

R23-14

SECRETARY OF STATE

2023 FEB -7 AM 8:04

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AGENCY RECEIPT

NOTICE OF PROPOSED RULEMAKING

1. Agency name: Arizona Department of Agriculture

2. The Subchapters, if applicable; the Articles; the Parts, if applicable; and the Sections involved in the rulemaking, listed in alphabetical and numerical order:

Article, Part, or Section Affected (as applicable) Rulemaking Action

R3-4-203	Amend
Table 2	Amend
Table 3	Amend
Table 4	Amend
Table 5	Amend
Table 6	Amend
R3-4-401	Amend
R3-4-402	Amend
R3-4-403	Amend
R3-4-404	Amend
R3-4-406	Amend
R3-4-408	Amend

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AGENCY CERTIFICATE
NOTICE OF PROPOSED RULEMAKING

- 1. **Agency name:** Arizona Department of Agriculture
- 2. **Chapter heading:** Department of Agriculture – Plant Services Division
- 3. **Code citation for the Chapter:** Title 3 A.A.C. Chapter 4
- 4. **The Subchapters, if applicable; the Articles; the Parts, if applicable; and the Sections involved in the rulemaking, in numerical order:**

Article, Part, or Section Affected (as applicable) Rulemaking Action

(in numerical order)

- R3-4-203
- Table 2
- Table 3
- Table 4
- Table 5
- Table 6
- R3-4-401
- R3-4-402
- R3-4-403
- R3-4-404
- R3-4-406
- R3-4-408

- 5. **The rules contained in this package are true and correct as (choose one: proposed or made):**

6. Jeff Grant
Signature of Agency Chief Executive Officer in ink

2/6/23
Date signed

Jeff Grant
Printed or typed name of signer

Interim Director
Title of signer

- 7. **No changes have been made to these rules since the Governor’s Regulatory Review Council approved the rules.** Not Applicable

**Re: Another Rule Exemptions Request - Seed Rules**

FILED

1 message

Buchanan Davis <bdavis@az.gov>

Tue, May 10, 2022 at 3:57 PM

To: Jack Peterson <jpeterson@azda.gov>

Cc: Mark Killian <mkillian@azda.gov>, James Legg <jlegg@azda.gov>, Jeff Grant <jgrant@azda.gov>

Hello Jack,

I have had the opportunity to review, and as this rule aligns your agency with federal regulations you may proceed.

Thanks,

Buchanan Davis | Office of Arizona Governor Doug Ducey

Policy Advisor, Natural Resources

C. (928) 369-6926

O. (602) 542-1782

www.azgovernor.gov

On Tue, May 10, 2022 at 12:02 PM Jack Peterson <jpeterson@azda.gov> wrote:

Mr. Davis:

Just a quick ask to see if you have had an opportunity to review our request for rule revisions. Please let me know at your earliest convenience. Thank you.

Jack Peterson
Associate Director, EPSD
602-542-3575**Arizona Department of Agriculture**

Environmental and Plant Services Division

postal: 1802 W. Jackson St., #78, Phoenix AZ 85007

physical: 1688 W Adams St., Phoenix, AZ 85007

On Fri, Apr 22, 2022 at 9:10 AM Jack Peterson <jpeterson@azda.gov> wrote:

Mr Davis:

Attached is a request to proceed with seed rule making. Please let me know if you have any questions. Thank you for your consideration.

Jack Peterson

----- Forwarded message -----

From: **Mark Killian** <mkillian@azda.gov>

Date: Thu, Apr 21, 2022, 3:55 PM

Subject: Re: Another Rule Exemptions Request - Seed Rules

To: Jack Peterson <jpeterson@azda.gov>

Cc: Jeff Grant <jgrant@azda.gov>, Robert Smook <rsmook@azda.gov>, James Legg <jlegg@azda.gov>

Looks good to me. Here you go... Markk

On Thu, Apr 21, 2022 at 1:25 PM Jack Peterson <jpeterson@azda.gov> wrote:

Mark attached is another request to the Governor's office to revise rules - thanks to Jamie. If you will please review and sign if you approve. This brings us up to date with fed seed laws and makes us more consistent on the PS and ES side. If you will please send this on and keep me in the loop. If you have any concerns, please let me know. Thanks for your help Mark.

Jack Peterson
Associate Director, EPSD
602-542-3575

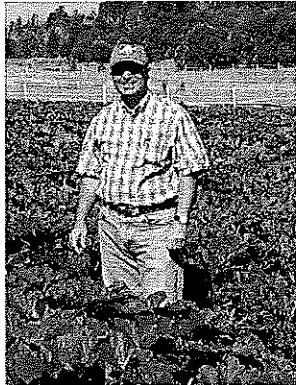
Arizona Department of Agriculture

Environmental and Plant Services Division

postal: 1802 W. Jackson St., #78, Phoenix AZ 85007

physical: 1688 W Adams St., Phoenix, AZ 85007

Mark W. Killian
Director Arizona Department of Agriculture
1688 West Adams Street
Phoenix, Az. 85007
602-542-5729/480-250-8410



R23-14

SECRETARY OF STATE

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NOTICE OF PROPOSED RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 4. DEPARTMENT OF AGRICULTURE – PLANT SERVICES DIVISION

FILED

PREAMBLE

1. Article, Part, or Section Affected (as applicable) Rulemaking Action

R3-4-203	Amend
Table 2	Amend
Table 3	Amend
Table 4	Amend
Table 5	Amend
Table 6	Amend
R3-4-401	Amend
R3-4-402	Amend
R3-4-403	Amend
R3-4-404	Amend
R3-4-406	Amend
R3-4-408	Amend

2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. §§ 3-107(A), 3-208(B)

Implementing statute: A.R.S. §§ 3-201.01 (A), 3-208(B), 3-232(A)(2)

3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:

Notice of Rulemaking Docket Opening: 28 A.A.R. 2494, September 23, 2022

4. The agency’s contact person who can answer questions about the rulemaking:

Name: Jamie Legg

Address: Arizona Department of Agriculture
Environmental & Plant Services Division
1802 W. Jackson Street, #78
Phoenix, AZ 85007

Telephone: (602) 542-0992

Fax: (602) 542-1004

E-mail: jlegg@azda.gov

5. An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

The Department is updating the rules to update provisions making the language more consistent with current Department practices and industry needs; for clarification, making the rules more easily understandable; to make technical corrections and clarify parts of the section; and to come up-to-date with federal requirements by mirroring federal regulations, while continuing to provide adequate safeguards to agriculture and horticulture from dangerous plant pests and diseases.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

Not applicable.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

8. The preliminary summary of the economic, small business, and consumer impact:

This rulemaking does not increase the cost of regulatory compliance, increase fees, or reduce the procedural rights of any regulated person; yet does amend the rules that are currently outdated, makes them more easily understandable and makes technical corrections, an improvement that could provide greater protection to the regulated community and consumers in Arizona.

9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Name: Jamie Legg
Address: Arizona Department of Agriculture
Environmental & Plant Services Division
1802 W. Jackson Street, #78
Phoenix, AZ 85007
Telephone: (602) 542-0992
Fax: (602) 542-1004
E-mail: jlegg@azda.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Wednesday, April 12, 2023, 1:00 P.M.
Arizona Department of Agriculture
1110 W. Washington Street, Sweet 450
Phoenix, AZ 85007

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

A.R.S. § 3-104(F) requires the Arizona Department of Agriculture Advisory Council assist the Director of the Department on all rulemaking activities. The council shall review, advise and make recommendations before they are adopted by the director. During the August 22, 2022 Advisory Council Meeting, council members approved the Department's recommendations to amend Title 3, Articles 2 and 4.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The proposed changes do not change the permitting or licensing requirement currently set forth in the amended rules.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Federal Law applies for R3-4-401 through R3-4-409 but are not more stringent.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

The Federal Seed Act of 1939, 53 Stat. 1275, 7 U.S.C. 1551-1611 in R3-4-401 Definitions defining "Federal Seed Act".

7 C.F.R Part 201 (47 FR 746, eff. January 7, 1992) 1611 in R3-4-401 Definitions defining "Federal Seed Act".

The Plant Variety Protection Act (P.L. 91-577: 84 Stat.1542; 7 U.S.C. Sections 2321 through 2582) in R3-4-402 Labeling.

R3-4-245 Noxious Weeds in R3-4-403 Noxious Weed Seeds.

7 C.F.R. Part 201.31 (As amended at 85 FR 40580, July 7, 2020) in R3-4-404 Germination Standards.

7 C.F.R. 201.39 through 201.65 (As amended at 85 FR 40580, July 7, 2020) in R3-4-407

13. The full text of the rules follows:

TITLE 3. AGRICULTURE

CHAPTER 4. DEPARTMENT OF AGRICULTURE – PLANT SERVICES DIVISION

ARTICLE 2. QUARANTINE

Section

R3-4-203 Plant and Crop Safeguards, Inspection, and Certification

Table 2. Actionable Arthropod Pests

Table 3. Actionable Nematode Pests

Table 4.	Class A Noxious Weeds
Table 5.	Class B Noxious Weeds
Table 6.	Class C Noxious Weeds

ARTICLE 4. SEEDS

Section

R3-4-401	Definitions
R3-4-402	Labeling
R3-4-403	Noxious Weed Seeds
R3-4-404	Germination Standards
R3-4-406	Sampling and Analyzing Seed
R3-4-408	Licenses Seed Dealer and Seed Labeler; Fees

ARTICLE 2. QUARANTINE

R3-4-203. Plant and Crop Safeguards, Inspection, and Certification

- A. Definitions.** In addition to the definitions provided in A.R.S. § 3-201, R3-4-101 and R3-4-201, the following terms apply to this Section:
1. "Actionable arthropod pest" means any arthropod pest that the Associate Director has determined to be an imminent threat to agriculture and horticulture within the state. Table 2, Actionable Arthropod Pests includes, but is not limited to, arthropod pests that would require immediate action and are prohibited from entry into the state.
 2. "Actionable nematode pest" means any nematode pest that the Associate Director has determined to be an imminent threat to agriculture and horticulture within the state. Table 3, Actionable Nematode Pests includes, but is not limited to, nematode pests that would require immediate action and are prohibited from entry into the state.
 3. "Pest Management Program" means any state or federally recognized program designed for the prevention, monitoring, and control of an actionable arthropod pest or actionable nematode pest. Based on a targeted management (Integrated Pest Management) or holistic approach (Total Systems Approach Program) that incorporates best management practices, monitoring, cultivation practices, cultural controls, treatment programs and/or pest resistant plant varieties, cultivars or hybrids for the control of any live life stages of an actionable arthropod pest or actionable nematode pest associated with the commodity, with a zero pest presence tolerance.
- B. Regulated area.** Unless otherwise indicated, all states, districts, and territories of the United States.
- C. Commodities covered.**
1. All plants and plant products for propagation, including nursery stock (bareroot or potted), budwood, seed for planting, cuttings, stolons, and tissue culture shipped or transported into the state that is a known host for an actionable arthropod pest or actionable nematode pest from the place of origin. Additionally, all agricultural, ornamental, and vegetable seed shall comply with the laws and regulations in Article 4 and any other law, order or federal regulation enforced by the Department.
 2. All commercially harvested or bulk shipments of a plant or crop, excluding processed products, which are shipped or transported into the state that may harbor an actionable arthropod pest.
 3. All domestic soil shipped or transported into the state that is:

- a. Not authorized under a permit or compliance agreement issued by the U.S. Department of Agriculture;
 - b. Not sterilized and not packaged for retail sale;
 - c. Attached to a plant for the purpose of propagation; or
 - d. Used for the purpose of landscaping or grading.
4. All firewood and green lumber with attached bark.
 5. All used equipment utilized for the propagation, harvesting, transport, and/or maintenance of a commodity listed in subsections (C)(1), (2), (3), or (4).

