

Rule 68-8 Utah Seed Law

As in effect on January 1, 2005

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R68-8-1. Authority.

Promulgated under authority of Sections 4-2-2, 4-16-3 and 4-17-3.

R68-8-2. Noxious Weed Seeds and Weed Seed Restrictions.

It shall be unlawful for any person, firm, or corporation to sell, offer, or expose for sale or distribute in the State of Utah any agricultural, vegetable, flower, tree and shrub seeds, or seeds for sprouting for seeding purposes which:

A. Contain, either in part or in whole, any prohibited noxious weed seeds.

1. "Prohibited" noxious weed seeds are the seeds of any plant determined by Utah Commissioner of Agriculture and Food to be injurious to public health, crops,

livestock, land, or other property and which is especially troublesome and difficult to control.

2. Utah prohibited noxious weed seeds are as follows:

TABLE

Bermudagrass (Except in Washington County)	Cynodon dactylon (L.) Pers.
Bindweed (Wild Morning-glory)	Convolvulus spp.
Broad-leaved Peppergrass (Tall Whitetop)	Lepidium latifolium L.
Canada Thistle	Cirsium arvense (L.) Scop.
Diffuse Knapweed	Centaurea diffusa Lam.
Dyers Woad	Isatis Tinctoria L.
Perennial Sorghum spp.	including but not limited to Johnson Grass (Sorghum halepense (L.) Pers.) and Sorghum Alnum (Sorghum alnum, Parodi).
Leafy Spurge	Euphorbia esula L.
Medusahead	Taeniatherum caput-medusae (L.) Nevski)
Musk Thistle	Carduus nutans L.
Purple Loosestrife	Lythrum salicaria L.
Quackgrass	Agropyron repens (L.) Beauv.
Russian Knapweed	Centaurea repens L.
Scotch Thistle (Cotton Thistle)	Onopordum acanthium L.
Spotted Knapweed	Centaurea maculosa Lam.
Squarrose Knapweed	Centaurea squarrosa Roth.
Whitetop	Cardaria spp.
Yellow Starthistle	Centaurea solstitialis L.

B. Contain any restricted weed seeds in excess of allowable amounts:

1. The following weed seeds shall be allowed in all crop seed, but shall be restricted not to exceed a maximum of 27 such seeds per pound, either as a single species or in combination:

TABLE

Dodder	Cuscuta app.
Halogeton	Halogeton glomeratus (M. Bieb.)
Jointed goatgrass	Aegilops cylindrica (Host.)
Poverty Weed	Iva axillaris Pursh.
Wild Oats	Avena fatua L.

2. The following maximum percentage of weed seeds by weight shall be allowed:
 - a. Two percent (2.0%) of Cheat (*Bromus secalinus*), Chess (*Bromus brizaformis*), (*B. commutatus*), (*B. mollis*), Japanese Brome (*Bromus japonicus*) and Downy Brome (*Bromus tectorum*) either as a single species or in combination in grass seeds.
 - b. One percent (1.0%) of any weed seeds not listed in 2.a. above in grass, flower, tree and shrub seeds.
 - c. One half of one percent (0.50%) in all other kinds or types of seeds.

R68-8-3. Special Labeling Provisions.

A. Prepackaged containers must be labeled in accordance with requirements applying to the specific kind(s) of seed in said prepackaged container as provided by Section 4-16-4.

B. Seed weighed from bulk containers, including jars, cans, bins, etc., in the presence of the customer and sold in quantities of five pounds or less will be exempt from the full labeling provisions; provided, that the container from which the seed is taken is fully and properly labeled in accordance with the provisions of the law and regulations thereunder. Labels on such seed containers must be attached thereto and must be kept in a conspicuous place. The name and address of the supplier or vendor must be plainly printed on all lots of seed sold from bulk containers along with the required labeling and name of substance used in treatment, if any. If the seed was treated, the appropriate treatment labeling must be on both the master container from which the seed is weighed and on each receiving container. The vendor must also mark on any receiving container, when requested by the purchaser, any additional labeling information required by the laws and regulations thereunder.

C. If responsibility is accepted therefore, it shall be permissible under the law for the local merchant or distributor of seed in this State to adopt and use the analysis furnished by the original seller to remain attached to the proper container of such seed for a period not to exceed nine calendar months for vegetable, flower, tree, and shrub seeds and eighteen calendar months for agricultural seeds or in the case of hermetically sealed seed, thirty-six calendar months, after which time said local dealer or distributor must retest or have retested any remaining seed in his possession, remove the original analysis label and attach a new analysis label or place an appropriately printed permanently adhering sticker on the original label bearing the lot number, percent of germination and date of test.

D. Any vegetable or flower seeds in packets or containers of one pound or less and replanted containers offered, exposed for sale, or distributed in the State of Utah, must be labeled with the date of test or the current calendar year for which the seed is packed.

R68-8-4. Treated Seed - Use of Highly Toxic, Moderately Toxic, and Low Toxicity Substances and Labeling of Containers.

Any agricultural, vegetable, flower, or tree and shrub seed or mixture thereof that has been treated, shall be labeled in type no smaller than eight point to indicate that such seed has been treated and to show the name of any substance or a description of any process (other than application of a substance) used to treat such seed. The label shall contain the required information in any form that is clearly legible and complies with Section 4-16-5, Federal Laws which apply, and the following paragraphs of this regulation which are subsequently applicable. The information may be on the seed analysis tag, on a separate tag, or printed on each container in a conspicuous manner.

