

FILED IN THE OFFICE

JAMES R. McCARTNEY
Secretary of State

THIS DATE JUN 4 1975



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON 25305

GUS R. DOUGLASS
COMMISSIONER

June 2, 1975

The Honorable James R. McCartney
Secretary of State
Capitol Building
Charleston, West Virginia 25305

Dear Secretary McCartney:

I am enclosing regulations designed to implement the West Virginia Agricultural Liming Materials Law as passed during the regular session of the 1975 West Virginia Legislature. These regulations were adopted June 2, 1975, and are to become effective on the first day of July, 1975.

With kindest regards, I am

Very truly yours,

A handwritten signature in cursive script, appearing to read "Gus R. Douglass".

Gus R. Douglass
Agriculture Commissioner

GRD/d
Enc.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE

Chapter 19-2
Series IX
1975

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Subject: West Virginia Seed Law Regulations (Article 16)

Section 1.00 GENERAL.

1.01 Scope. These regulations declare the seed of Dodder (*Cuscuta* spp.) to be a noxious seed, sets the size for working samples, establishes germination test dates, germination standards and tolerances, requires additional labeling for forest seeds, defines what corn may be sold as "Certified Hybrid", registration forms, defines sampler or display units and where fee stamps are to be displayed and reporting of pounds sold, provides laboratory service to farmers and dealers and sets fees, establishes methods for sampling, inspecting and analysis, relates to hold over seed, establishes a seed certification agency and sets requirements for treated seed.

1.02 Authority. Chapter 19, Article 16, Code of West Virginia, as amended February 21, 1975.

1.03 Effective Date. These regulations were adopted on the second day of June, 1975 and become effective on the first day of July, 1975.

1.04 Filing Date. These regulations were filed in the Office of the Secretary of State on the second day of June, 1975.

1.05 Certification. These regulations were certified authentic by the Secretary of State by certification number 33.

Section 2.00 INDEX.

- 1.00 General
- 2.00 Index
- 3.00 Authority
- 4.00 Weed Seeds and Size of Working Sample
- 5.00 Germination Test Dates, Germination Standards and Tolerances
- 6.00 Additional Forest Seed Labeling
- 7.00 Hybrid Seed Corn

- 8.00 Registration Forms
- 9.00 Sampler or Display Unit Defined
- 10.00 Display of Fee Stamps and Reporting Pounds Sold
- 11.00 Laboratory Service
- 12.00 Sampling, Inspection and Analysis
- 13.00 Hold Over Seed
- 14.00 Certification Agency
- 15.00 Treated Seeds
- 16.00 Supersedure and Effective Date

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Section 3.00 AUTHORITY.

3.01 By virtue of the authority vested in me as Commissioner of Agriculture, I, Gus R. Douglass, do hereby adopt and declare to be in effect on the first day of July, 1975, the following regulations and standards for the sale and distribution of Agricultural, Forest and Vegetable Seeds.

Section 4.00 WEED SEEDS AND SIZE OF WORKING SAMPLE.

4.01 Prohibited weed seeds. The seed of Dodder (*Cuscuta* spp.) is determined not to come under the definition for prohibited weeds and is hereby declared to be noxious rather than prohibited noxious and is to be dealt with accordingly.
(19-16-1-G)

4.02 The working sample for purity analysis and the determination of prohibited weeds shall be at least the weight set forth in the current publication of the Association of Official Seed Analysts as amended.

4.03 Tolerances. The tolerances for prohibited and noxious weed seeds and purity determinations shall be those as published in the current publication of the Association of Official Seed Analysts as amended.

4.04 When noxious weeds occur, the total amount present must be shown.

Section 5.00 GERMINATION STANDARDS AND TOLERANCES.

5.01 The following germination test dates shall apply to seeds packaged in containers as indicated:

(a) Seeds packed in regular containers: twelve (12) months excluding the month in which the test was completed.

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(b) Seeds packed in "hermetically" sealed containers: thirty-six (36) months excluding the month in which the test was completed.

(1) Seeds and containers classed as "hermetically" sealed must meet the requirements for packaging as defined in the Federal Seed Act.

5.02 The following germination standards as required by Section 6-a-1 are hereby established. The labels on all agricultural seeds germinating less than these standards must show, in addition to other required information, the words "germination below standard" in eight point bold face type.

5.03 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
Bentgrass, (hulled		Wheat	80
red top, creeping,		All other seeds not listed	
etc.)	75	above	50

5.04 For vegetable seeds (including hard seeds).

<u>Seed</u>	<u>Germination</u>	<u>Seed</u>	<u>Germination</u>
Artichoke	60	Lettuce	80
Asparagus	70	Muskmelon	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

<u>Seed</u>	<u>Germination</u>	<u>Seed</u>	<u>Germination</u>
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		

5.05 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

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

5.06 Germination tolerances for agricultural, forest and *vegetable seeds. The tolerances shown in Table I are applicable to the percentage of germination and also to the sum of germination plus the hard seeds or firm ungerminated seeds.

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Table I

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 herein set forth for vegetable seeds.

Section 6.00 ADDITIONAL FOREST SEED LABELING REQUIREMENTS.