D. Restrictions.

1. For commodities listed in subsection (C) that are not accompanied by proof of compliance with this Section as indicated in the remainder of subsection (D); or are found infested with, or exposed to, an actionable arthropod pest or actionable nematode pest may be placed under quarantine until a disposition is determined by an inspector, A.R.S § 3-203.
2. In addition to the requirements under any other Section in this Article, law, order, or federal law enforced by the Department, the commodities listed in subsection (C)(1), are authorized for shipment or transport into the state provided a plant regulatory official at the place of origin issues a quarantine compliance certificate ~~of origin~~ and statement of compliance with this Section by one of the following:
 - a. For an actionable arthropod pest known to occur at origin:
 - i. The commodities in the shipment or shipments are inspected and a plant regulatory official provides a certificate attesting that the commodity is apparently free of any live life stages of an actionable arthropod pest;
 - ii. The Associate Director and State Plant Regulatory Official of the origin state has placed the producer under a compliance agreement, authorizing a Pest Management Program for actionable arthropod pests, and has provided certification of compliance to the producer if all provisions of a Pest Management Program are met; or
 - iii. A certificate attesting to treatment for actionable arthropod pests known to occur in the origin location is issued by a plant regulatory official.
 - b. For an actionable nematode pest known to occur at origin:
 - i. The origin state determined through an annual survey conducted within the 12-month period immediately before shipment that the actionable nematode pests do not exist on the property or in the facility used to grow the commodity.
 - ii. The commodity in the shipment was sampled two weeks before shipment, and found free of actionable nematode pests.
 - iii. The commodity was protected from infestation of the actionable nematode pests by implementing all of the following steps:
 - (1) Propagated from clean seed or from cuttings taken 12 inches or higher above ground level;
 - (2) Planted in sterilized soil or other media prepared or treated to ensure freedom from actionable nematode pests;
 - (3) Retained in a sterilized container or bed;
 - (4) Placed on a sterilized bench or sterilized support 18 inches or higher from the ground or floor level; and
 - (5) Found pest-free using a sampling method approved by the Associate Director.
3. In addition to the requirements under any other Section in this Article, law, order, or federal law enforced by the Department, the commodities listed in subsection (C)(2), are authorized for shipment or transport into the state provided a plant regulatory official at the place of origin issues a quarantine compliance certificate ~~of origin~~ and statement of compliance with this Section by one of the following:

- a. Authorize and validate compliance for an area-wide control program for actionable arthropod pests known to occur at the origin location;
 - b. Inspect bulk shipments of commodities by standard risk-based sampling rates to achieve a 95% confidence level that the shipment is apparently free of any live life stages of an actionable arthropod pest known to occur at origin; or
 - c. Require treatment for actionable arthropod pests known to occur in the origin location by a method known to control the pest and verify effectiveness of treatment.
4. In addition to the requirements under any other Section in this Article, law, order, or federal law enforced by the Department, the commodities listed in subsection (C)(3), are authorized for shipment or transport into the state provided a plant regulatory official at the place of origin issues a quarantine compliance certificate ~~of origin~~ and statement of compliance with this Section by one of the following:
 - a. Authorize and validate a Pest Management Program or an area-wide control program for actionable arthropod pests; or
 - b. Require treatment for actionable arthropod pests known to occur in the origin location by a method known to control the pest.
 5. In addition to the requirements under any other Section in this Article, law, order, or federal law enforced by the Department, the commodities listed in subsection (C)(4), are authorized for shipment or transport into the state provided a plant regulatory official at the place of origin issues a quarantine compliance certificate ~~of origin~~ and statement of compliance with this Section by one of the following:
 - a. Heat treatment as indicated in the USDA Treatment Manual, Heat Treatment Schedule: T314-a; and accompanied by a treatment certificate issued by a certified heat-treatment facility, or a state or federal regulatory official; or
 - b. Any other method approved by the Associate Director that eliminates all live life stages of an actionable arthropod pest.
 6. In addition to the requirements under any other Section in this Article, law, order, or federal law enforced by the Department, ~~a plant regulatory official shall ensure that the commodity~~ equipment listed in subsection (C)(5), ~~are authorized for shipment or transport into the state provided it~~ is accompanied by a quarantine compliance certificate issued by the origin state attesting that the commodity is reasonably free of all soil and extraneous plant material that could harbor a live life stage of an actionable arthropod pest.

E. Exemptions.

1. The Associate Director may issue an exemption to a restriction in this Section at the request of a State Plant Regulatory Official on an area-wide or county-wide basis, under the following conditions:
 - a. For an area-wide or county-wide exemption of a commodity (Master Permit):
 - i. The State Plant Regulatory Official agrees to comply with the conditions of a Master Permit that indicates the necessary safeguarding measures including monitoring, inspection, treatment, alternate treatment, and/or certification of the commodity.
 - ii. The Department may suspend or revoke a Master Permit if one or more shipments of a commodity are not in compliance with the conditions of the authorized Master Permit or live life stages of an actionable arthropod pest or actionable nematode pest are found.
 - b. For an exemption provided to a shipper of a commodity (Origin Inspection Agreement):
 - i. The State Plant Regulatory Official and the shipper agree to comply with the conditions of an Origin Inspection Agreement that indicates the necessary safeguarding measures including monitoring, inspection, treatment, alternate treatment, and/or certification of the commodity.

- ii. The Department may suspend or revoke an Origin Inspection Agreement if one or more shipments of a commodity are not in compliance with the conditions of the Origin Inspection Agreement or live life stages of an actionable arthropod or actionable nematode pest are found.
 - 2. Notwithstanding any other restriction, the Associate Director may declare a state, or an area within a state, exempt to a condition in this Section if it is demonstrated by a State Plant Regulatory Official that an actionable arthropod pest or actionable nematode pest is known not to occur in the origin state and that the actionable arthropod pest or actionable nematode pest is part of a state or federal authorized pest monitoring program that justifies the “free from” status.
- F. Violations. Any shipper of a commodity listed in subsection (C) that is not in compliance with the restrictions indicated in subsection (D), or an actionable arthropod pest or actionable nematode pest are found on the shipment, the shipper may be temporarily suspended from shipping or transporting commodities listed in subsection (C) into the state under the following guidelines:
- a. The shipper will be notified of the violations and corrective measures will be provided;
 - b. The origin State Plant Regulatory Official will be notified of the violation and suspension;
 - c. The shipper will be required to contact the origin State Plant Regulatory Official to confirm completion of corrective measures;
 - d. The origin State Plant Regulatory Official will contact the Department to request approval to retract the suspension upon successful completion of the corrective measures; and
 - e. The Associate Director may retract the suspension upon satisfactory completion of the corrective measures.

Table 2. Actionable Arthropod Pests

Common Name	Scientific Name
<u>Acuminate scale</u>	<i>Kilifia acuminata</i>
<u>African cotton leafworm</u>	<i>Spodoptera litura</i>
<u>African false powder-post beetle</u>	<i>Bostrychoplites cornutus</i>
<u>African honey bee</u>	<i>Apis mellifera scutellata</i>
<u>Alfalfa plant bug</u>	<i>Adelphocoris lineolatus</i>
<u>Allium (Onion) Leafminer</u>	<i>Phytomyza gymnostoma</i>
<u>American palm cixid</u>	<i>Haplaxius (Myndus) crudus</i>
<u>Apple maggot</u>	<i>Rhagoletis pomonella</i>
<u>Apple mealybug</u>	<i>Phenacoccus aceris</i>
<u>Apple skinworm</u>	<i>Tortrix franciscana</i>
<u>Army ant</u>	<i>Labidus coecus</i>
<u>Asian citrus psyllid</u>	<i>Diaphorina citri</i>
<u>Asian conifer auger beetle</u>	<i>Sinoxylon unidentatum</i>
<u>Asian Longhorned beetle</u>	<i>Anoplophora glabripennis</i>
<u>Asiatic garden beetle</u>	<i>Maladera castanea</i>

<u>Asiatic rice borer</u>	<i>Chilo suppressalis</i>
Asparagus beetle	<i>Crioceris asparagi</i>
<u>Avocado red mite</u>	<i>Oligonychus yothersi</i>
<u>Avocado seed weevil</u>	<i>Helipus lauri</i>
Avocado whitefly	<i>Trialeurodes floridensis</i>
<u>Azalea whitefly</u>	<i>Pealius azaleae</i>
Bagworm	<i>Thyridopteryx ephemeraeformis</i>
<u>Bean butterfly</u>	<i>Lampides boeticus</i>
<u>Bean fly</u>	<i>Ophiomyia phaseoli</i>
Bean leaf beetle	<i>Cerotoma trifurcata</i>
<u>Bean pod borer</u>	<i>Maruca vitrata</i>
Bifasciculate scale	<i>Chrysomphalus bifasciculatus</i>
Black cherry fruit fly	<i>Rhagoletis fausta</i>
<u>Black imported fire ant</u>	<i>Solenopsis richteri</i>
Black orangeworm	<i>Holcocera iceryaeella</i>
Black thread scale	<i>Ischnaspis longirostris</i>
Black walnut curculio	<i>Conotrachelus retentus</i>
Blueberry maggot	<i>Rhagoletis mendax</i>
Boxwood leafminer	<i>Monarthropalpus buxi</i>
Brown citrus aphid	<i>Toxoptera citricida</i>
<u>Brown cockroach</u>	<i>Periplaneta brunnea</i>
Brown Marmorated Stink Bug	<i>Halyomorpha halys</i>
Browntail moth	<i>Nygmia phaeorrhoea</i>
Butternut curculio	<i>Conotrachelus juglandis</i>
<u>Cabbage moth</u>	<i>Manestra brassicae</i>
<u>Cabbage thrips</u>	<i>Idolothrips augusticeps</i>
Cactus moth	<i>Cactoblastis cactorum</i>
Cactus weevil	<i>Gerstaeckeria nobilis</i>
California red scale	<i>Aonidiella aurantii</i>
Camphor scale	<i>Pseudaonidia duplex</i>
Caribbean fruit fly	<i>Anastrepha suspensa</i>
Carob moth	<i>Ectomyelois ceratoniae</i>

<u>Carrot rust fly</u>	<i>Psila rosae</i>
Cereal leaf beetle	<i>Oulema melanopus</i>
Chaff scale	<i>Parlatoria pergandii</i>
Chestnut moth	<i>Cydia splendana</i>
<u>Chilean false red mite</u>	<i>Brevipalpus chilensis</i>
Chilli thrips	<i>Scirtothrips dorsalis</i>
Chinch bug	<i>Blissus leucopterus</i>
<u>Chinese obscure scale</u>	<i>Parlatoreopsis chinensis</i>
<u>Chinese rose beetle</u>	<i>Adoretus sinicus</i>
<u>Citron bug</u>	<i>Leptoglossus gonagra</i>
Citrus blackfly	<i>Aleurocanthus woglumi</i>
Citrus snow scale	<i>Unaspis citri</i>
<u>Citrus spiny whitefly</u>	<i>Aleurocanthus spiniferus</i>
Citrus whitefly	<i>Dialeurodes citri</i>
Cloudy-winged whitefly	<i>Singhiella citrifolii</i>
Clover root borer	<i>Hylastinus obscurus</i>
<u>Clover seed midge</u>	<i>Dasineura leguminicola</i>
Coconut scale	<i>Aspidiotus destructor</i>
Coffee bean weevil	<i>Araecerus fasciculatus</i>
<u>Community wireworm</u>	<i>Melanotus communis</i>
Comstock mealybug	<i>Pseudococcus comstocki</i>
Conifer Auger Beetle	<i>Sinoxylon unidentatum</i>
<u>Corn silk beetle</u>	<i>Calomicrus brunneus</i>
Corn stem weevil	<i>Hyperodes humilis</i>
<u>Cotton blister mite</u>	<i>Acalitus gossypii</i>
Cottony grape scale	<i>Pulvinaria vitis</i>
Cowpea curculio	<i>Chalcodermus aeneus</i>
Crapemyrtle scale	<i>Acanthococcus lagerstroemiae</i>
Croton soft scale	<i>Phalacroccoccus howertoni</i>
<u>Croton whitefly</u>	<i>Orchamoplatus mammaeferus</i>
<u>Cuban cockroach</u>	<i>Panchlora nivea</i>
<u>Curtain fig psyllid</u>	<i>Macrohomonotoma gladiata</i>

