



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Agriculture

TITLE-SERIES: 61-09

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: West Virginia Seed Law

CITE STATUTORY AUTHORITY: §19-16-6

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 182

Section §64-9-1 Passed On 3/23/2021 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

May 3, 2021

This rule shall terminate and have no further force or effect from the following date:

August 01, 2031

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, establishes germination test dates, germination standards, specifies additional labeling for 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 13, 2021

1.4. Effective Date. -- May 3, 2021

1.5. Sunset Provision. – This rule shall expire and have no further force and effect August 1, 2031.

§61-9-2. Policy.

2.1. All persons distributing agricultural, forest and shrub, flower, and vegetable seeds in the state of West Virginia, 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. 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. Germination Standards.

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

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

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.

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.

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 3, Germination Standard for Vegetable Seeds; and Appendix 5, Germination Standard for Flower Seed.

§61-9-4. Additional 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:

4.1. Seed Origin;

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.

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.";

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

4.3. The common name and scientific or genetic name;

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

4.5. Seed Germination:

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

4.5.2. As required by W. Va. Code, §19-16-2(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

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."

§61-9-5. Hybrid Seed Corn.

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 for interested persons.

9.2. The charges for 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 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 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 three classes – "Prohibited Noxious Weed Seeds", "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 Barberry (*Berberis thunbergii* DC.), 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*).

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*).

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, (*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 (d)(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 (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.

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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 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%.

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

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:

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

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%.

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

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Spinach	60	Tomato	75
Spinach, New Zealand	40	Tomato, Husk	50
Squash	75	Turnip	80
Thyme	50	Watermelon	70

APPENDIX NUMBER 4

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

Pinus albicaulis Engelm. - Whitebark Pine
Pinus aristata Engelm. - Bristlecone Pine
Pinus banksiana Lamb. - Jack Pine
Pinus canariensis C. Smith - Canary Pine
Pinus caribaea - Caribbean Pine
Pinus cembroides Zucc. - Mexican Pinyon Pine
Pinus clausa - Sand Pine
Pinus conorta Dougl. - Lodgepole Pine
Pinus contorta var. *latifolia* Engelm. - Lodgepole Pine
Pinus coulteri D. Don. - Coulter Pine, Bigcone Pine
Pinus densiflora Sieb. Zucc. - Japanese Red Pine
Pinus echinata Mill. - Shortleaf Pine
Pinus elliottii Engelm. - Slash Pine
Pinus flexilis James - Limber Pine
Pinus glabra Walt. - Spruce Pine
Pinus griffithii McClelland - Himalayan Pine
Pinus halepensis Mill. - Aleppo Pine
Pinus jeffreyi Grev. Balf. - Jeffrey Pine
Pinus khasya Royle - Khasia Pine
Pinus lambertiana Dougl. - Sugar Pine
Pinus heldreichii var. *leucodermis* (Ant.) Markgraf ex Fitch - 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

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

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

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

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
(6) Registration Late Fee Penalty	\$100.00
(7) Tonnage Late Fee Penalty	\$100.00
(8) Seed Conditioning Facility Inspection	\$100.00
(9) Seed Conditioner Permit	\$125.00

**APPENDIX NUMBER 7
Testing Fees**

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

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

Miscellaneous Tests

All States Noxious Weed Seed Examination	\$35
Seed Count	\$10
Moisture Content	\$10

Miscellaneous Charges

Washing of Coated, Pelleted, or Treated Seed	\$10
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