In addition to the label requirements established by law, the following data shall be shown on the analysis tag and invoice:

6.01 Origin:

(1) For seed collected from an indigenous (natural) stand, the area of collection given by latitude and longitude or geographic description or political sub-division such as state or county.

(2) For seed collected from other than indigenous stand (plantation), the identity of the area of collection and the seed origin of the stand or state "origin not indigenous."

6.02 The upper and lower elevations within which seed was collected.

6.03 The common name and scientific or genetic name.

6.04 The year in which such collection was made.

6.05 Germination:

(1) Germination shall be shown in percentage and percentage of firm un-germinated seed; or

(2) When such seed is transported or delivered for transportation within the calendar year collected or within six (6) months following the calendar year of collection such seed may bear the statement "test in progress" if this be so; or

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(3) When such 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."

Section 7.00 HYBRID SEED CORN.

7.01 Only seed of field corn hybrids that have 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."

Section 8.00 CERTIFICATE OF REGISTRATION.

8.01 Application forms for certificate of registration must be secured from the West Virginia Department of Agriculture, Charleston, West Virginia, and will be furnished upon request.

Section 9.00 SAMPLER OR DISPLAY UNIT.

9.01 A sampler or display unit is interpreted to mean a display collection of garden or vegetable seeds commonly known as "packet seeds" originally packed in primary consumer containers of eight ounces or less by the person, firm or corporation who has registered to sell such seeds.

Section 10.00 DISPLAY OF FEE STAMPS AND REPORTING OF POUNDS OF SEED SOLD.

10.01 For sampler or display units, stamps shall be attached in a conspicuous place on the front of the display unit.

10.02 For seeds requiring a sworn statement of pounds sold, the total poundage of each kind sold shall be reported on a form supplied by the commissioner and the fee paid at the rate prescribed by law.

10.03 For seed potatoes: the number, variety and size of containers bought, offered or exposed for sale shall be reported by the person first entering such seed potatoes into West Virginia trade channels on forms provided by the commissioner. Such person first offering seed potatoes for sale within the State of

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West Virginia shall furnish to his customers an invoice bearing the statement "West Virginia Seed Fee Declared and Paid.", if this be so. Such statement may also be used by wholesale dealers on an arrears basis to accommodate their book-keeping systems, Provided, such arrears payments shall be not later than the fifteenth day of the following month for the previous month. Any person having in his custody any lot of seed potatoes and who is unable to produce such evidence of the seed fee having been paid shall be liable for payment of such fee.

Section 11.00 LABORATORY SERVICE TO FARMERS AND DEALERS.

11.01 As provided for in Section 6, (b), (4), facilities are available for making purity and germination tests for interested persons, and the months of July through December inclusive, are designated as the time when this service is available.

11.02 Charges for such tests shall be those in Table II as follows:

TABLE II

	CHARGE FOR GERMINATION TEST	CHARGE FOR PURITY TEST
All vegetables.....	\$2.25	\$ -
Bentgrasses, redtop, bluegrasses, brome grasses, orchard grass, tall oat grass, fescues, rye grasses and all other chaffy grasses.....	3.00	3.00
Alfalfa, clover, millets, rape, sudan grasses, soybeans, sorghums, timothy, vetches, all cereal grains, and all other seeds not listed.....	2.25	2.25
Mixtures: Lawn, Pasture, etc.....	2.25*	6.00
*Per each ingredient		
Noxious weed examination.....	3.50	-
Tree and shrub seeds.....	3.00	-
Flower seeds.....	2.25	-
Proportionate charges will be made for tests and other seed determinations not listed above.		

Section 12.00 SAMPLING, INSPECTING, ANALYZING AND TESTING AGRICULTURAL,
FOREST AND VEGETABLE SEEDS.

12.01 The methods of sampling, analyzing and testing agricultural, forest and vegetable seeds shall be those adopted by the Association of Official Seed

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Analysts and in general use in seed laboratories.

Section 13.00 HOLD OVER SEED.

13.01 Seeds bearing germination test dates older than those specified in Section 5.01, Sub-sections (a) and (b) must be retested and relabeled or removed from sale.

Section 14.00 ESTABLISHMENT OF CERTIFYING AGENCY.

14.01 As provided by law, the West Virginia Associated Crop Growers is hereby designated as the official certifying agency for the seeds grown in West Virginia.

Section 15.00 TREATED SEEDS.

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

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

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

15.04 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." The caution for mercurials and similarly toxic substances shall be a poison statement or symbol.

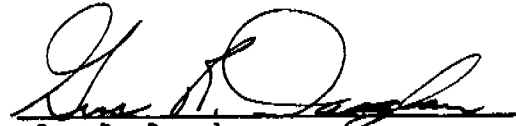
15.05 If the seed is treated with an inoculant, the date beyond which the inoculant is not to be considered effective (date of expiration).

Section 16.00 SUPERSEDURE AND EFFECTIVE DATE.

16.01 The foregoing regulations and standards supersede all orders, rules, regulations and standards heretofore issued and now in effect. The commissioner reserves the right to revoke, suspend, rescind or amend any rules, regulations or standards herein set forth.