Cycad aulacaspis scale	<i>Aulacaspis yasumatsui</i>
Cycad weevil	<i>Tranes internatus</i>
Date palm mite	<i>Oligonychus afrasiaticus</i>
Death's head cockroach	<i>Blaberus craniifer</i>
Dogwood borer	<i>Synanthedon scitula</i>
Eastern subterranean termite	<i>Teticulitermes flavipes</i>
Eastern tent caterpillar	<i>Malacosoma americanum</i>
Eggplant pinworm	<i>Keiferia peniculo</i>
Egyptian cotton leafworm	<i>Spodoptera littoralis</i>
Emerald ash borer	<i>Agrilus plannipennis</i>
Euonymus scale	<i>Unaspis euonymi</i>
European chafer	<i>Amphimallon majalis</i>
European cherry fruit fly	<i>Rhagoletis cerasi</i>
European corn borer	<i>Ostrinia nubilalis</i>
European crane fly	<i>Tipula paludosa</i>
European grape vine moth	<i>Lobesia botrana</i>
European peach scale	<i>Parthenolecanium persicae</i>
European pine shoot moth	<i>Rhyacionia bouliana</i>
Eyespotted bud moth	<i>Spilonota ocellana</i>
Face fly	<i>Musca autumnalis</i>
False codling moth	<i>Thaumatotibia leucotreta</i>
False parlatoria scale	<i>Pseudoparlatoria parlatorioides</i>
Florida black scale	<i>Saissetia neglecta</i>
Florida carpenter ant	<i>Camponotus floridanus</i>
Florida red scale	<i>Chrysomphalus aonidum</i>
Florida subterranean termite	<i>Reticulitermes virginicus</i>
Florida wax scale	<i>Ceroplastes floridensis</i>
Florida woods cockroach	<i>Eurycotis floridana</i>
Fruit fly	<i>Anastrepha spp.</i>
Fruit piercing moth	<i>Eudocima fullonia</i>
Fuller rose weevil	<i>Naupactus cervinus</i>
Giffard whitefly	<i>Bemisia giffardi</i>

Glacial whitefly	<i>Trialeurodes glacialis</i>
Glassy-winged sharpshooter	<i>Homalodisca vitripennis</i>
Globose scale	<i>Sphaerolecanum prunastri</i>
Glover scale	<i>Lepidosaphes gloverii</i>
Grape thrips	<i>Drepanothrips reuteri</i>
Grass aphid	<i>Rhopalomyzus poae</i>
Grass scolytid	<i>Hypothenemus pubecens</i>
Grass webworm	<i>Herpetogramma licarsisalis</i>
Gray sugarcane mealybug	<i>Dysmicoccus boninsis</i>
Green cloverworm	<i>Plathypena scabra</i>
Ground mealybug	<i>Ripersiella hibisci</i>
Gypsy moth	<i>Lymantra dispar</i>
Haanchen barley mealybug	<i>Trionymus haancheni</i>
Hall scale	<i>Mercetaspis halli</i>
Hessian fly	<i>Mayetiola destructor</i>
Hickory shuckworm	<i>Cydia caryana</i>
Holly leafminer	<i>Phytomyza ilicis</i>
Indian wax scale	<i>Ceroplastes ceriferus</i>
Italian pear scale	<i>Epidiaspis leperii</i>
Jack Beardsley mealybug	<i>Pseudococcus jackbeardsleyi</i>
Japanese beetle	<i>Popillia japonica</i>
Japanese maple scale	<i>Lopholeucaspis japonica</i>
Juniper scale	<i>Carulaspis juniperi</i>
Khapra beetle	<i>Trogoderma granarium</i>
Kirkaldy whitefly	<i>Dialeurodes kirkaldyi</i>
Kondo ground mealybug	<i>Ripersiella kondonis</i>
Lantana defoliator	<i>Hypena strigata</i>
Lantana mealybug	<i>Phenacoccus parvus</i>
Lawn armyworm	<i>Spodoptera mauritia</i>
Leek moth	<i>Acrolepiopsis assectella</i>
Lesser clover leaf weevil	<i>Hypera nigrirostris</i>
Lesser snow scale	<i>Pinnaspis strachani</i>

Light brown apple moth	<i>Epiphyas postvittana</i>
<u>Lilly weevil</u>	<i>Agasphaerops nigra</i>
Little fire ant	<i>Wasmannia auropunctata</i>
Lobate lac scale	<i>Paratachardina pseudolobata</i>
<u>Malaysian fruit fly</u>	<i>Bactrocera latifrons</i>
<u>Mango shield scale</u>	<i>Milviscutulus mangiferae</i>
Maskell scale	<i>Lepidosaphes pallida</i>
Mealybug	<i>Delottococcus confusus</i>
Mealybug	<i>Hypogeococcus pungens</i>
Mealybug	<i>Planococcus lilacinus</i>
<u>Mediterranean fruit fly</u>	<i>Ceratitis capitata</i>
<u>Melon fruit fly</u>	<i>Bactrocera curcurbitae</i>
Melon worm	<i>Diaphania hyalinata</i>
<u>Mexican fruit fly</u>	<i>Anastrepha ludens</i>
Mimosa webworm	<i>Homadaula anisocentra</i>
Mining scale	<i>Howardia biclavis</i>
<u>Minute cypress scale</u>	<i>Carulaspis minima</i>
Myrmicine ant	<i>Monomorium destructor</i>
Myrmicine ant	<i>Monomorium floricola</i>
Northern citrus root weevil	<i>Pachnaeus opalus</i>
Obscure scale	<i>Melanaspis obscura</i>
Old house borer	<i>Hylotrupes bajulus</i>
Oleander pit scale	<i>Russellaspis pustulans</i>
<u>Orchid aphid</u>	<i>Macrosiphum lutea</i>
<u>Oriental fruit fly</u>	<i>Bactrocera dorsalis</i>
Oriental fruit moth	<i>Grapholita molesta</i>
Oriental scale	<i>Aonidiella orientalis</i>
Palm fiorinia scale	<i>Fiorinia fioriniae</i>
Palm thrips	<i>Thrips palmi</i>
Papaya fruit fly	<i>Toxotrypana curvicauda</i>
<u>Pear leaf blister moth</u>	<i>Leucoptera malifoliella</i>
<u>Pecan leaf casebearer</u>	<i>Acrobasis juglandis</i>

<u>Pecan leaf phylloxera</u>	<i>Phylloxera notabilis</i>
<u>Pecan weevil</u>	<i>Curculio caryae</i>
Pepper flower bud moth	<i>Gnorimoschema gudmannella</i>
Pepper maggot	<i>Zonosemata electa</i>
Pepper tree psyllid	<i>Calophya schini</i>
Persimmon borer	<i>Sannina uroceriformis</i>
Pickleworm	<i>Diaphania nitidalis</i>
<u>Pine false webworm</u>	<i>Acantholyda erythrocephala</i>
Pink hibiscus mealybug	<i>Maconellicoccus hirsutus</i>
<u>Pink sugarcane mealybug</u>	<i>Saccharicoccus sacchari</i>
Pitmaking pittosporum scale	<i>Planchonia arabisidis</i>
Plum curculio	<i>Conotrachelus nemuphar</i>
Plum fruit moth	<i>Cydia funebrana</i>
Plumeria whitefly	<i>Paraleyrodes perseae</i>
Potato stalk borer	<i>Trichobaris trinotata</i>
<u>Potato weevil</u>	<i>Epicaerus cognatus</i>
<u>Powder-post termite</u>	<i>Cryptotermes brevis</i>
<u>Primary Screwworm</u>	<i>Cochliomyia hominivorax</i>
Proteus scale	<i>Parlatoria proteus</i>
Purple scale	<i>Lepidosaphes beckii</i>
Pyriform scale	<i>Protopulvinaria pyriformis</i>
<u>Queensland fruit fly</u>	<i>Bactrocera tryoni</i>
<u>Range caterpillar</u>	<i>Hemileuca oliviae</i>
<u>Red imported fire ant</u>	<i>Solenopsis invicta</i>
Red palm mite	<i>Raoiella indica</i>
Red-banded thrips	<i>Selenothrips rubrocinctus</i>
Rednecked cane borer	<i>Agrilus ruficollis</i>
<u>Rhododendron whitefly</u>	<i>Massilieuodes chittendeni</i>
Rose chafer	<i>Macroductylus subspinosus</i>
Royal palm bug	<i>Xylastodoris luteolus</i>
Rufous scale	<i>Selenaspidus articulatus</i>
Saddleback caterpillar	<i>Acharia stimulea</i>

Satin moth	<i>Leucoma salicis</i>
<u>Scurfy scale</u>	<i>Chionaspis furfura</i>
Sirex woodboring wasp	<i>Sirex noctilo</i>
South African pit scale	<i>Planchonia stentae</i>
South American fruit fly	<i>Anastrepha fraterculus</i>
South American palm weevil	<i>Rhynchophorus palmarum</i>
Southeastern Boll Weevil Biotype	<i>Anthonomus grandis</i>
Southern chinch bug	<i>Blissus insularis</i>
Southern citrus root weevil	<i>Pachnaeus litus</i>
<u>Southern cornstalk borer</u>	<i>Diatraea crambidoides</i>
Southern green stink bug	<i>Nezara viridula</i>
<u>Southern potato wireworm</u>	<i>Conoderus falli</i>
Spotted Lanternfly	<i>Lycorma delicatula</i>
<u>Spotted wing drosophila</u>	<i>Drosophila suzukii</i>
<u>Spruce needleminer</u>	<i>Taniva abolineana</i>
<u>Square-necked grain beetle</u>	<i>Cathartus quadricollis</i>
Stalk borer	<i>Papaipema nebris</i>
Strawberry root weevil	<i>Otiorhynchus ovatus</i>
Subtropical pine tip moth	<i>Rhyacionia subtropica</i>
<u>Sugarcane borer</u>	<i>Diatraea saccharalis</i>
Sugarcane root borer	<i>Diaprepes abbreviatus</i>
<u>Summer fruit tortrix</u>	<i>Adoxophyes orana</i>
Sweetpotato weevil	<i>Cylas formicarius</i>
Tawny mole cricket	<i>Neoscapteriscus vicinus</i>
Tea parlatoria scale	<i>Parlatoria theae</i>
Tea scale	<i>Fiorinia theae</i>
<u>Texas leaf-cutter ant</u>	<i>Alta texana</i>
<u>Tobacco wireworm</u>	<i>Conoderus vespertinus</i>
<u>Trilobe scale</u>	<i>Pseudaonidia trilobitiformis</i>
Tropical fire ant	<i>Solenopsis geminata</i>
Tropical palm scale	<i>Hemiberlesia palmae</i>

<u>Tuber flea beetle</u>	<i>Epitrix tuberis</i>
<u>Two-spotted leaf hopper</u>	<i>Sophonia rufofascia</i>
<u>Velvet longhorn beetle</u>	<i>Trichoferus campestris</i>
<u>Biburnum whitefly</u>	<i>Aleurotrachelus jelinekii</i>
Weevil	<i>Artipus floridanus</i>
<u>Weevil</u>	<i>Hyperodes humilis</i>
<u>West Indian fruit fly</u>	<i>Anastrepha obliqua</i>
West Indian Sweet potato weevil	<i>Euscepes postfaciatus</i>
<u>Western subterranean termite</u>	<i>Reticulitermes hesperus</i>
Wheat strawworm	<i>Harmolita grandis</i>
White peach scale	<i>Pseudaulacaspis pentagona</i>
White waxy scale	<i>Ceroplastes destructor</i>
White-footed ant	<i>Technomyrmex difficilis</i>
<u>Whitefringed beetles</u>	<i>Graphognathus spp</i>
<u>Willamette spider mite</u>	<i>Eotetranychus willamettei</i>
Yellow scale	<i>Aonidiella citrina</i>
Yellow margined leaf beetle	<i>Microtheca ochroloma</i>

Table 3. Actionable Nematode Pests

Common Name	Scientific Name
Burrowing nematode	<i>Radopholus similis</i>
<u>Cobb's awl nematode</u>	<i>Dolichodorus heterocephalus</i>
<u>European dagger nematode</u>	<i>Xiphinema diversicaudatum</i>
Golden nematode	<i>Globodera rostochiensis</i>
Oat cyst nematode	<i>Heterodera avenae</i>
Reniform nematode	<i>Rotylenchulus reniformis</i>
Sheath nematode	<i>Hemicycliophora arenaria</i>
Soybean cyst nematode	<i>Heterodera glycines</i>
Sting nematode	<i>Belonolaimus longicaudatus</i>
White cyst potato nematode	<i>Globodera pallida</i>

