <i>Doronicum</i></u>		<u>Larkspur, Annual - <i>Delphinium ajacis</i></u>	60
<u><i>caucasicum</i></u>	60	<u>Lantana - <i>Lantana camara, L. hybrid</i></u>	35
<u>Dracaena - <i>Dracaena indivisa</i></u>	55	<u>Lilium (regal lily) - <i>Lilium regale</i></u>	50
<u>Dragon Tree - <i>Dracaena draco</i></u>	40	<u>Linaria - <i>Linaria spp</i></u>	65
<u>English Daisy - <i>Bellis perennis</i></u>	55	<u>Lobelia, Annual - <i>Lobelia erinus</i></u>	65
<u>Flowering Maple - <i>Abutilon spp</i></u>	35	<u>Lunaria, Annual - <i>Lunaria annua</i></u>	65
<u>Flax - Golden flax (<i>Linum flavum</i>);</u>		<u>*Lupine - <i>Lupinus spp</i></u>	65
<u>Flowering flax <i>L. randiflorum</i>; Perennial</u>		<u>Marigold - <i>Tagetes spp</i></u>	65
<u>flax, <i>L. perenne</i></u>	60	<u>Marvel of Peru - <i>Mirabilis jalapa</i></u>	60
<u>Foxglove - <i>Digitalis spp</i></u>	60	<u>Matricaria (feverfew) - <i>Matricaria spp</i></u>	60
<u>Gaillardia, Annual - <i>Gaillardia pulchella</i>;</u>		<u>Mignonette - <i>Reseda odorata</i></u>	55
<u><i>G. picta</i>; Perennial - <i>G. grandiflora</i></u>	45	<u>Myosotis - <i>Myosotis alpestris, M. oblongata,</i></u>	
<u>Gerbera (transvaal daisy) - <i>Gerbera jamesoni</i></u>	60	<u><i>M. palustris</i></u>	50
<u>Geum - <i>Geum spp</i></u>	55	<u>Nasturtium - <i>Tropaeolum spp</i></u>	60
<u>Gilia - <i>Gilia spp</i></u>	65	<u>Nemesia - <i>Nemesia spp</i></u>	65
<u>Gloriosa daisy (<i>rudbeckia</i>) –</u>		<u>Nemophila - <i>Nemophila insignis</i></u>	70
<u><i>Echinacea purpurea</i> and <i>Rudbeckia hirta</i></u>	60	<u>Nemophila, spotted - <i>Nemophila maculate</i></u>	60
<u>Gloxinia - <i>Sinningia speciose</i></u>	40	<u>Nicotiana - <i>Nicotiana affinis, N. sanderae, N.</i></u>	
<u>Godetia - <i>Godetia amoena, G. grandiflora</i></u>	65	<u><i>sylvestris</i></u>	65
<u>Gourds: Yellow Flowered - <i>Cucurbita pepo</i>;</u>		<u>Nierembergia - <i>Nierembergia spp</i></u>	55