A. Names of Substances.

1. The required name of the substance used in treatment shall be the commonly accepted coined, chemical (generic), or abbreviated chemical name. Commonly accepted coined names are not private trademarks and are available for use by the public and are commonly recognized as names of particular substances.

2. Examples of commonly accepted chemical (generic) names are: blue-stone, calcium carbonate, cuprous oxide, zinc hydroxide, hexachlorobenzene and ethyl mercury acetate. The terms "mercury" or "mercurial" may be used to represent all types of mercurial compounds. Examples of commonly accepted abbreviated chemical names are BHC (1,2,3,4,5,6, Hexachloroclohexane) and DDT (Dichloro diphenyl trichloroethane).

B. Treatment Coloring.

Any substance which is toxic in nature used in the treatment of seed shall be distinctly colored so as to be readily discernible.

C. Labeling.

Containers of treated seed shall, in addition to the name of the treatment substance used be labeled in accordance with Subsection R68-8-4(C), and shall bear appropriate signal words and warning statements required according to the relative toxicity of the chemical(s) applied. In addition, all seed treated with a chemical seed treatment shall bear the statement, "Keep out of Reach of Children."

1. Labeling Seed Treated with Highly Toxic Substances.

a. Seed treated with a chemical substance, designated by the Environmental Protection Agency or the Commissioner as a highly toxic substance, shall be labeled to conspicuously show the words, "TREATED SEED," together with the name of the substance. Example: "THIS SEED TREATED WITH (name of substance)," or "(name of substance) TREATED". The labeling shall also bear in red coloring the signal words, "DANGER-POISON," and a representation of a skull and crossbones at least twice the size of the type used for the name of the substance. The label shall also include in red letters additional precautionary statements stating hazards to humans and other vertebrate animals, special steps or procedures which should be taken to avoid poisoning, and wording to inform physicians of proper treatment for poisoning.

b. All bags, sacks, or other containers of seed which have been or are being used to contain seeds treated with "highly toxic" substances, shall be identified with the words "DANGER POISON," and a representation of a skull and crossbones. The printing shall be directly printed or impregnated on or into the containers, or applied by other means approved by the department, as to be permanent. Any such container in which seed treated with highly toxic substances has been contained, except for future similar use for seed, shall not again be used to contain any food, feed, or agricultural products, without the prior written approval of the department.

2. Labeling Seed Treated with Moderately Toxic Substances.

Seed treated with a chemical substance designated as moderately toxic, shall be labeled with the words, "TREATED SEED," together with the name of the substance. Examples: "THIS SEED TREATED WITH (name of substance)" or "(name of substance) TREATED." The label shall also bear the signal word, "WARNING". Additional precautionary statements describing hazards to humans and other vertebrate animals, and special handling procedures to avoid poisoning shall also appear in the labeling.

3. Labeling Seed Treated with Low Toxicity Substances.

Seed treated with a chemical designated as low toxicity, or comparatively free from danger shall be labeled with the words, "TREATED SEED" together with the name of the substance. Example: "THIS SEED IS TREATED (name of substance)", or "(name of substance) TREATED." The label shall also bear the signal word, "CAUTION". Additional precautionary statements describing hazards to humans and other vertebrate animals, and special handling procedures to avoid poisoning shall also appear in the labeling.

4. Effective Warning.

Any words or terms used on the label which tend to reduce the effectiveness of the warning statements required by section 4-16-5 and this regulation are construed to be misleading.

5. Bulk Seed.

In the case of seed in bulk, the information required on the labels of packaged seed shall appear on the invoice or other records accompanying and pertaining to such seed.

D. Treatment by Custom Applicators.

The provisions of this regulation shall apply to seed which has been treated by custom applicators, or in a custom manner, even though the transfer of ownership is not intended on said seed.

E. Changes in Federal Law.

The kinds of chemicals declared highly toxic, moderately toxic, or low toxicity and their approved uses on seed must of necessity be in conformity with applicable

federal laws and regulations. If at any time the federal government prohibits the use of such substances on seed or makes other changes affecting seed then the provisions of this regulation are considered to be modified to the extent necessary to conform to such federal laws and regulations.

R68-8-5. Inoculated Seed.

The term "inoculant" means a commercial preparation containing nitrogen-fixing bacteria applied to seed. Seed claimed to be inoculated shall be labeled to show the month and year beyond which the inoculant on the seed is no longer claimed to be effective.

R68-8-6. Weight or Seed Count Requirements.

Net weight on all containers is required except that preplanted containers, mats, tapes, or other planting devices shall state the minimum number of seeds in the container. All weight labeling shall be consistent with the requirements of the Weights and Measures Law and rules. Under appropriate circumstances when a seed tag is used, the weight information may appear on the seed tag rather than on the seed bag. The term "weight" shall be understood and construed to mean the net weight of the commodity.

R68-8-7. Labeling of Agricultural Seed Varieties.

A. The following kinds of agricultural seeds shall be labeled to show the variety name or the words, "Variety Not Stated."