Table 4. Class A Noxious Weeds

Common name	Scientific name
African rue	<i>Peganum harmala</i>
Canada thistle	<i>Cirsium arvense</i>
Dudaim melon	<i>Cucumis melo</i> v. <i>Dudaim Naudin</i>
Dyer's woad	<i>Isatis tinctoria</i>
Floating water hyacinth	<i>Eichhornia crassipes</i>
Giant salvinia	<i>Salvinia molesta</i>
Globe-podded hoary cress	<i>Lepidium (Cardaria) draba</i>
Hydrilla	<i>Hydrilla verticillata</i>
Leafy spurge	<i>Euphorbia esula</i>
Plumeless thistle	<i>Carduus acanthoides</i>
Purple loosestrife	<i>Lythrum salicaria</i>
Purple starthistle	<i>Centaurea calcitrapa</i>
Quackgrass	<i>Elymus repens (Elytrigia repens)</i>
Rush skeletonweed	<i>Chondrilla juncea</i>
Southern sandbur	<i>Cenchrus echinatus</i>
Spotted knapweed	<i>Centaurea stoebe</i> ssp. <i>micranthos</i>
Sweet resinbush	<i>Euryops subcarnosus</i>
Ward's weed	<i>Carrichtera annua</i>
Wild mustard	<i>Sinapis arvensis</i>

Table 5. Class B Noxious Weeds

Common name	Scientific name
African sumac	<i>Searsia lancea</i>
Black mustard	<i>Brassica nigra</i>
Branched broomrape	<i>Orobanche ramosa</i>
Bull thistle	<i>Cirsium vulgare</i>
Camelthorn	<i>Alhagi maurorum (A. pseudalhagi)</i>
Dalmatian toadflax	<i>Linaria dalmatica (L. genistifolia v. dalmatica)</i>
Diffuse knapweed	<i>Centaurea diffusa</i>

Field sandbur	<i>Cenchrus spinifex</i> (synonym: <i>C. incertus</i>)
Giant reed	<i>Arundo donax</i>
Halogeton	<i>Halogeton glomeratus</i>
Jointed goatgrass	<i>Aegilops cylindrica</i>
Malta starthistle	<i>Centaurea melitensis</i>
Musk thistle	<i>Carduus nutans</i>
Natal grass	<i>Melinis repens</i>
Onionweed	<i>Asphodelus fistulosus</i>
<u>Ripgut brome</u>	<u><i>Bromus diandrus</i></u>
Russian knapweed	<i>Acroptilon repens</i>
Russian olive	<i>Elaeagnus angustifolia</i>
Saharan mustard	<i>Brassica tournefortii</i>
<u>Siberian elm</u>	<u><i>Ulmus pumila</i></u>
Stinknet (Globe chamomile)	<i>Oncosiphon piluliferum</i>
Scotch thistle	<i>Onopordum acanthium</i>
Yellow bluestem	<i>Bothriochloa ischaemum</i>
Yellow starthistle	<i>Centaurea solstitialis</i>

Table 6. Class C Noxious Weeds

Common name	Scientific name
Buffelgrass	<i>Cenchrus ciliaris</i> (<i>Pennisetum ciliare</i>)
<u>Cheatgrass</u>	<u><i>Bromus tectorum</i></u>
Field bindweed	<i>Convolvulus arvensis</i>
Fountain grass	<i>Pennisetum setaceum</i>
Garden or common morning glory	<i>Ipomoea purpurea</i>
Grannyvine	<i>Ipomoea tricolor</i>
Ivy-leaf morning glory	<i>Ipomoea hederacea</i>
Johnsongrass	<i>Sorghum halepense</i>
Kochia	<i>Kochia scoparia</i>

<u>Lehman's lovegrass</u>	<u><i>Eragrostis lehmanniana</i></u>
Morning glory	<i>Ipomoea triloba</i>
Morning glory	<i>Ipomoea x leucantha</i>
Puncturevine	<i>Tribulus terrestris</i>
<u>Red brome</u>	<u><i>Bromus rubens</i></u>
Salt cedar	<i>Tamarix ramosissima</i> spp.
<u>Siberian elm</u>	<u><i>Ulmus pumila</i></u>
Tree of heaven	<i>Ailanthus altissima</i>

ARTICLE 4. SEEDS

R3-4-401. Definitions

In addition to the definitions provided in A.R.S. § 3-231, the following shall apply to this Article:

1. "Blend" means seed consisting of more than one variety of a kind, with each variety in excess of five percent by weight of the whole.
2. "Brand" means a word, name, symbol, number, or design used to identify seed of one person to distinguish it from seed of another person.
3. "Certifying agency" means:
 - a. An agency authorized under the laws of this state to officially certify seed and that has standards and procedures approved by the U.S. Secretary of Agriculture to assure the varietal purity and identity of the seed certified, or
 - b. An agency of a foreign country determined by the U.S. Secretary of Agriculture to adhere to procedures and standards for seed certification comparable to the procedures and standards adhered to generally by seed-certifying agencies under subsection (a) of this definition.
4. "Coated seed" means seed that has been covered with a substance that changes the size, shape, or weight of the original seed. Seed coated with ingredients such as rhizobia, dyes, and pesticides is not coated seed.
5. "Conditioning" or "conditioned" means drying, cleaning, scarifying, and other operations that could change the purity or germination of the seed and require the seed lot to be retested to determine the label information.
6. "Dormant" means viable seed, excluding hard seed, that fails to germinate when provided the specified germination conditions for that kind of seed.
7. "Federal Seed Act" means the federal law at 7 U.S.C. §§ 1551-1611 (Federal Seed Act of 1939, 53 Stat. 1275; 7 U.S.C. 1551-1611) and the regulations promulgated under ~~the Act~~ 207 C.F.R. Part 201 (47 FR 746, eff. January 7, 1992).
8. "Flower seeds" means seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold under the name of flower or wildflower seeds in this state.
9. "Germination" means the emergence and development from the seed embryo of those essential structures that, for the kind of seed in question, are indicative of the ability to produce a normal plant under favorable conditions.
10. "Hard seeds" means seeds that remain hard at the end of the prescribed germination test period because they have not absorbed water due to an impermeable seed coat.
11. "Inert matter" means all matter that is not seed, including broken seeds, sterile florets, chaff, fungus bodies, and stones.
12. "Mixture", "mix", or "mixed" means seed consisting of more than one kind, each in excess of five percent by weight of the whole.

13. "Mulch" means a protective covering of any suitable substance placed with seed that acts to retain sufficient moisture to support seed germination, sustain early seedling growth and aid in preventing soil moisture evaporation, control of weeds, and erosion prevention.
14. "Non-commercial Seed Sharing" means that no monetary consideration or compensation may be transferred in return for receiving seeds. Additionally, anyone distributing seeds under the rules of this definition may not expect, or create the expectation, that seeds must be returned in exchange for receiving seeds. If distribution of seeds is found to be in anticipation or connected to money paid for work or services rendered by the same person distributing seeds, such distribution shall not be considered non-commercial within these rules.
- ~~14~~15. "Origin" means the state where the seed was grown, or if not grown in the United States, the country where the seed was grown.
- ~~15~~16. "Other crop seed" means seeds of plants grown as crops other than the kind or variety included in the pure seed, as determined by methods defined in this Article.
- ~~16~~17. "Pure live seed" means the product of the percent of germination plus hard or dormant seed multiplied by the percent of pure seed divided by 100. The result is expressed as a whole number.
- ~~17~~18. "Pure seed" means a kind of seed excluding inert matter and all other seed not of the kind being considered.
- ~~18~~19. "Replacement date sticker" means a sticker on a label that displays a new test date.
- ~~19~~20. "Retail" means sales that are not intended for agricultural use and are prepared for use by a consumer in home gardens or household plantings only.
- ~~20~~21. "Seed count" means the number of seeds per unit weight in a container.
- ~~21~~22. "Seizure" means taking possession of seed pursuant to a court order.
- ~~22~~23. "Wholesale" means sales of seeds that are intended for agricultural use normally in quantities for resale, as by an agricultural retail merchant and are not prepared for use in home gardening or household plantings.
- ~~23~~24. "Working sample" means the number of seeds required under §§ 402 and 403 of the Federal Seed Act.

R3-4-402. Labeling

A. General requirements:

1. Blank spaces or the words "free or none" mean "0" and "0.00%" for the purpose of applying the tolerances prescribed in this Article.
2. Labeling for purity and germination shall not show higher results than actually found by test.
3. The terms "foundation seed," "registered seed," and "certified seed", as defined in the "Federal Seed Act", are authorized for use on seed certified by a seed certifying agency under the laws of Arizona as delineated in R3-4-405.
4. Relabeling. Any person relabeling seed in its original container shall include the following information on a label or a replacement date sticker:
 - a. The calendar month and year the germination test was completed to determine the germination percentage and the sell-by date as required by subsection (C)(3)(i)(iv) or (C)(5)(c)(i),
 - b. The same lot designation as on the original labels, and
 - c. The identity of the person relabeling the seed if different from the original labeler.
5. Labeling of seed distributed ~~to~~ for wholesalers. After seed has been conditioned, a labeler shall ensure the seed is labeled as follows:
 - a. When supplied ~~to a~~ for retailer or directly to a consumer, each bag or bulk lot must be completely labeled.
 - b. When supplied ~~to a~~ for wholesaler, if each bag or other container is clearly identified by a lot number permanently displayed on the container or if the seed is in bulk, the labeling of seed may be by invoice.

- c. When supplied to ~~a~~for wholesaler, if each bag or container is not identified by a lot number, it must carry complete labeling.
6. Seeds for sprouting. All labels of seeds sold for sprouting for salad or culinary purposes shall indicate the following information:
- a. Commonly accepted name of kind or kinds;
 - b. Lot number;
 - c. Percentage by weight of each pure seed component in excess of 5 percent of the whole, other crop seeds, inert matter, and weed seeds, if occurring;
 - d. Percentage of germination of each pure seed component;
 - e. Percentage of hard seed, if present; and
 - f. The calendar month and year the germination test was completed to determine the percentages in subsections (c), (d) and (e).

7. Non-Commercial Seed Sharing. Agricultural, vegetable, or flower seeds that are distributed for sowing purposes in a non-commercial setting shall bear on each container a plainly written or printed label or tag in English with the following information:

- a. The name of the kind or kinds and variety of each agricultural, vegetable, or flower seed component present. Hybrids shall be labeled as hybrids.
- b. A word or statement indicating if the seed has been treated. And if treated, must be labeled as provided in subsection (C)(2).
- c. Some form of reference identification that provides traceability. Retention of posterity file samples are not required.
- d. Name and city or address of the non-commercial seed sharing entity.
- e. The full name of the donor and calendar month and year the seed was donated.
- f. The seed shall be free of foreign material, other than coatings or treatments, including germination medium, mulch, fertilizer, pre-planted containers, mats, tapes or other planting devices.
- g. No distributed container shall hold more than eight (8) ounces of agricultural seed or four (4) ounces of vegetable or flower seed.
- h. Germination and purity analysis are not required, however if a germination or purity percentage is noted on the label, it must be noted whether or not the analysis was performed according to the Association of Official Seed Analysts rules for testing seed.
- i. At each location involved with non-commercial seed sharing a legible and visible sign shall state that the seeds being distributed may not meet germination or varietal purity standards prescribed by the state seed law. The sign must also state that patented seed or varieties protected by the Plant Variety Protection Act (P.L. 91-577: 84 Stat. 1542; 7 U.S.C. sections 2321 through 2582) will not be accepted or distributed without permission of the certificate holder.

B. Kind, variety, or type.

- 1. All agricultural seeds sold in this state, except as stated in subsection (B)(2), shall be labeled to include the recognized variety name or type or the words "Variety not stated." A brand is not a kind and variety designation and shall not be used instead of a variety name.
- 2. All cotton planting seed sold, offered for sale, exposed for sale, or transported for planting purposes in this state, shall have a label that includes both kind and variety.