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16.02 Done in the Office of the Commissioner of Agriculture, Capitol Building, Charleston, West Virginia, this the second day of June, 1975, to become effective the first day of July, 1975.



Gus R. Douglass
Agriculture Commissioner

WEST VIRGINIA LEGISLATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE
Chapter 19-15A

GENERAL INDEX
FOR
SERIES VIa

TITLE: West Virginia Agricultural Liming Materials Law Regulations

- Section 1. General
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- Section 4. Penalties Values For Neutralizing Qualities and Sieve Size Guarantees
- Section 5. Deficiencies and Tolerances
- Section 6. Minimum Calcium Carbonate Equivalents
- Section 7. Minimum Sieve Size Standards
- Section 8. Blends
- Section 9. Supersedure

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE June 2, 1975
ADMINISTRATIVE LAW DIVISION

File 61

WEST VIRGINIA LEGISLATIVE REGULATIONS *RULES*
STATE DEPARTMENT OF AGRICULTURE
Chapter 19-15A *C*
SERIES VI *6A*

TITLE: West Virginia Agricultural Liming Materials Law Regulations

Section 1. General

1.1 Scope - These regulations establish values for neutralizing qualities and fineness, define deficiencies and establish tolerances, set standards for neutralizing qualities and fineness and establish methods for assessing penalties. These are Legislative regulations.

1.2 Authority - Code of West Virginia, 19-15A.

1.3 Filing Date; June 2, 1975.

1.4 Effective Date; July 1, 1976.

Section 2. Index

- Section 1. General
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- Section 4. Penalty Values for Neutralizing Qualities and Sieve Size Guarantees
- Section 5. Deficiencies and Tolerances
- Section 6. Minimum Calcium Carbonate Equivalents
- Section 7. Minimum Sieve Size Standards
- Section 8. Blends
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Section ² ~~2~~. Administrative

3.1 By authority vested in the Commissioner of Agriculture by Chapter 19, Article 15A, Code of West Virginia, as amended and following public hearing of March 16, 1976, I, Gus R. Douglass, do hereby prescribe and adopt the following regulations relating to the distribution and sale of Agricultural Liming Materials in the State of West Virginia.

Section ³ ~~3~~. Penalties Values for Neutralizing Qualities and Sieve Size Guarantees

4.1 The values for neutralizing qualities and sieve size guarantees of Agricultural Liming Materials shall be based on the registrants established delivery price at the quarry or if an out-of-state registrant, his distribution point within this State.

4.2 Penalties shall be computed by multiplying the deficiency exceeding

the tolerance, by times three, times the delivery price, times the volume of the lot.

Section ~~5~~⁴. Deficiencies and Tolerances

5.1 For administrative purposes and to allow for possible bias in sampling and analysis, an Agricultural Liming Material shall be considered as deficient and subject to penalty when:

5.1.1 The calcium carbonate equivalent falls more than five (5) percent below its guarantee.

5.1.2 The amount of material which passes through any sieve is more than five (5) percent below the percentage guarantee for that sieve size.

Section ~~6~~⁵. Minimum Calcium Carbonate Equivalents

6.1 The minimum calcium carbonate equivalent standards shall be: for

6.1.1 Burnt Lime: Not less than 140%

6.1.2 Hydrated Lime: Not less than 110%

6.1.3 Marl: Not less than 85%

6.1.4 Limestone: Not less than 85%

6.1.5 Slag: Not less than 85%

6.1.6 Shells: Not less than 85%

Section ~~7~~⁶. Minimum Sieve Size Standards

7.1 The minimum sieve size standards for Agricultural Liming Materials shall be; for

7.1.1 Pulverized Limestone

7.1.1.1 100% passing a US Standard 20 Mesh Sieve

7.1.1.2 70% Passing a US Standard 100 Mesh Sieve

7.1.2 Ground Limestone

7.1.2.1 90% Passing a US Standard 20 Mesh Sieve

7.1.2.2 50% Passing a US Standard 50 Mesh Sieve

7.1.2.3 35% Passing a US Standard 100 Mesh Sieve

7.1.3 Coarse Ground Limestone or By-Product Lime

7.1.3.1 90% Passing a US Standard 10 Mesh Sieve

7.1.3.2 40% Passing a US Standard 50 Mesh Sieve

Section ⁷ 8. Blends

8.1 Blends of Agricultural Liming Materials will be permitted; however, percentage components of the materials used must be shown on the label in relative proximity to the guaranteed analysis.

8.2 The Commissioner may accept registration of locally produced materials having soil neutralizing capability to meet special local needs. Such materials shall be labeled to show its common name, calcium and magnesium oxide or carbonate, calcium carbonate equivalent and the actual sieve size specifications as referenced in Section ~~7.1.2~~. Such material shall also be prominently labeled, invoiced or identified as "SUB-STANDARD LIMING MATERIALS" next following the common name.

6.1.2.

Section ⁸ 9. Supersedure

9.1 The foregoing regulations supersede all previous regulations heretofore issued. The Commissioner reserves the right to rescind, suspend or amend any regulation, standard or value herein set forth.

Gus R. Douglass
Agriculture Commissioner