Alfalfa

Bahiagrass

Beans, field

Beets, field

Brome, smooth

Broomcorn

Clover, crimson

Clover, red

Clover, white

Corn, field

Corn, pop

Cotton
Cowpea
Crambe
Fescue, tall
Flax
Lespedeza, striate
Millet, foxtail
Millet, pearl
Oat
Pea, field
Peanut
Rice
Rye
Safflower
Sorghum
Sorghum-Sudangrass
Sudangrass hybrid
Soybean
Sudangrass
Sunflower
Tobacco
Trefoil, birdsfoot

B. The following kinds of agriculture seeds shall be labeled to show the variety name:

Barley
Triticale

Wheat, Common

Wheat, durum

C. When two or more varieties are present in excess of five percent and are named on the label, the name of each variety shall be accompanied by the percentage of each.

R68-8-8. Labeling of Lawn Seed Mixtures.

A. Format. When labeling lawn and turf seed mixtures as provided by Section 4-16-4, the following format shall be used:

TABLE

Grass Seed Mixture
Lot 77-7

PURE SEED	GERMINATION
42.20% Kentucky Bluegrass	80%
28.37% Annual Ryegrass	85%
11.90% Creeping Red Fescue	85%
5.43% White Dutch Clover	75%
HARD SEED	10%
.50% Weed Seed Tested: July 1979	
1.60% Other crop seed	
10.00% Inert matter	

Noxious weed seed-none
John Doe Seed Company, Inc.
1977 Bell Street, Salt Lake City, Utah 84000
Net Weight: 5 pounds

B. Agricultural seed other than seed required to be named on the label shall be designated as "other crop seed" or "crop seed." If a mixture contains no crop seed, the statement "contains no other crop seed," may be used.

C. The headings "pure seed" and "germination" or "germ," shall be used in the proper place.

D. The word "mixed" or "mixture" shall be stated with the name of the mixture.

R68-8-9. Vegetable Seeds and Minimum Germination Standards.

A. Vegetable seeds are the seeds of the following, and the minimum germination standards are as indicated:

TABLE

KIND	MINIMUM
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	PERCENT GERMINATION STANDARD
Artichoke-- <i>Cynara scolymus</i>	60
Asparagus-- <i>Asparagus officinalis</i>	70*
Bean, garden-- <i>Phaseolus vulgaris</i>	70*
Bean, asparagus-- <i>Vigna sequipedalis</i>	75*
Bean, lima-- <i>Phaseolus lunatus</i> var. <i>macrocarpus</i>	70*
Bean, runner-- <i>Phaseolus coccineus</i>	75
Beet-- <i>Beta vulgaris</i>	65
Broadbean-- <i>Vicia fava</i>	75
Broccoli-- <i>Brassica oleracea</i> var. <i>botrytis</i>	75
Brussels sprouts-- <i>Brassica oleracea</i> var. <i>gemmifera</i>	70
Burdock, great-- <i>Arctium lappa</i>	60
Cabbage-- <i>Brassica oleracea</i> var. <i>capitata</i>	75
Cabbage, Chinese-- <i>Brassica Pekinensis</i>	75
Cabbage, tronchuda-- <i>Brassica oleracea</i> var. <i>tronchuda</i>	75
Cantalope (see Muskmelon)	
Cardoon-- <i>Cynara cardunculus</i>	60
Carrot-- <i>Daucus carota</i>	55
Cauliflower-- <i>Brassica oleracea</i> var. <i>botrytis</i>	75
Celery and celeriac-- <i>Apium graveolens</i> var. <i>dulce</i> and <i>repaceum</i>	55
Chard, Swiss-- <i>Beta vulgaris</i> var. <i>cicla</i>	65
Chicory-- <i>Cichorium intybus</i>	65
Chives-- <i>Allium schoenoprasum</i>	50
Citron-- <i>Citrullus lanatus</i> var. <i>citroides</i>	65
Collards-- <i>Brassica oleracea</i> var. <i>acephala</i>	80
Corn, Sweet-- <i>Zea mays</i>	75
Cornsalad (Fetticus-- <i>Valerianella locusta</i>)	70
Cowpea-- <i>Vigna sinensis</i>	75
Cress, garden-- <i>lepidium sativum</i>	75
Cress, Upland-- <i>Barbarea verna</i>	60
Cress, Water-- <i>Rorippa nasturtium-acquaticum</i>	40
Cucumber-- <i>Cucumis sativus</i>	80
Dandelion-- <i>Taraxacum officinalis</i>	60
Eggplant-- <i>Solanum melongena</i>	60
Endive-- <i>Cichorium endivia</i>	70
Herbs--(all kinds and varieties not listed)	50
Kale-- <i>Brassica</i> spp.	75
Kohlrabi-- <i>Brassica oleracea</i> var. <i>gongylodes</i>	75
Leek-- <i>Allium porrum</i>	60
Lettuce-- <i>Lactuca sativa</i>	80
Muskmelon (Cantalope)-- <i>Cucumis melo</i>	75
Mustard, India-- <i>Brassica juncea</i>	75
Mustard, spinach-- <i>Brassica perviridis</i>	75
Okra-- <i>Hibiscus esculentus</i>	50
Onion-- <i>Allium cepa</i>	70
Onion, Welsh-- <i>Allium fistulosum</i>	70
Pak-choi-- <i>Brassica chinensis</i>	75
Parsley-- <i>Petroselinum crispum</i>	60
Parsnip-- <i>Pastinaca sativa</i>	60