C. Agricultural, vegetable, or flower seeds that is are sold, offered for sale, or exposed for sale within this state shall bear on each container a plainly written or printed label or tag in English. No modifications or disclaimers shall be made to the required

label information in the labeling or on another label attached to the container. No misleading information shall appear on the label. The label shall include the following information:

1. For agricultural, vegetable, and flower seeds that have been treated, the following is required and may appear on a separate label:
 - a. Language indicating that the seed has been treated;
 - b. The commonly-accepted chemical name of the applied substance or a description of the process used;
 - c. If a substance that is harmful to human or animals is present with the seed, a caution statement such as "Do not use for food, feed, or oil purposes." The caution for highly toxic substances shall be a poison statement and symbol; and
 - d. If the seed is treated with an inoculant, the date of expiration, which is the date beyond which the inoculant is not to be considered effective.
2. For agricultural seeds, except for lawn and turf grass seed and mixtures of lawn and turf grass seed as provided in subsection (C)(3); for seed sold on a pure live seed basis as provided in subsection (C)(7); and for hybrids that contain less than 95 percent hybrid seed as provided in subsection (C)(8):
 - a. The name of the kind and variety for each agricultural seed component in excess of five percent of the whole and the percentage by weight of each. If the variety of the kinds generally labeled as a variety designated in this Article is not stated, the label shall show the name of the kind and the words, "variety not stated." Hybrid seed shall be labeled as hybrid;
 - b. Lot number or other lot identification;
 - c. Origin of alfalfa, red clover, and field corn (except hybrid corn) or if the origin is unknown, a statement that the origin is unknown;
 - d. Percentage by weight of all weed seeds;
 - e. The name and rate of occurrence per pound of each kind of restricted noxious weed seed present;
 - f. Percentage by weight of agricultural seeds other than those required to be named on the label. Agricultural seeds may be designated as "crop seeds;"
 - g. Percentage by weight of inert matter;
 - h. The sum total of weight identified in subsections (a), (d), (f), and (g) shall equal 100 percent;
 - i. For each named agricultural seed:
 - i. Percentage germination, excluding hard seed;
 - ii. Percentage of hard seeds, if present; and
 - iii. The calendar month and year the test was completed to determine the percentages. The statement "total germination and hard seed" may be included following the percentages required under subsections (i) and (ii).
 - j. Net weight of seed in the container or seed count per unit weight; and
 - k. Name and address of the labeler, or the person who sells, offers, or exposes the seed for sale within this state.
3. For lawn and turf grass seed and lawn and turf grass seed mixtures:
 - a. For single kinds, the name of the kind or kind and variety and the percentage by weight.
 - b. For mixtures, the word "mix," "mixed," or "mixture" or "blend" shall be stated with the name of the mixture, along with the commonly accepted name of each kind or kind and variety of each agricultural seed component in excess of five percent of the whole and the percentages by weight.
 - c. The percentage by weight of each kind of pure seed shall be listed in order of its predominance and in columnar form. The heading "pure seed" and "germination" or "germ" shall be placed consistent with generally accepted industry practices.

- d. Percentage by weight of agricultural seed other than those required to be named on the label which shall be designated as "crop seed."
 - e. The percentage by weight of inert matter for lawn and turf grass shall not exceed ten percent, except that 15 percent inert matter is permitted in Kentucky bluegrass labeled without a variety name. Foreign material that is not common to grass seed shall not be added, other than material used for coating, as in subsection (C)(4), or combination products, as in subsection (C)(9).
 - f. Percentage by weight of all weed seeds. Weed seed content shall not exceed one-half of one percent by weight.
 - g. The sum total for subsections (a), (b), (c), (d), (e) and (f) shall equal 100 percent.
 - h. Noxious weeds that are required by this Article to be labeled shall be listed under the heading "noxious weed seeds."
 - i. For each lawn and turf seed named under subsection (a) or (b):
 - i. Percentage of germination, excluding hard seed;
 - ii. Percentage of hard seed, if present;
 - iii. Calendar month and year the germination test was completed to determine percentages in subsections (i) and (ii); and
 - iv. For seed sold for retail non-farm usage the statement "sell by (month/year)" which shall be no more than 15 months from the date of the germination test excluding the month of the test.
 - j. Name and address of the labeler, or the person who sells, offers or exposes the seed for sale within this state.
4. For coated agricultural, vegetable, flower, or lawn and turf seeds that are sold by weight:
- a. Percentage by weight of pure seeds with coating material removed;
 - b. Percentage by weight of coating material;
 - c. Percentage by weight of inert material not including coating material;
 - d. Percentage of germination determined on 400 pellets with or without seeds;
 - e. All other applicable requirements in subsections (C)(1), (2), and (3).
5. For vegetable seeds in packets as prepared for use in home gardens or household plantings or vegetable seeds in pre-planted containers, mats, tapes, or other planting devices:
- a. Name of kind and variety of seed;
 - b. Lot identification, such as by lot number or other means;
 - c. One of the following:
 - i. The calendar month and year the germination test was completed and the statement "Sell by (month/year)." The date indicated shall be no more than 1215 months from the date of the test, excluding the month of the test;
 - ii. The calendar year for which the seed was packaged for sale as "packed for (year)" and the statement "sell by (year)"; or
 - iii. The percentage germination and the calendar month and year the test was completed to determine the percentage if the germination test was completed within 1215 months, excluding the month of the test;
 - d. Name and address of the labeler, or the person who sells, offers, or exposes the seed for sale within this state;
 - e. For seeds that germinate less than the standard established under R3-4-404(A), (B) and (C)(i): percentage of germination, excluding hard seed; percentage of hard seed, if present; and the words "Below Standard" in not less than 8-point type;
 - f. For seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quantity of seed without removing the seeds from the medium, mat, tape or device, a statement to indicate the minimum number of seeds in the container.

6. For vegetable seeds in containers other than packets prepared for use in home gardens, household plantings, pre-planted containers, mats, tapes, or other planting devices:
 - a. The name of each kind and variety present in excess of five percent and the percentage by weight of each in order of its predominance;
 - b. Lot number or other lot identification;
 - c. For each named vegetable seed:
 - i. Percentage germination, excluding hard seed;
 - ii. Percentage of hard seed, if present; and
 - iii. The calendar month and year the test was completed to determine the percentages; The statement "Total germination and hard seed" may be included following the percentages required under subsections (C)(6)(c)(i) and (C)(6)(c)(ii);
 - d. Name and address of the labeler, or the person who sells, offers or exposes the seed for sale within this state; and
 - e. The labeling requirements for vegetable seeds in containers of more than one pound are met if the seed is weighed from a properly labeled container in the presence of the purchaser.
7. For agricultural seeds sold on a pure live seed basis, each container shall bear a label containing the information required by subsection (C)(2), except:
 - a. The label need not show:
 - i. The percentage by weight of each agricultural seed component as required by subsection (C)(2)(a); or
 - ii. The percentage by weight of inert matter as required by subsection (C)(2)(g); and
 - b. For each named agricultural seed, the label must show instead of the information required by subsection (C)(2)(h):
 - i. The percentage of pure live seed; and
 - ii. The calendar month and year in which the test determining the percentage of live seed was completed.
8. For agricultural and vegetable hybrid seeds that contain less than 95 percent hybrid seed:
 - a. Kind or variety shall be labeled as "hybrid,"
 - b. The percentage that is hybrid shall be labeled parenthetically in direct association following the named variety; for example – comet (85% hybrid), and
 - c. Varieties in which the pure seed contains less than 75 percent hybrid seed shall not be labeled hybrids.
9. For combination mulch, seed, and fertilizer products:
 - a. The word "combination" followed by the words "mulch – seed – fertilizer", as appropriate, shall appear on the upper 30 percent of the principal display panel. The word "combination" shall be the largest and most conspicuous type on the container, equal to or larger than the product name. The words "mulch – seed – fertilizer", as appropriate, shall be no smaller than one-half the size of the word "combination" and in close proximity to the word "combination."
 - b. The products shall not contain less than 70 percent mulch.
 - c. Agricultural, flower, vegetable, lawn, and turf seeds placed in a germination medium, mat, tape, or other device or mixed with mulch shall be labeled as follows:
 - i. Product name;
 - ii. Lot number;
 - iii. Percentage by weight of pure seed of each kind and variety named. The kind and variety named may be less than 5 percent of the whole;
 - iv. Percentage by weight of other crop seeds;
 - v. Percentage by weight of inert matter, which shall not be less than 70 percent;

- vi. Percentage by weight of weed seeds;
- vii. The total of subsections (iii), (iv), (v), and (vi) shall equal 100 percent;
- viii. Name and number of noxious weed seeds per pound, if present;
- ix. Hard seed percentage, if present, and percentage of germination of each kind or kind and variety named and the month and year the test was completed; and
- x. Name and address of the labeler or the person who sells, offers or exposes the product for sale within this state.

D. Labeling requirements: flowers.

1. For flower seeds in packets prepared for use in home gardens or household plantings or flower seeds in pre-planted containers, mats, tapes, or other planting devices:
 - a. For all kinds of flower seeds:
 - i. The name of the kind and variety or a statement of type and performance characteristics as prescribed in subsection (D)(3); and
 - ii. Name and address of the labeler, or the person who sells, offers, or exposes the seed for sale within this state, and one of the following subsections (D)(1)(a)(iii) through (v);
 - iii. The calendar month and year the germination test was completed and the statement "Sell by (month/year)." The date indicated shall be no more than ~~12~~15 months from the date of the test excluding the month of the test; or
 - iv. The calendar year for which the seed was packaged for sale as "packed for (year)" and the statement "sell by (year)"; or
 - v. The percentage germination and the calendar month and year the test was completed to determine the percentage if the germination test was completed within ~~12~~15 months, excluding the month of the test.
 - b. For kinds of flower seeds for which standard testing procedures are prescribed by the Association of Official Seed Analysts and that germinate less than the germination standards prescribed under the provisions of R3-4-404(B):
 - i. Percentage of germination, excluding hard seeds;
 - ii. Percentage hard seed, if present; and
 - iii. The words "Below Standard" in not less than eight-point type.
 - c. For flower seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quantity of seed without removing the seeds from the medium, mat, tape, or device, a statement to indicate the minimum number of seeds in the container.
2. For flower seeds in containers other than packets and other than pre-planted containers, mats, tapes, or other planting devices and not prepared for use in home flower gardens or household plantings:
 - a. The name of the kind and variety or a statement of type and performance characteristics as prescribed in subsection (D)(3), and for wildflowers, the genus and species and subspecies, if appropriate;
 - b. The lot number or other lot identification;
 - c. For wildflower seed with a pure seed percentage of less than 90 percent:
 - i. The percentage, by weight, of each component listed in order of the component's predominance;
 - ii. The percentage by weight of weed seed, if present; and
 - iii. The percentage by weight of inert matter;
 - d. For kinds of seed for which standard testing procedures are prescribed by the Association of Official Seed Analysts:
 - i. Percentage of germination, excluding hard or dormant seed;
 - ii. Percentage of hard or dormant seed, if present; and

- iii. The calendar month and year that the test was completed to determine the percentages in subsections (D)(2)(d)(i) and (ii);
 - e. For those kinds of flower seed for which standard testing procedures are not prescribed by the Association of Official Seed Analysts, the year of production or collection; and
 - f. Name and address of the labeler, or the person who sells, offers, or exposes the flower seed for sale within this state.
- 3. Requirements to label flower seeds with kind and variety, or type and performance characteristics as prescribed in subsection (D)(1)(a)(i) and (D)(2)(a) shall be met as follows:
 - a. For seeds of plants grown primarily for their blooms:
 - i. If the seeds are of a single named variety, the kind and variety shall be stated, for example, "Marigold, Butterball";
 - ii. 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";
 - iii. 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. 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";
 - iv. If the seeds consist of an assortment or mixture of kinds or kinds and varieties, it shall clearly indicate 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". Statements such as "General Purpose Mixture", "Wonder Mixture", or any other statement that fails to indicate the specific use of the seed shall not be considered as meeting the requirements of this subsection unless the specific use of the mixture is also stated. Containers with over three grams of seed shall list the kind or kind and variety names of each component present in excess of five percent of the whole in the order of their predominance, giving the percentage by weight of each. Components equal to or less than five percent shall be listed, but need not be listed in order of predominance. A single percentage by weight shall be given for these components that are less than five percent of the whole. If no component of a mixture exceeds five percent of the whole, the statement, "No component in excess of 5%" may be used. Containers with three grams of seed or less shall list the components without giving percentage by weight and need not be in order of predominance.
 - b. 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."
- E. Label requirement for tree and shrub seeds. Tree or shrub seeds that is are sold, offered for sale, or exposed for sale within this state shall bear on each container a plainly written or printed label or tag in English. No modifications or disclaimers shall be made to the required label information in the labeling or on another label attached to the container. Labeling of seed supplied under a contractual agreement meets this requirement if the shipment is accompanied by an invoice or by an analysis tag attached to the invoice if each bag or other container is clearly identified by a lot number permanently displayed on the container or if the seed is in bulk. Each bag or container not clearly identified by a lot number must carry complete labeling. The label shall include the following information:
 - 1. For tree and shrub seeds that have been treated, the following may appear on a separate label:
 - a. Language indicating that the seed has been treated;
 - b. The commonly accepted chemical name of the applied substance or description of the process used;