<u>Nigella - <i>Nigella damascene</i></u>	55	<u>Silk Oak - <i>Grevillea robusta</i></u>	25
<u>Pansy - <i>Viola tricolor</i></u>	60	<u>Snapdragon - <i>Antirrhinum spp</i></u>	55
<u>Penstemon - <i>Penstemon barbatus</i>,</u>		<u>Solanum - <i>Solanum spp</i></u>	60
<u><i>P. grandiflorus</i>, <i>P. laevigatus</i>, <i>P. pubescens</i>.</u>	60	<u>Statice - <i>Statice sinuata</i>,</u>	
<u>Petunia - <i>Petunia spp</i></u>	45	<u><i>S. suworonii</i> (flower heads)</u>	50
<u>Phacelia - <i>Phacelia campanularia</i>, <i>P. minor</i>,</u>		<u>Stocks: Common - <i>Mathiola incana</i></u>	
<u><i>P. tanacetifolia</i></u>	65	<u>Evening Scented - <i>Mathiola bicornis</i></u>	65
<u>Phox, Annual - <i>Phlox drummondii</i> all types</u>		<u>Sunflower - <i>Helianthus spp</i></u>	70
<u>and varieties</u>	55	<u>Sunrose - <i>Helianthemum spp</i></u>	30
<u>Physalis - <i>Physalis spp</i></u>	60	<u>*Sweet Pea, Annual and Perennial other</u>	
<u>Platycodon (balloon flower) - <i>Platycodon</i></u>		<u>than dwarf bush - <i>Lathyrus odoratus</i>,</u>	
<u><i>grandiflorum</i></u>	60	<u><i>L latifolius</i></u>	75
<u>Plumbago, cape - <i>Plumbago capensis</i></u>	50	<u>*Sweet Pea, dwarf bush - <i>Lathyrus odoratus</i></u>	65
<u>Ponytail - <i>Beaucarnea recurvate</i></u>	40	<u>Tahoka daisy - <i>Machaeantha tanacetifolia</i></u>	60
<u>Poppy: Shirley Poppy - <i>Papaver rhoeas</i>; Iceland</u>		<u>Thunbergia - <i>Thunbergia alata</i></u>	60
<u>Poppy - <i>P. nudicaule</i>; Oriental Poppy –</u>		<u>Torch Flower - <i>Tithonia speciose</i></u>	70
<u><i>P. orientale</i>; Tulip Poppy - <i>P. glaucum</i></u>	60	<u>Torenia (wishbone flower) - <i>Torenia fournieri</i></u>	70
<u>Portulaca - <i>Portulaca grandiflora</i></u>	55	<u>Tritoma - <i>Kniphofia spp</i></u>	65
<u>Primula (primrose) - <i>Primula spp</i></u>	50	<u>Verbena, Annual - <i>Verbena hybrid</i></u>	35
<u>Pyrethrum (painted daisy) –</u>		<u>Vinca - <i>Vinca rosea</i></u>	60
<u><i>Pyrethrum coccineum</i></u>	60	<u>Viola - <i>Viola cornuta</i></u>	55
<u>Salpiglossis - <i>Salpiglossis gloxinaeflora</i>,</u>		<u>Virginian stocks - <i>Malcolmia maritime</i></u>	65
<u><i>S. sinuate</i></u>	60	<u>Wallflower - <i>Cheiranthus allioni</i></u>	65
<u>Salvia - Scarlet Sage - <i>Salvia splendens</i>;</u>		<u>Yucca (Adam's needle) - <i>Yucca filamentosa</i></u>	50
<u>Mealycup Sage (blue bedder) –</u>		<u>Zinna (except Linearis and Creeping) - <i>Zinnia</i></u>	
<u><i>Salvia farinacea</i></u>	50	<u><i>angustifolia</i>, <i>Z. elegans</i>, <i>Z. grandiflora</i>,</u>	
<u>Saponaria - <i>Saponaria ocymoides</i>, <i>S. vaccaria</i></u>	60	<u><i>Z. gracillima</i>, <i>Z. haegeana</i>, <i>Z. multiflora</i>,</u>	
<u>Scabiosa, Annual - <i>Scabiosa atropurpurea</i></u>	50	<u><i>Z. pumila</i></u>	65
<u>Scabiosa, Perennial - <i>Scabiosa caucasica</i></u>	40	<u>Zinnia, Linearis and Creeping - <i>Zinnia linearis</i>,</u>	
<u>Schizanthus - <i>Schizanthus spp</i></u>	60	<u><i>Sanvitalia procumbens</i></u>	50
<u>*Sensitive pant (mimosa) - <i>Mimosa pudica</i></u>	65	<u>All other kinds</u>	50
<u>Shasta Daisy - <i>Chrysanthemum maximum</i></u>			
<u><i>C. Leucanthemum</i></u>	65		

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

APPENDIX NUMBER 6

REGISTRATION AND POUNDAGE FEES

(1) Registration of Seedsman	\$125.00
(2) Packet Display Stamps	\$10.00 each
(3) Poundage Fee for Forest and Forage Seeds -	\$0.50 per 100 weight
(4) Poundage Fee for Agriculture Crop Seeds -	\$0.50 per 100 weight
(5) Seed Potatoes -	\$0.35 per 100 weight
<u>(6) Registration Late Fee Penalty</u>	<u>\$100.00</u>
<u>(7) Tonnage Late Fee Penalty</u>	<u>\$100.00</u>
<u>(8) Seed Conditioning Facility Inspection</u>	<u>\$100.00</u>
<u>(9) Seed Conditioner Permit</u>	<u>\$125.00</u>

APPENDIX NUMBER 7
Testing Fees

<u>Kind of Seed</u>	<u>Germination</u>	<u>Purity & West Virginia Noxious Weed Seed Examinations</u>	<u>Complete Test*</u>	<u>Bulk Examination</u>
<u>Vegetables</u>	<u>\$10</u>	<u>\$10</u>	<u>\$15</u>	<u>\$10</u>
<u>Lawn, Forage, & Native Grasses</u>	<u>\$15</u>	<u>\$15</u>	<u>\$25</u>	<u>\$15</u>
<u>Grains</u>	<u>\$10</u>	<u>\$10</u>	<u>\$17</u>	<u>\$10</u>
<u>Clovers, Alfalfas, Lespedezas, & Similar Seeds</u>	<u>\$10</u>	<u>\$10</u>	<u>\$17</u>	<u>\$10</u>
<u>Flowers</u>	<u>\$15</u>	<u>\$15</u>	<u>\$25</u>	<u>\$15</u>
<u>Trees & Shrubs</u>	<u>\$20</u>	<u>\$20</u>	<u>\$25</u>	<u>\$20</u>

***A Complete Test consists of purity, germination, and West Virginia noxious weed seed examination.**

Miscellaneous Tests

<u>All States Noxious Weed Seed Examination</u>	<u>\$35</u>
<u>Seed Count</u>	<u>\$10</u>
<u>Moisture Content</u>	<u>\$10</u>

Miscellaneous Charges

<u>Washing of Coated, Pelleted, or Treated Seed</u>	<u>\$10</u>
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