Pea, garden-- <i>Pisum sativum</i>	80*
Pepper-- <i>Capsicum</i> spp.	55
Pumpkin-- <i>Cucurbita pepo</i>	75
Radish-- <i>Raphanus sativus</i>	75
Rhubard-- <i>Rheum rhaponticum</i>	60
Rutabaga-- <i>Brassica napus</i> var. <i>napobrassica</i>	75
Salsify-- <i>Tragapogon porrifolius</i>	75
Sorrel-- <i>Rumex</i> spp	65
Soybean-- <i>Glycine max.</i> L.	75
Spinach-- <i>Spinacia oleracea</i>	60
Spinach, New Zealand-- <i>Tetragonia expansa</i>	40
Squash-- <i>Cucurbita pepo</i>	75
Tomato-- <i>Lycopersicon esculentum</i>	75
Tomato, husk-- <i>Physalis</i> spp	50
Turnip-- <i>Brassica rapa</i>	80
Watermelon-- <i>Citrullus vulgaris</i>	70

*Including hard seeds

R68-8-10. Flower Seeds and Minimum Germination Standards.

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 4-16-4. The percentage listed opposite each kind is the germination standard for that kind. For the kinds marked with an asterisk, this percentage is the total percentage of germination and percentage of hard seed.

TABLE

KIND	MINIMUM GERMINATION STANDARDS
Archillea (The Pearl)-- <i>Achillea ptarmica</i>	50
African daisy-- <i>Dimorphotheca aurantiaca</i>	55
African Violet-- <i>Saintpaulia</i> SPP	30
Ageratum-- <i>Ageratum mexicanum</i>	60
Agrostemma (rose campion)-- <i>Agrostemma coronaria</i>	65
Alyssum-- <i>Alyssum compactum</i> , <i>A. maritimum</i> , <i>A. procumbens</i> , <i>A. saxatile</i>	60
Amaranthus-- <i>Amaranthus</i> spp.	65
Anagalis (pimpernel)-- <i>Anagalis arvensis</i> , <i>Anagalis coerulea</i> , <i>Anagalis grandiflora</i>	60
Anemone-- <i>Anemone coronaria</i> , <i>A. pulsatilla</i>	55
Angel's trumpet-- <i>Datura arborea</i>	60
Arabis-- <i>Arabis alpina</i>	60
Arctotis (African lilac daisy)-- <i>Arctotis grandis</i>	45
Armeria-- <i>Armeria formosa</i>	55
Asparagus, fern-- <i>Asparagus plumosus</i>	50
Asparagus, sprenger-- <i>Asparagus sprengeri</i>	55

Aster, China--Callistephus chinensis, except Pompom, Powderpuff and Princess types	55
Aster, China--Callistephus chinensis, Pompom, Powderpuff and Princess types.	50
Aubrietia--Aubrietia deltoides	45
Baby Smilax--Asparagus asparagoides	25
Balsam--Impatiens balsamina	70
Begonia--(Begonia fibrous rooted)	60
Begonia--(Begonia tuberous rooted)	50
Bells of Ireland--Molucella laevis	60
Brachycome (swan river daisy)-- Brachycome iberidifolia	60
Browallia--Browallia elata and B speciosa	65
Buphthalmum (willowleaf oxeye)-- Buphthalmum salicifolium	60
Calceolaria--Calceolaria spp	60
Calendula--Calendula officinalis	65
California Poppy--Eschscholtzia california	60
Calliopsis--Coreopsis bicolor, C. drummondi, C. elegans	65
Campanula:	60
Cantebury bells--Campanula medium	60
Cup and Saucer bellflower--Campanula calycanthema	60
Carpathian bellflower--Campanula carpatica	50
Peach bellflower--Campanula persicifolia	50
Candytuft, annual--Iberis amara, I. umbellata	65
Candytuft, perennial--Iberis gibraltarica I. sempervirens	55
Caster bean--Richinus communis	60
Cathedral bells--Cobaea scandens	65
Celosis--Celosia argentea	65
Centaurea: Basketflower--Centaurea americana, Cornflower-C. cyanus, Dusty Miller--C. candidissima, Royal centaurea C. imperialis, Sweet Sultan--C. moschata, Velvet centaurea C. gymnocarpa	60
Cerastium (snow in summer)--Cerastium biebersteini and C. tomentosum	65
Chinese forget-me-not--Cynoglossum amabile	55
Chrysanthemum, annual--Chrysanthemum carinatum, C. coronarium, C. segetum	40
Cineraria--Senecio cruentus	60
Clarkia--Clarkia elegans	65
Cleome--Cleome gigantea	65
Coleus--Coleus blumei	65
Columbine--Aquilegia spp	50
Coral Bells--Heuchera sanguinea	55
Coreopsis, perennial--Coreopsis lanceolata	40