- c. If the substance is harmful to human or animals, a caution statement such as “do not use for food or feed or oil purposes”. The caution for highly toxic substances shall be a poison statement and symbol; and
 - d. If the seed has been treated with an inoculant, the date of expiration, which is the date the inoculant is no longer considered effective;
2. For all tree and shrub seeds subject to this Article:
- a. Common name of the species of seed and if appropriate, the subspecies;
 - b. The scientific name of the genus and species and if appropriate, the subspecies;
 - c. Lot number or other lot identification;
 - d. Origin.
 - i. For seed collected from a predominantly indigenous stand, the area of collection given by latitude and longitude, a geographic description, or identification of a political subdivision, such as a state or county; or
 - ii. For seed collected from other than a predominantly indigenous stand, identification of the area of collection and the origin of the stand, or the statement “origin not indigenous”;
 - e. The elevation or the upper and lower limits of elevations within which the seed was collected;
 - f. Purity as a percentage of pure seed by weight;
 - g. For those species listed under R3-4-404(C), the following apply except as provided in subsection (E)(2)(h):
 - i. Percentage germination excluding hard seed;
 - ii. Percentage of hard seed, if present;
 - iii. The calendar month and year the test was completed to determine the percentages in subsection ~~(a)~~(i) and ~~(b)~~(ii);
 - h. Instead of complying with subsections (E)(2)(g)(i), (ii), and (iii), the seed may be labeled, “Test is in process, results will be supplied upon request”;
 - i. For those species for which standard germination testing procedures have not been prescribed, the calendar year in which the seed was collected; and
 - j. Name and address of the labeler, or the person who sells, offers, or exposes the seed for sale within this state.
- F. Hermetically sealed seed shall meet the following requirements as prescribed in the “Federal Seed Act.”
- 1. The seed shall have been packaged within nine months of harvest;
 - 2. The container used shall 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 (WVP) is measured in accordance with the U.S. Bureau of Standards as: gm H₂O/24 hr/100 sq in/ 100°F /90% RHV 0% RH;
 - 3. The seed in the container shall not exceed the percentage of moisture, on a wet weight basis, as listed below:
 - a. Agricultural Seeds,
 - i. Beet, Field: 7.5;
 - ii. Beet, Sugar: 7.5;
 - iii. Bluegrass, Kentucky: 6.0;
 - iv. Clover, Crimson: 8.0;
 - v. Fescue, Red: 8.0;
 - vi. Mustard, India: 5.0;
 - ~~vi~~vii. Ryegrass, Annual: 8.0;
 - ~~vii~~viii. Ryegrass, Perennial: 8.0; and
 - ~~viii~~ix. All Others: 6.0; and

ix. Mixture of Above: 8.0;

b. Vegetable Seeds,

- i. Bean, Garden: 7.0;
- ii. Bean, Lima: 7.0;
- iii. Beet: 7.5;
- iv. Broccoli: 5.0;
- v. Brussels Sprouts: 5.0;
- vi. Cabbage: 5.0;
- vii. Carrot: 7.0;
- viii. Cauliflower: 5.0;
- ix. Celeriac: 7.0;
- x. Celery: 7.0;
- xi. Chard, Swiss: 7.5;
- xii. Chinese Cabbage: 5.0;
- xiii. Chives: 6.5;
- xiv. Collards: 5.0;
- xv. Corn, Sweet: 8.0;
- xvi. Cucumber: 6.0;
- xvii. Eggplant: 6.0;
- xviii. Kale: 5.0;
- xix. Kohlrabi: 5.0;
- xx. Leek: 6.5;
- xxi. Lettuce: 5.5;
- xxii. Muskmelon: 6.0;
- xxiii. Mustard, India: 5.0;
- xxiv. Onion: 6.5;
- xxv. Onion, Welsh: 6.5;
- xxvi. Parsley: 6.5;
- xxvii. Parsnip: 6.0;
- xxviii. Pea: 7.0;
- xxix. Pepper: 4.5;
- xxx. Pumpkin: 6.0;
- xxxi. Radish: 5.0;
- xxxii. Rutabaga: 5.0;
- xxxiii. Spinach: 8.0;
- xxxiv. Squash: 6.0;
- xxxv. Tomato: 5.5;
- xxxvi. Turnip: 5.0;
- xxxvii. Watermelon: 6.5; and
- xxxviii. All others: 6.0.

4. The container shall be conspicuously labeled in not less than 8-point type to indicate:

- a. That the container is hermetically sealed,

- b. That the seed has been preconditioned as to moisture content, and
 - c. The calendar month and year in which the germination test was completed; and
5. The germination percentage of the seed at the time of packaging shall have been equal to or higher than the standards specified elsewhere in subsection R3-4-404.

R3-4-403. Noxious Weed Seeds

A. In addition to the noxious weeds prohibited in the “Federal Seed Act” a person shall not allow Class A, B, or C the following prohibited noxious weed seeds in seed regulated under this Article as prescribed under the provisions of R3-4-245:

1. *Acroptilon repens* (L.) DC. – Russian knapweed;
2. *Aegilops cylindrica* Host. – Jointed goatgrass;
3. *Ailanthus altissima* – Tree of heaven;
- ~~3.4.~~ *Alhagi maurorum* – Camelthorn;
5. *Arundo donax* – Giant reed;
- ~~4.~~ *Alternanthera philoxeroides* (Mart.) Griseb. – Alligator weed;
6. *Asphodelus fistulosus* – Onionweed;
7. *Bothriochloa ischaemum* – Yellow bluestem;
8. *Brassica nigra* – Black mustard;
9. *Brassica tournefortii* – Saharan mustard;
10. *Bromus diandrus* – Rippgut brome;
11. *Bromus rubens* – Red brome
12. *Bromus tectorum* - Cheatgrass
- ~~5.~~ *Cardaria pubescens* (C.A. Mey) Jarmolenko – Hairy whitetop;
- ~~6.~~ *Cardaria chalepensis* (L.) Hand-Maz – Lens podded hoary cress;
- ~~7.~~ *Cardaria draba* (L.) Desv. – Globed podded hoary cress (Whitetop);
- ~~8~~13. *Carduus acanthoides* L. – Plumeless thistle;
14. *Cardus nutans* – Musk thistle;
15. *Carrichtera annua* – Ward’s weed;
16. *Cenchrus ciliaris* (*Pennisetum ciliare*) – Buffelgrass;
- ~~9~~17. *Cenchrus echinatus* L. – Southern sandbur;
- ~~10~~18. *Cenchrus spinifex* (*C. incertus*) M.A. Curtis – Field sandbur;
- ~~11~~19. *Centaurea calcitrapa* L. – Purple starthistle;
20. *Centaurea diffusa* – Diffuse knapweed;
- ~~12.~~ *Centaurea iberica* Trev. ex Spreng. – Iberian starthistle;
21. *Centaurea melitensis* – Malta starthistle;
- ~~13.~~ *Centaurea squarrosa* Willd. – Squarrose knapweed;
- ~~14.~~ *Centaurea sulphurea* L. – Sicilian starthistle;
- ~~15~~22. *Centaurea solstitialis* L. – Yellow starthistle (St. Barnaby’s thistle);
- ~~16.~~ *Centaurea diffusa* L. – Diffuse knapweed;
- ~~17~~23. *Centaurea stoebe* (*C. maculosa*) L. – Spotted knapweed;
- ~~18~~24. *Chondrilla juncea* L. – Rush skeletonweed;
- ~~19~~25. *Cirsium arvense* L. Scop. – Canada thistle;
26. *Cirsium vulgare* – Bull thistle;

2027. *Convolvulus arvensis* L. – Field bindweed;
21. *Coronopus squamatus* (Forsk.) Ascherson – Creeping-warteress (*Coronopus*);
2228. *Cucumis melo* L. var. *Dudaim* Naudin – Dudaim melon (Queen Anne’s melon);
23. *Cuscuta* spp. – Dodder;
24. *Cyperus rotundus* – Purple Nutgrass or Nutsedge;
25. *Cyperus esculentus* – Yellow Nutgrass or Nutsedge;
26. *Drymaria arenarioides* H.B.K. – Alfombrilla (Lightningweed);
27. *Eichhornia azurea* (SW) Kunth. – Anchored Waterhyacinth;
29. *Eichhornia crassipes* – Floating water hyacinth;
30. *Elaeagnus angustifolia* – Russian olive;
2831. *Elymus repens* – Quackgrass;
32. *Eragrostis lehmanniana* – Lehman’s lovegrass;
2933. *Euphorbia esula* L. – Leafy spurge;
34. *Euryops subcarnosus* – Sweet resinbush;
3035. *Halogeton glomeratus* (M. Bieb.) C.A. Mey – Halogeton;
31. *Helianthus ciliaris* DC. – Texas Blueweed;
3236. *Hydrilla verticillata* (L.f.) Royle – Hydrilla (Florida-elodea);
33. *Ipomoea* spp. – Morning glory. All species except *Ipomoea carnea*, Mexican bush morning glory; *Ipomoea triloba*, three-lobed morning glory (which is considered a restricted pest); *Ipomoea aborescens*, morning glory tree; *Ipomea batatas* – sweetpotato; *Ipomoea quamoclit*, Cypress Vine; *Ipomoea noctiflora*, Moonflower – Morning Glories, Cardinal Climber, Hearts and Honey Vine;
37. *Ipomoea hederacea* – Ivy-leaf mning glory;
38. *Ipomoea purpurea* – Garden or common morning glory;
39. *Ipomoea tricolor* – Grannyvine;
40. *Ipomoea triloba* – Morning glory;
41. *Ipomoea x leucantha* – Morning glory;
3442. *Isatis tinctoria* L. – Dyers woad;
43. *Kochia scoparia* – Kochia;
44. *Lepidium draba* (*Crdaria draba*) – Globed-podded hoary cress (Whitetop);
3545. *Linaria dalmatica* (*L. genistifolia* var. *dalmatica*) – Dalmation toadflax;
3646. *Lythrum salicaria* L. – Purple loosestrife;
37. *Medicago polymorpha* L. – Burelover;
47. *Melinis repens* – Natal grass;
38. *Nassella trichotoma* (Nees.) Hack. – Serrated tussock;
48. *Oncosiphon piluliferum* – Stinknet (Globe chamomile);
3949. *Onopordum acanthium* L. – Scotch thistle;
4050. *Orobanche ramosa* L. – Branched broomrape;
41. *Panicum repens* L. – Torpedo grass;
4251. *Peganum harmala* L. – African rue (Syrian rue);
52. *Pennisetum setaceum* – Fountain grass;
53. *Searsia lancea* – African sumac;
43. *Portulaca oleracea* L. – Common purslane;

44. *Rorippa austriaca* (Crantz.) Bess. — Austrian fielderess;
4554. *Salvinia molesta* — Giant Salvinia;
46. *Senecio jacobaea* L. — Tansy ragwort;
55. *Sinapis arvensis* — Wild mustard;
47. *Solanum carolinense* — Carolina horsenettle;
48. *Solanum elaeagnifolium* — Silverleaf Nightshade;
49. *Sonchus arvensis* L. — Perennial sowthistle;
50. *Solanum viarum* Dunal — Tropical Soda Apple;
56. *Sorghum* species, perennial (*Sorghum halepense*, *Johnson grass*, *Sorghum almum*, and perennial sweet sudangrass) —
Johnsongrass;
52. *Stipa brachychaeta* Godr. — Puna grass;
53. *Striga* spp. — Witchweed;
57. *Tamarix* spp. — Salt cedar
54. *Trapa natans* L. — Water chestnut;
5558. *Tribulus terrestris* L. — Puncturevine;
59. *Ulmus pumila* — Siberian elm.

B. A person shall not allow more than the number shown of the following restricted noxious weed seeds in a working sample of seed regulated by this Article; or, any more than 50 of any combination of the following restricted noxious weed seeds per working sample. A person shall not allow the following restricted noxious weeds, as a contaminant, in certified or registered seed:

1. *Amaranthus* spp. — Pigweeds;
42. *Avena fatua* — Wild oat: 5;
2. *Brassica campestris* — Bird rape: 30;
3. *Brassica juncea* — Indian mustard: 30;
4. *Brassica niger* — Black mustard: 30;
5. *Brassica rapa* — Field mustard: 30;
3. *Brassica* spp. — Cabbage and mustards;
64. *Cenchrus paeuiflorus* spp. — Sandburs: 10;
5. *Centaurea* spp. — Thistles;
6. *Cuscuta* spp. — Dodder;
7. *Cyperus* spp. — Sedges;
7. *Eichhornia crassipes* (Mart.) Solms — Floating waterhyacinth: 10;
8. *Euryops sumbeanosus* subsp. *vulgaris* — Sweet resinbush: 10;
98. *Ipomoea triloba* L. spp. — Morning glories Three-lobed morning glory: 10;
9. *Lepidium* spp. — Cresses and worts;
10. *Medicago* spp. — Burclovers;
11. *Nassella* spp. — Needlegrasses;
12. *Poa annua* — Annual bluegrass;
10. *Rumex crispus* — Curly dock: 30;
4413. *Salsola kali* var. *tenuifolia* — Russian thistle: 30;
12. *Sinapis arvensis* — Charlock or Wild mustard: 30; and
13. *Sida hederacea* — Alkali mallow: 30.

14. Solanum spp. – Niteshades;

15. Xanthium spp. – Cocklebur.

R3-4-404. Germination Standards

A. Vegetable seed shall have the following minimum percent germination or the minimum percent germination as found in the “Federal Seed Act,” 207 C.F.R. Part 201.31 (as amended at 85 FR 40580, January 1, 2002 July 7, 2020), which is incorporated by reference, not including future editions or amendments. The material is on file with the Department and available for purchase from the U. S. Government Bookstore (<http://bookstore.gpo.gov/>) or at the U.S. Government Printing Office, 732 N. Capitol St., NW, Washington, DC 20401 or it can be found online at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?e=ecfr&sid=42bef6d966081e2f2e9d03315fb999f&rgn=div8&view=text&node=7:3.1.1.7.28.0.317.38&idno=7>
<https://www.ecfr.gov>.

1. Artichoke: 60;
2. Asparagus: 70;
3. Asparagusbean: 75;
4. Bean, garden: 70;
5. Bean, Lima: 70;
6. Bean, runner: 75;
7. Beet: 65;
8. Broadbean: 75;
9. Broccoli: 75;
10. Brussels sprouts: 70;
11. Burdock, great: 60;
12. Cabbage: 75;
13. Cabbage, tronchuda: 70;
14. Cardoon: 60;
15. Carrot: 55;
16. Cauliflower: 75;
17. Celeriac: 55;
18. Celery: 55;
19. Chard, Swiss: 65;
20. Chicory: 65;
21. Chinese cabbage: 75;
22. Chives: 50;
23. Citron: 65;
24. Collards: 80;
25. Corn, sweet: 75;
26. Cornsalad: 70;
27. Cowpea: 75;
28. Cress, garden: 75;
29. Cress, upland: 60;
30. Cress, water: 40;

31. Cucumber: 80;
32. Dandelion: 60;
33. Dill: 60;
34. Eggplant: 60;
35. Endive: 70;
36. Kale: 75;
37. Kale, Chinese: 75;
38. Kale, Siberian: 75;
39. Kohlrabi: 75;
40. Leek: 60;
41. Lettuce: 80;
42. Melon: 75;
43. Mustard, India: 75;
44. Mustard, spinach: 75;
45. Okra: 50;
46. Onion: 70;
47. Onion, Welsh: 70;
48. Pak-choi: 75;
49. Parsley: 60;
50. Parsnip: 60;
51. Pea: 80;
52. Pepper: 55;
53. Pumpkin: 75;
54. Radish: 75;
55. Rhubarb: 60;
56. Rutabaga: 75;
57. Sage: 60;
58. Salsify: 75;
59. Savory, summer: 55;
60. Sorrel: 65;
61. Soybean: 75;
62. Spinach: 60;
63. Spinach, New Zealand: 40;
64. Squash: 75;
65. Tomato: 75;
66. Tomato, husk: 50;
67. Turnip: 80;
68. Watermelon: 70; and
69. All Others: The germination standard for all other vegetable and herb seed for which a standard has not been established shall be 50 percent.

B. ~~Flower seed shall meet the following minimum percent 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 percentage. For the kinds marked with an asterisk, the percentage listed is the sum total of the percentage germination and percentage of hard seed. A mixture of kinds does not meet the germination standard if the germination of any kind or combination of kinds constituting 25 percent or more of the mixture by number of seed is below the germination standard for the kind or kinds involved.

1. Archillea (The Pearl) – *Achillea ptarmica*: 50;
2. African Daisy – *Dimorphotheca aurantiaca*: 55;
3. African Violet – *Saintpaulia* spp: 30;
4. Ageratum – *Ageratum mexicanum*: 60;
5. Agrostemma (rose campion) – *Agrostemma coronaria*: 65;
6. Alyssum – *Alyssum compactum*, *A. maritimum*, *A. procumbens*, *A. saxatile*: 60;
7. Amaranthus – *Amaranthus* spp: 65;
8. Anagalis (primpernel) – *Anagalis arvensis*, *Anagalis coerulea*, *Anagalis grandiflora*: 60;
9. Anemone – *Anemone coronaria*, *A. pulsatilla*: 55;
10. Angel's Trumpet – *Datura arborea*: 60;
11. Arabis – *Arabis alpine*: 60;
12. Arctotis (African lilac daisy) – *Arctotis grandis*: 45;
13. Armeria – *Armeria formosa*: 55;
14. Asparagus, fern – *Asparagus plumosus*: 50;
15. Asparagus, sprenger, *Asparagus sprenger*: 55;
16. Aster, China – *Callistephus chinensis*; except Pompon, Powderpuff, and Princess types: 55;
17. Aster, China – *Callistephus chinensis*; Pompon, Powderpuff, and Princess types: 50;
18. Aubretia – *Aubretia deltoids*: 45;
19. Baby Smilax – *Aparagus asparagoides*: 25;
20. Balsam – *Impatiens balsamina*: 70;
21. Begonia – (*Begonia fibrous rooted*): 60;
22. Begonia – (*Begonia tuberous rooted*): 50;
23. Bells of Ireland – *Molucella laevis*: 60;
24. Brachycome (swan river daisy) – *Brachycome iberidifolia*: 60;
25. Browallia – *Browallia elata* and *B. speciosa*: 65;
26. Bupthalam (sunwheel) – *Bupthalam salicifolium*: 60;
27. Calceolaria – *Calceolaria* spp: 60;
28. Calendula – *Calendula officinalis*: 65;
29. California Poppy – *Eschscholtzia californica*: 60;
30. Calliopsis – *Coreopsis bicolor*, *C. drummondi*, *C. elegans*: 65;
31. Campanula:
 - a. Canterbury Bells – *Campanula medium*: 60;
 - b. Cup and Saucer Bellflower – *Campanula medium calycanthemea*: 60;
 - c. Carpathian Bellflower – *Campanula carpatica*: 50;
 - d. Peach Bellflower – *Campanula persicifolia*: 50;
32. Candytuft, Annual – *Iberis amara*, *I. umbellate*: 65;
33. Candytuft, Perennial – *Iberis gibraltarica*, *I. sempervirens*: 55;
34. Castor Bean – *Ricinus communis*: 60;

35. Cathedral Bells – *Cobaea scandens*: 65;
36. *Celosia argentea*: 65;
37. Centaurea: Basket Flower – *Centaurea americana*, Cornflower – *C. cyanus*, Dusty Miller – *C. candidissima*, Royal Centaurea – *C. imperialis*, Sweet Sultan – *C. moschata*, Velvet Centaurea – *C. gymnocarpa*: 60;
38. Snow-in-Summer *Cerastium biebersteini* and *C. tomentosum*: 65;
39. Chinese Forget-me-not – *Cynoglossum amabile*: 55;
40. Chrysanthemum, Annual – *Chrysanthemum carinatum*, *C. coronarium*, *C. Cineraria* – *Senecio cruentus*: 60;
41. Clarkia – *Clarkia elegans*: 65;
42. Cleome – *Cleome gigantea*: 65;
43. Coleus – *Coleus blumei*: 65;
44. Columbine – *Aquilegia* spp.: 50;
45. Coral Bells – *Heuchera sanguinea*: 55;
46. Coreopsis, Perennial – *Coreopsis lanceolata*: 40;
47. Corn, ornamental – *Zea mays*: 75;
48. Cosmos: Sensation, Mammoth and Crested types – *Cosmos bipinnatus*; Klondyke type – *C. sulphureus*: 65;
49. Crossandra – (*Crossandra infundibuliformis*): 50;
50. Dahlia – *Dahlia* spp: 55;
51. Daylily – *Hemerocallis* spp: 45;
52. Delphinium, Perennial – *Belladonna* and *Bellamosum* types; Cardinal Larkspur – *Delphinium cardinale*; *Chinensis* types; Pacific Giant, Gold Medal and other hybrids of *D. elatum*: 55;
53. Dianthus:
 - a. Carnation – *Dianthus caryophyllus*: 60;
 - b. China Pinks – *Dianthus chinensis*, *heddewigi*, *heddensis*: 70;
 - c. Grass Pinks – *Dianthus plumarius*: 60;
 - d. Maiden Pinks – *Dianthus deltoids*: 60;
 - e. Sweet William – *Dianthus barbatus*: 70;
 - f. Sweet Wivelsfield – *Dianthus allwoodi*: 60;
54. Didiscus – (blue lace flower) – *Didiscus coerulea*: 65;
55. Doronicum (leopard's bane) – *Doronicum caucasicum*: 60;
56. Dracaena – *Dracaena indivisa*: 55;
57. Dragon Tree – *Dracaena draco*: 40;
58. English Daisy – *Bellis perennis*: 55;
59. Flax – Golden flax (*Linum flavum*); Flowering flax *L. randiflorum*; Perennial flax, *L. perenne*: 60;
60. Flowering Maple – *Abutilon* spp: 35;
61. Foxglove – *Digitalis* spp: 60;
62. Gaillardia, Annual – *Gaillardia pulchella*; *G. picta*; Perennial – *G. grandiflora*: 45;
63. Gerbera (transvaal daisy) – *Gerbera jamesoni*: 60;
64. Geum – *Geum* spp: 55;
65. Gilia – *Gilia* spp: 65;
66. Glosiosa daisy (*rudbeckia*) – *Echinacea purpurea* and *Rudbeckia Hirta*: 60;
67. Gloxinia – (*Sinningia speciosa*): 40;
68. Godetia – *Godetia amoena*, *G. grandiflora*: 65;

69. Gourds: Yellow Flowered – *Cucurbita pepo*; White Flowered – *Lagenaria sisceraria*; Dishcloth – *Luffa cilindrica*: 70;
70. Gypsophila: Annual Baby’s Breath – *Gypsophilla elegans*; Perennial Baby’s Breath – *G. paniculata*, *G. pacifica* *G. repens*: 70;
71. Helenium – *Helenium autumnale*: 40;
72. Helichrysum – *Helichrysum monstrosum*: 60;
73. Heliopsis – *Heliopsis scabra*: 55;
74. Heliotrope – *Heliotropium* spp: 35;
75. Helipterum (Acroclinium) – *Helipterum roseum*: 60;
76. Hesperis (sweet rocket) – *Hesperis matronalis*: 65;
77. *Hollyhock – *Althea rosea*: 65;
78. Hunnemanian (mexican tulip poppy) – *Hunnemanian fumariaefolia*: 60;
79. Hyacinth bean – *Dolichos lablab*: 70;
80. Impatiens – *Impatiens hostii*, *I. sultani*: 55;
81. **Ipomoea* – Cypress Vine – *Ipomoea quamoclit*; Moonflower – *I. noctiflora*; Morning Glories, Cardinal Climber, Hearts and Honey Vine – *Ipomoea* spp: 75, exception: *I. hederacea* – Ivy-leaf morning glory, *I. purpurea* – Garden or common morning glory, *I. tricolor* – Grannyvine, *I. triloba* and *I. x leucantha* – morning glory which are noxious weeds;
82. Jerusalem cross (maltese cross) – *Lychnis chalcedonica*: 70;
83. Job’s Tears – *Coix lacrymajobi*: 70;
84. Kochia – *Kochia childsii*: 55;
85. Larkspur, Annual – *Delphinium ajacis*: 60;
86. Lantana – *Lantana camara*, *L. hybrida*: 35;
87. Liliium (regal lily) – *Lilium regale*: 50;
88. Linaria – *Linaria* spp: 65, exception: *Linaria genistifolia* var. *dalmatica* – Dalmation toadflax which is a prohibited noxious weed;
89. Lobelia, Annual – *Lobelia erinus*: 65;
90. Lunaria, Annual – *Lunaria annua*: 65;
91. *Lupine – *Lupinus* spp: 65;
92. Marigold – *Tagetes* spp: 65;
93. Marvel of Peru – *Mirabilis jalapa*: 60;
94. Matricaria (feverfew) – *Matricaria* spp: 60;
95. Mignonette – *Reseda odorata*: 55;
96. Myosotis – *Myosotis alpestris*, *M. oblongata*, *M. palustres*: 50;
97. Nasturtium – *Tropaeolum* spp: 60;
98. Nemesis – *Nemesis* spp: 65;
99. Nemophila – *Nemophila insignis*: 70;
100. Nemophila, spotted – *Nemophila maculate*: 60;
101. Nicotiana – *Nicotiana affinis*, *N. sanderae*, *N. sylvestris*: 65;
102. Nierembergia – *Nierembergia* spp: 55;
103. Nigella – *Nigella damascena*: 55;
104. Pansy – *Viola tricolor*: 60;
105. Penstemon – *Penstemon barbatus*, *P. grandflorus*, *P. laevigatus*, *P. pubescens*: 60;
106. Petunia – *Petunia* spp: 45;