Corn, Ornamental-- <i>Zea Mays</i>	75
Cosmos: Sensation, Mammoth and Crested type-- <i>Cosmos bipinnatus</i> ; Klondyke type-- <i>C. sulphureus</i>	65
Crossandra-- <i>Crossandra infundibuliformis</i>	50
Dahlia-- <i>Dahlia</i> spp	55
Daylily-- <i>Hemerocallis</i> spp.	45
Delphinium, perennial; Belladonna and <i>Bellamosum</i> types: Cardinal larkspur-- <i>Delphinium cardinale</i> ; Chinesis types; Pacific Giant, Gold Medal and other hybrids of <i>D. elatum</i>	55
Dianthus:	
Carnation-- <i>Dianthus caryophyllus</i>	60
China pinks-- <i>Dianthus chinensis</i> , Heddewigi, Heddensis	70
Grass pinks-- <i>Dianthus plumarius</i>	60
Maiden pinks-- <i>Dianthus deltoides</i>	60
Sweet William-- <i>Dianthus barbatus</i>	70
Sweet Wivelsfield-- <i>Dianthus allwoodi</i>	60
Didiscus (blue lace flower)-- <i>Didiscus</i> <i>coerulea</i>	65
Doronicum (leopard's bane)-- <i>Doronicum</i> <i>caucasicum</i>	60
Dracena-- <i>Cracena indivisa</i>	55
Dragon Tree-- <i>Dracaena Draco</i>	40
English daisy-- <i>Bellis perennis</i>	55
Flax, Golden-- <i>Linum flavum</i> , Flowering flax <i>L. grandiflorum</i> , perennial flax <i>L. perenne</i>	60
Flowering Maple-- <i>Abutilon</i> spp.	35
Foxglove-- <i>Digitalis</i> spp	60
Gaillardia, annual-- <i>Gaillardia</i> <i>pulchella</i> , <i>G. picta</i> ; perennial <i>G.</i> <i>grandiflora</i>	45
Gerbera (transvaal daisy)-- <i>Gerbera</i> <i>jamesoni</i>	60
Geum-- <i>Geum</i> spp	65
Gilia-- <i>Gilia</i> spp	65
Gloriosa daisy (rudbeckia) <i>Echinacea</i> <i>purpurea</i> and <i>Rudbeckia hirta</i>	60
Gloxinia-- <i>Sinningia speciosa</i>	40
Godetia-- <i>Godetia amonea</i> , <i>G. grandiflora</i>	65
Gourds: Yellow flowered-- <i>Cucurbita</i> <i>pepo</i> ; White flowered <i>Lagenaria</i> <i>sisceraria</i> ; Dishcloth- <i>Luffa cylindrica</i>	70
Gypsophila, annual Baby's breath-- <i>Gypsophila elegans</i> ; perennial Baby's breath- <i>G. paniculata</i> , <i>G. pacifica</i> , <i>G. repens</i>	70
Helenium-- <i>Helenium autumnale</i>	40
Helichrysum-- <i>Helichrysum monstrosum</i>	60
Heliopsis-- <i>Heliopsis scabra</i>	55
Heliotrope-- <i>Heliotropium</i> spp	35
Helipeterum (<i>Acroclinum</i>)-- <i>Helipeterum</i> <i>roseum</i>	60
Hesperis (sweet rocket)-- <i>Hesperis</i>	65

matronalis	
Hollyhock-- <i>Althea rosea</i>	65*
Hunnemannia (Mexican tulip poppy)-- Hunnemannia fumariaefolia	60
Hyacinth bean-- <i>Dolichos loblab</i>	70*
Impatiens-- <i>Impatiens holstii</i> , <i>I. sultani</i>	55
Ipomea: Cypress vine-- <i>Ipomea</i> quamoclit; Moonflower-- <i>I. noctiflora</i> ; Morning glories, Cardinal climber, Hearts and Honey vine-- <i>Ipomea</i> spp	75*
Jerusalem cross (Maltese cross)-- <i>Lychnis chalconica</i>	70
Job's tears-- <i>Cix lacryma-jobi</i>	70
Kochia (Mexican fire bush)-- <i>Kochia</i> childsii	55
Larkspur, annual-- <i>Delphinium ajacia</i>	60
Lantana-- <i>Lantana camara</i> , <i>L. hybrida</i>	35
Lilium (regal lily)-- <i>Lilium regale</i>	50
Linaria-- <i>Linaria</i> spp	65
Lobelia-- <i>Lobelia erinus</i>	65
Lunaria, honesty-- <i>Lunaria annua</i>	65
Lupine-- <i>Lupinus</i> spp	65*
Marigold-- <i>Tagetes</i> spp	65
Marvel of Peru (Four-O'clock)-- <i>Mirabilis jalapa</i>	60
Matricaria (feverfew)-- <i>Matricaria</i> spp	60
Mignonette-- <i>Reseda odorata</i>	55
Myosotis-- <i>Myosotis alpestris</i> , <i>M. oblongata</i> , <i>M. pulastris</i>	50
Nasturtium-- <i>Tropeaolum</i> spp	60
Nemesia-- <i>Nemesia</i> spp	65
Nemophila-- <i>Nemophila insignis</i>	70
Nemophila, spotted-- <i>Nemophila maculata</i>	60
Nicotiana-- <i>Nicotiana affinis</i> , <i>N.</i> <i>sanderae</i> , <i>N. sylvestris</i>	65
Nierembergia-- <i>Nierembergia</i> spp	55
Nigella-- <i>Nigella damascena</i>	55
Pansy-- <i>Viola tricolor</i>	60
Penstemon-- <i>Penstemon barbatus</i> , <i>P.</i> <i>grandiflorus</i> , <i>P. laevigatus</i> , <i>P.</i> <i>pupescens</i>	60
Petunia-- <i>Petunia</i> spp	45
Phacelia-- <i>Phacelia campanularia</i> , <i>P.</i> <i>minor</i> , <i>P. tanacetifolia</i>	65
Phlox, annual-- <i>Phlox drummondii</i> all types and varieties	55
Physalis-- <i>Physalis</i> spp	60
Plantycodon (balloon flower)-- <i>Plantycodon grandiflorum</i>	60
Plumbago, cape-- <i>Plumbago capensis</i>	50
Ponytail-- <i>Beaucarnea recurvata</i>	40
Poppy: Shirley poppy-- <i>Papaver rhoeas</i> , Iceland poppy <i>P. nudicaule</i> , Oriental poppy-- <i>P. orientale</i> , Tulip poppy <i>P.</i> <i>glaucum</i>	60
Portulaca-- <i>Portulaca grandiflora</i>	65
Primula (primrose)-- <i>Primula</i> spp	50

Pyrethrum (painted daisy)--Pyrethrum coccineum	60
Salpiglossis--Salpigloss's gloxinaeflora, S. sinuata	60
Salvia--Scarlet Sage--Salvia splendens, Mealycup Sage (blue bedder)--Salvia farinacea	50
Saponaria--Saponaria ocymoides, S. vaccaria	60
Scabiosa, annual--Scabiosa atropurpurea	50
Scabiosa, perennial--Scabiosa caucasica	40
Scizanthus--Schizanthus spp	60
Sensitive plant (mimosa)--Mimosa pudica	65*
Shasta Daisy-Chrysanthemum maximum, C. leucanthemum	65
Silk Oak--Grevillea Robusta	25
Snapdragon--Antirrhinum spp	55
Solanum--Solanum spp	60
Statice--Statice sinuata S. suworowii (flower heads)	50
Stocks: Common--Matthiola incana, Evening Scented--Matthiola bicornis	65
Sunflower--Helianthus spp	65
Sunrose--Helianthemum spp	30
Sweet pea, annual and perennial other than dwarf bush-Lathyrus odoratus, L. latifolius	75*
Sweet pea, dwarf bush--Lathyrus odoratus	65*
Tahoka daisy--Machacantha tanacetifolia	60
Thunbergia--Thunbergia alata	60
Torch flower--Tithonia speciosa	70
Torenia (wishbone flower)--Torenia fournieri	70
Tritoma--Kniphofia spp	65
Verbena, annual--Verbena hybrida	35
Vinca (periwinkle)--Vinca rosea	60
Viola--Viola carnuta	55
Virginian stocks--Malcolmia maritima	65
Wallflower--Cheiranthus allioni, C. cheiri	65
Yucca (Adamsneedle)--Yucca filamentosa	50
Zinnia (except linearis and creeping)-- Zinnia augustifolia, Z. elegans, Z. grandiflora, Z. gracillima, Z. haageana, Z. multiflora, Z. pumila	65
Zinnia, linearis and creeping-- Zinnia linearis, Sanvitalia procumbens	50
All other kinds	50

* Including hard seeds

R68-8-11. Labeling of Flower Seeds.

Flower seeds shall be labeled with the name of the kind and variety or a statement of type and performance characteristics as prescribed by Section 4-16-4.

A. Seeds of Plants Grown Primarily for Their Blooms.

1. Single Name. Seeds of a single name variety shall be labeled to show the kind and variety name. For example: "Marigold, Butterball."

2. Single Type and Color. Seeds of a single type and color for which there is no special variety name shall be labeled to show either the type of plant or the type of color of bloom. For example: "Scabiosa, Tall, Large Flowered, Double, Pink."

3. Assortment of Colors. Seeds consisting of an assortment of mixture of colors or varieties of a single kind shall be labeled to show the kind name, the type of plant, and the types of bloom. 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."

4. Assortment of Kinds. Seeds consisting of an assortment of mixture of kinds shall be labeled to clearly indicate that the seed is assorted or mixed and the specific use of the assortment of mixture shall be indicated. For example: "Cut Flower Mixture," or "Rock Garden Mixture." Such statements as "Wild Flower Mixture," "General Purpose Mixture," "Wonder Mixture," or any other statement which fails to indicate the specific use of the seed shall not meet the requirements of this provision unless the specific use of the mixture is also stated.

B. Seeds of Plants Grown for Ornamental Purposes Other Than Their Blooms. Seeds of plants grown for ornamental purposes other than their blooms shall be labeled to show the kind and variety, or the kind together with a descriptive statement concerning the ornamental part of the plant. For example: "Ornamental Gourds, Small Fruited, Mixed."

R68-8-12. Application of Germination Standards to Mixtures of Kinds of Flower Seeds.

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

R68-8-13. Tree and Shrub Seed Labeling.

The information in the following example shall be used for all tree and shrub seeds for which standard testing procedures are prescribed.

TABLE

Common Name:	Lot#:
Genus:	Species:
Origin: State: County:	Elevation:
Date Collected or Tested: Month:	Year:
Pure Seed: % Weed Seed: %	Inert Matter:
Other crop seed: % Germination: %	Hard Seed:
Net Weight:	
Name:	
Address:	

If the kind of seed to be labeled is not one for which standard testing procedures are prescribed, the information on germination and hard seeds may be omitted from the example shown above.

R68-8-14. Hermetically Sealed Seed Containers.

The 36-month provision on the date of test in Section 4-16-5 will apply to hermetically sealed agricultural and vegetable seed when the following conditions have been met:

- A. The seed was packaged within nine months after harvest.
- B. 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 degrees F. with a relative humidity on one side of 90 percent and on the other side 0 percent. Water vapor penetration (WVP) is measured by the standards adopted by the U. S. Bureau of Standards as: $WVP = \frac{\text{gm H}_2\text{O}}{24 \text{ hr.}/100 \text{ sq. in.}/100 \text{ degrees F.}/90\% \text{ RHV. } 0\% \text{ RH}}$
- C. The seed in the container does not exceed the percentage of moisture, on a wet weight basis, as listed below:

TABLE

1. AGRICULTURAL SEEDS	PERCENT
Beet, field	7.5
Beet, sugar	7.5
Bluegrass, Kentucky	6.0
Clover, Crimson	8.0
Fescue, Red	8.0
Ryegrass perennial	8.0
All other agricultural seed	6.0
Mixtures of above	8.0
2. VEGETABLE SEEDS	PERCENT
Bean, garden	7.0
Bean, lima	7.0
Beet	7.5
Broccoli	5.0
Brussel sprouts	5.0
Cabbage	5.0
Carrots	7.0
Cauliflower	5.0
Celeriac	7.0
Celery	7.0
Chard, Swiss	7.5
Chinese cabbage	5.0
Chives	6.5
Collards	5.0

Corn, sweet	8.0
Cucumber	6.0
Eggplant	6.0
Kale	5.0
Kohlrabi	5.0
Leek	6.5
Lettuce	5.5
Muskmelon	6.0
Mustard, India	5.0
Onion	6.5
Onion, Welsh	6.5
Parsley	6.0
Parsnip	6.0
Pea	7.0
Pepper	4.5
Pumpkin	6.0
Radish	5.0
Rutabaga	5.0
Spinach	8.0
Squash	6.0
Tomato	5.5
Turnip	5.0
Watermelon	6.5
All other vegetable seed	6.0

D. The container is conspicuously labeled in not less than eight point type to indicate:

1. That the container is hermetically sealed.
2. That the seed has been preconditioned as to moisture content, and
3. The calendar month and year in which the germination test was completed.

E. The percentage of germination of the vegetable seed at the time of packaging was equal to or above the standards specified in Section R68-8-9.

R68-8-15. Rules for Seed Testing.

Rules for testing seeds shall be the same as those found in the current "Rules For Testing Seeds" recommended by the Association of Official Seed Analysts. For seeds not listed in the "Rules for Testing Seed," procedures for testing shall be determined by the State Seed Analyst based upon the most authoritative seed testing information available. For seed not listed in the "Rules for Testing Seeds," procedures for testing shall be determined by the State Seed Analyst based upon the most authoritative seed testing information available. Utah Department of Agriculture and Food has a copy of the "Rules for Testing Seeds", on file in the Seed Laboratory.

R68-8-16. Labeling of Chemical Tests for Viability (Tetrazolium).

The results of tetrazolium tests performed in accordance with the current "Rules For Testing Seeds" of the Association of Official Seed Analysts shall be recognized for labeling purposes.

R68-8-17. Labeling of Seed Distributed to Wholesalers.

A wholesaler, whose predominant business is to supply seed to other distributors rather than to consumers, shall label seed as follows:

A. Containers. If the seed is in containers, the information required in Section 4-16-4 need not be shown on each container provided, that:

1. The lot designation is shown on an attached label or by stenciling or printing on container.
2. The required information for labeling accompanies such shipment.

B. Bulk. In the case of seed in bulk, the information required in Section 4-16-4 shall appear in the invoice or other records accompanying and pertaining to such seed.

R68-8-18. Inspector's Duties.

It shall be the duty of the District Agricultural Inspectors, either in person or by deputy, to quarantine any lots of seed which contain weed seeds in violation of current regulations of the Department of Agriculture and Food. Such seed may be recleaned under the supervision of any official representative of the Utah State Department of Agriculture and Food, and if found to meet the requirements of the current regulations of the Department of Agriculture and Food with respect to weed seed content, the same may be released for distribution, otherwise, such seed will be destroyed. It shall be the duty of the District Agricultural Inspectors, either in person or by deputy, to quarantine any lots of seed which do not comply with the labeling provisions of Section 4-16-4, and Section R68-8. Such seeds shall remain quarantined and shall not be offered for sale until they are properly labeled to meet the above requirements.

R68-8-19. Sampling.

A. General Procedure

1. In order to secure a representative sample, equal portions shall be taken from evenly distributed parts of the quantity of seed or screenings to be sampled. Access shall be had to all parts of that quantity.
2. For free-flowing seed in bags or bulk, a probe or trier shall be used. For small free-flowing seed in bags, a probe or trier long enough to sample all portions of the bag shall be used.
3. Non-free-flowing seed, such as certain grass seed, uncleaned seed, or screenings which are difficult to sample with a probe or trier, shall be sampled by thrusting the hand into the bulk and withdrawing representative portions.

4. The portions shall be combined into a composite sample or samples.
5. As the seed or screening is sampled, each portion shall be examined and whenever there appears to be lack of uniformity, additional samples shall be taken to show such lack of uniformity as may exist.

B. Bulk. Bulk seeds or screenings shall be sampled by inserting a probe or thrusting the hand into the bulk, as circumstances require, to obtain a composite sample of at least as many cores or handfuls of seed or screenings as if the same quantity were in bags of an ordinary size. The cores or handfuls of seed which comprise the composite sample shall be taken from well distributed points throughout the bulk.

C. Bags.

1. In quantities of six bags or less, each bag shall be sampled.
2. In quantities of more than six bags, five bags plus at least 10% of the number of bags in the lot shall be sampled, rounding numbers with decimals to the nearest whole number. Regardless of the lot size, it is not necessary to sample more than thirty bags. Example:

TABLE

No. Bags in Lot	7	10	23	50	100	200	300	400
No. Bags to Sample	6	6	7	10	15	25	30	30

3. Samples shall be drawn from unopened bags except under circumstances where the identity of the seed has been preserved.

D. Small Containers. Seed in small containers shall be sampled by taking the entire unopened containers in sufficient number to supply a minimum size sample as required in Subsection R68-8-19(E). The contents of a single container or the combined contents of multiple containers of the same lot shall be considered representative of the entire lot of seed sampled.

E. Size of Samples. The following are minimum weights of samples of seed to be submitted for analysis, test, or examination:

1. Grass seed not otherwise mentioned, white or alsike clover, or seeds not larger than these - two ounces (approximately 55 grams).
2. Alfalfa, bromegrasses, crimson or red clover, flax, lespedezas, millet, rape, ryegrass or seeds of similar size - five ounces (approximately 150 grams).
3. Proso, sudangrass, or seeds of similar size - one pound. (Approximately 500 grams).
4. Cereals, sorghums, vetches or seeds of similar or larger size - two pounds (approximately 1000 grams).

5. Vegetable and flower seed - at least 400 seeds per sample.
6. Tree and shrub seed - at least 600 seeds per sample for germination purposes. If a purity or noxious-weed seed examination is required, the amount of sample shall be at least the size of that required for seeds of similar size in Subsections R68-8-19(E)(1), (2), (3), and (4).
7. Screenings - two quarts.

R68-8-20. Records.

The term "Complete Records," as it pertains to Section 4-16-11, shall be construed to mean information which relates to origin, germination, purity, variety, and treatment of each lot of seed transported or delivered for transportation within this State. Such information shall include seed samples and records of declaration, labels, purchases, sales, cleaning, bulking, handling, storage, analysis, tests, and examinations. The complete record kept by each person for each lot of seed consists of the information pertaining to his own transactions and the information received from others pertaining to their transactions with respect to each lot of seed.

R68-8-21. Advertising.

The name of a kind or kind and variety of seed and any descriptive terms pertaining thereto shall be correctly represented in any advertisement of seed.

A. Name of Kind or Kind and Variety. The representation of the name of a kind or kind and variety of seed in any advertisement subject to the act shall be confirmed to the name of the kind or kind and variety determined in accordance with Section 4-16-2 associated with words or terms that create a misleading impression as to the history or characteristics of the kind or kind and variety. Descriptive terms and firm names may be used in kind and variety names; provided, that the descriptive terms or firm names are a part of the kind or variety of seed; for example, Stringless Green Pod, Detroit Dark Red, Black Seed Simpson, and Henderson Bush Lima. Seed shall not be designated as hybrid seed in any advertisement subject to the act unless it comes within the definition of "Hybrid" in Section 4-16-2.

B. Characteristics of Kind or Variety. Terms descriptive as to color, shape, size, habit of growth, disease resistance, or other characteristics of the kind or variety, may be associated with the name of the kind or variety; provided, that it is done in a manner which clearly indicates the descriptive term is not part of the name of the kind or variety; for example, Oshkosh pepper (yellow) Copenhagen Market (round head) cabbage, and Kentucky Wonder pole bean.

C. Description of Quality and Origin. Terms descriptive of quality or origin and terms descriptive of the basis for representations made may be associated with the name of the kind or variety of seed; provided, that the terms are clearly identified as being other than part of the name of the kind or variety; for example: Blue Tag Gem Barley, Idaho Origin Alfalfa, and Grower's Affidavit of Variety Atlas Sorghum.

D. Description of Manner of Production or Processing. Terms descriptive of the manner or method of production or processing the seed may be associated with the name of the kind or variety of seed, providing such terms are not misleading.

E. Separation of Brand Names from Kind and Variety Names. Brand names and terms taken from trademarks may be associated with the name of the kind and variety or mixtures of kinds or blends of varieties of seed as an indication of source; provided, that the terms are clearly indicated as being other than part of the name of the kind and variety, mixture or blend. For example: Valley Brand Blend 15 Alfalfa, or River Brand Golden Cross Corn.

R68-8-22. Seed Screenings.

It shall be unlawful for any person, company, or corporation to sell, offer for sale, barter, give away, or otherwise dispose of any screenings containing more than 6 whole prohibited noxious weed seeds per pound and/or more than 27 whole restricted weed seeds per pound; except that screenings containing such seeds may be moved or sold to a mill or plant for processing in such a manner which will reduce the number of whole weed seeds to within the above stated tolerances. Each container or shipment of screenings shall be labeled with the words "Screenings for Processing - Not For Seeding or Feeding" and with the name and address of the consignor and consignee.

R68-8-23. Fees For Testing Services.

Charges for testing samples, representing seed sold or offered for sale in Utah, or other services performed by the state seed laboratory, shall be determined by the department pursuant to Subsection 4-2-2(2). A current listing of approved fees may be obtained upon request from Utah State Department of Agriculture and Food.

KEY

inspections

Date of Enactment or Last Substantive Amendment

May 30, 2000

Notice of Continuation

July 31, 2001

Authorizing, Implemented, or Interpreted Law

4-2-2; 4-16-3; 4-17-3