107. Phacelia – *Phacelia campanularia*, *P. minor*, *P. tanacetifolia*: 65;
108. Phox, Annual – *Phlox drummondii* all types and varieties: 55;
109. Physalis – *Physalis* spp: 60;
110. Platycodon (balloon flower) – *Platycodon grandiflorum*: 60;
111. Plumbago, cape – *Plumbago capensis*: 50;
112. Ponytail – *Beaucarnea recurvata*: 40;
113. Poppy: Shirley Poppy – *Papaver rhoeas*; Iceland Poppy – *P. nudicaule*; Oriental Poppy – *P. orientale*; Tulip Poppy – *P. glaucum*: 60;
114. Portulace – *Portulaca grandiflora*: 55;
115. Primula (primrose) – *Primula* spp: 50;
116. Pyrethrum (painted daisy) – *Pyrethrum coccineum*: 60;
117. Salpiglossis – *Salpiglossis gloxinaeflora*, *S. sinuata*: 60;
118. Salvia – Scarlet Sage – *Salvia splendens*; Mealycup Sage (Blue bedder) – *Salvia farinacea*: 50;
119. Saponaria – *Saponaria ocymoides*, *S. vaccaria*: 60;
120. Scabiosa, Annual – *Scabiosa atropurpurea*: 50;
121. Scabiosa, Perennial – *Scabiosa caucasica*: 40;
122. Schizanthus – *Schizanthus* spp: 60;
123. *Sensitive plant (mimosa) – *Mimosa pudica*: 65;
124. Shasta Daisy – *Chrysanthemum maximum* C. *leucanthemum*: 65;
125. Silk Oak – *Grevillea robusta*: 25;
126. Snapdragon – *Antirrhinum* spp: 55;
127. Solanum – *Solanum* spp: 60, exceptions; *Solanum carolinense* – Carolina horsenettle and *Solanum elaeagnifolium* Silverleaf Nightshade which are prohibited noxious weeds;
128. Statice – *Statice sinuata*, *S. suworonii* (flower heads): 50;
129. Stocks: Common – *Mathiola incana*; Evening Scented – *Mathiola bicornis*: 65;
130. Sunflower – *Helianthus* spp: 70, exception; *Helianthus ciliaris* DC. – Texas blueweed which is a prohibited noxious weed;
131. Sunrose – *Helianthemum* spp: 30;
132. *Sweet Pea, Annual and Perennial other than dwarf bush – *Lathyrus odoratus*, *L. latifolius*: 75;
133. *Sweet Pea, Dwarf Bush – *Lathyrus odoratus*: 65;
134. Tahoka Daisy – *Machaeathera tanacetifolia*: 60;
135. Thunbergia – *Thunbergia alata*: 60;
136. Torcn Flower – *Tithonia speciosa*: 70;
137. Torenia (Wishbone Flower) – *Torenia fournieri*: 70;
138. *Tritoma kniphofia* Spp: 65;
139. Verbena, Annual – *Verbena hybrida*: 35;
140. Vinca – *Vinca rosea*: 60;
141. Viola – *Viola cornuta*: 55;
142. Virginian Stocks – *Malcolmia maritima*: 65;
143. Wallflower – *Cheiranthus allioni*: 65;
144. Yucca (Adam’s Needle) – *Yucca filamentosa*: 50;

145. Zinnia (Except Linearis and Creeping) – *Zinnia angustifolia*, *Z. elegans*, *Z. grandiflora*, *Z. gracillima*, *Z. haegeana*, *Z. multiflora*, *Z. pumila*: 65;

146. Zinnia, Linearis and Creeping – *Zinnia linearis*, *Sanvitalia procumbens*: 50;

147. All Other Kinds: 50.

C. The germination labeling provisions of R3-4-402(E) apply to the following tree and shrub species:

1. *Abies amabilis* (Dougl.) Forbes – Pacific Silver Fir;
2. *Abies balsamea* (L.) Mill. – Balsam Fir;
3. *Abies concolor* (Gord. Glend.) Lindl. – White Fir;
4. *Abies fraseri* (Pursh.) Poir – Fraser Fir;
5. *Abies grandis* (Dougl.) Lindl. – Grand Fir;
6. *Abies homolepis* Sieb Zucc. – Nikko Fir;
7. *Abies lasiocarpa* (Hook) Nutt. – Subalpine Fir;
8. *Abies magnifica* A. Murr. – California Red Fir;
9. *Abies magnifica* var. *shastensis* Lemm. – Shasta Red Fir;
10. *Abies procera* Rehd. – Nobel Fir;
11. *Abies veitchii* (Lindl.) – Veitch Fir;
12. *Acer ginnala* Maxim. – Amur Maple;
13. *Acer macrophyllum* Pursh. – Bigleaf Maple;
14. *Acer negundo* L. – Boxelder;
15. *Acer pensylvanicum* L. – Striped Maple;
16. *Acer platanoides* L. – Norway Maple;
17. *Acer pseudoplatanus* L. – Sycamore Maple;
18. *Acer rubrum* L. – Red Maple;
19. *Acer saccharinum* L. – Silver Maple;
20. *Acer saccharum* Marsh. – Sugar Maple;
21. *Acer spicatum* Lam. – Mountain Maple;
22. *Aesculus pavia* L. – Red Buckeye;
23. *Ailanthus altissima* (Mill.) Swingle – Tree of Heaven, Ailanthus;
24. *Berberis thunbergii* DC. – Japanese Barberry;
25. *Berberis vulgaris* L. European Barberry;
26. *Betula lenta* L. – Sweet Birch;
27. *Betula alleghaniensis* Britton – Yellow Birch;
28. *Betula nigra* L. – River Birch;
29. *Betula papyrifera* Marsh. – Paper Birch;
30. *Betula pendula* Roth. – European White Birch;
31. *Betula populifolia* Marsh. – Gray Birch;
32. *Carya illinoensis* (Wang.) K. Koch – Pecan;
33. *Carya ovata* (Mill) K. Koch – Shagbark Hickory;
34. *Casuarina* spp. – Beefwood;
35. *Catalpa bignonioides* Walt. – Southern Catalpa;
36. *Catalpa speciosa* Warder. – Northern Caralpa;
37. *Cedrus atlantica* Manetti – Atlas Cedar;

38. *Cedrus deodara* (Roxb.) Loud. – Deodar Cedar;
39. *Cedrus libani* (Loud.) – Cedar of Lebanon;
40. *Clastrus scandens* L. – American Bittersweet;
41. *Celastrus orbiculata* Thunb. – Oriental Bittersweet;
42. *Chamaecyparis lawsoniana* (A. Murr.) Parl – Port Oxford Cedar;
43. *Chamaecyparis nootkatensis* (D. Don.) Spach. – Alaska Cedar;
44. *Cornus florida* L. – Flowering Dogwood;
45. *Cornus stolonifera* Michx. – Red-osier Dogwood;
46. *Crataegus mollis* – Downy Hawthorn;
47. *Cupressus arizonica* Greene – Arizona Cypress;
48. *Eucalyptus deglupta*;
49. *Eucalyptus gradis*;
50. *Fraxinus americana* L. – White Ash;
51. *Fraxinus excelsior* L. – European Ash;
52. *Fraxinus latifolia* Benth. – Oregon Ash;
53. *Fraxinus nigra* Marsh. – Black Ash;
54. *Fraxinus pensylvanica* Marsh. – Green Ash;
55. *Fraxinus pensylvanica* var. *lanceolata* (Borkh.) Sarg. – Green Ash;
56. *Gleditsia triacanthos* L. – Honey Locust;
57. *Grevillea robusta* – Silk-oak;
58. *Larix decidua* Mill, – European Larch;
59. *Larix eurolepis* Henry – Dunkfeld Larch;
60. *Larix leptolepis* (Sieb. Zucc.) Gord. – Japanese Larch;
61. *Larix occidentalis* Nutt. – Western Larch;
62. *Larix sibirica* Ledeb. – Siberian Larch;
63. *Libocedrus decurrens* – Incense-Cedar;
64. *Liquidambar styraciflua* L. – Sweetgum;
65. *Liriodendron tulipifera* L. – Yellow-Poplar;
66. *Magnolia grandiflora* – Southern Magnolia;
67. *Malus* spp. – Apple;
68. *Malus* spp. – Crabapple;
69. *Nyssa aquatica* L. – Water Tupelo;
70. *Nyssa sylvatica* var. *sylvatica* – Black Tupelo;
71. *Picea abies* (L.) Karst. – Norway Spruce;
72. *Picea engelmanni* Parry – Engelmann Spruce;
73. *Picea glauca* (Moench.) Voss – White Spruce;
74. *Picea glauca* var. *albertiana* (S. Brown) Sarg. – Western White Spruce, Alberta White Spruce;
75. *Picea glehnii* (Fr. Schmidt) Mast. – Sakhalin Spruce;
76. *Picea jezoensis* (Sieb. Zucc.) Carr – Yeddo Spruce;
77. *Picea koyamai* Shiras. – Koyama Spruce;
78. *Picea mariana* (Mill.) B.S.P. – Black Spruce;
79. *Picea omorika* (Pancic.) Purkyne – Serbian Spruce;

80. *Picea orientalis* (L.) Link. – Oriental Spruce;
81. *Picea polita* (Sieb. Zucc.) Carr – Tigertail Spruce;
82. *Picea pungens* Engelm. – Blue Spruce, Colorado Spruce;
83. *Picea pungens* var. *glauca* Reg. – Colorado Blue Spruce;
84. *Picea rubens* Sarg. – Red Spruce;
85. *Picea sitchensis* (Bong.) Carr – Sitka Spruce;
86. *Pinus albicaulis* Engelm. – Whitebark Pine;
87. *Pinus aristata* Engelm. – Bristlecone Pine;
88. *Pinus banksiana* Lamb. – Jack Pine;
89. *Pinus canariensis* C. Smith – Canary Pine;
90. *Pinus caribaea* – Caribbean Pine;
91. *Pinus cembroides* Zucc. – Mexican Pinyon Pine;
92. *Pinus clausa* – Sand Pine;
93. *Pinus conorta* Dougl. – Lodgepole Pine;
94. *Pinus contorta* var. *latifolia* Engelm. – Lodgepole Pine;
95. *Pinus coulteri* D. Don. – Coulter Pine, Bigcone Pine;
96. *Pinus densiflora* Sieb. Zucc. – Japanese Red Pine;
97. *Pinus echinata* Mill. – Shortleaf Pine;
98. *Pinus elliotii* Engelm. – Slash Pine;
99. *Pinus flexilis* James – Limber Pine;
100. *Pinus glabra* Walt. – Spruce Pine;
101. *Pinus griffithi* McClelland – Himalayan Pine;
102. *Pinus halepensis* Mill. – Aleppo Pine;
103. *Pinus jeffreyi* Grev. Balf. – Jeffrey Pine;
104. *Pinus khasya* Royle – Khasia Pine;
105. *Pinus lambertiana* Dougl. – Sugar Pine;
106. *Pinus heldreichii* var. *leucodermis* (Ant.) Markgraf ex Fitschen – Balkan Pine, Bosnian Pine;
107. *Pinus markusii* DeVriese – Markus Pine;
108. *Pinus monticola* Dougl. – Western White Pine;
109. *Pinus mugo* Turra. – Mountain Pine;
110. *Pinus mugo* var. *mughus* (Scop.) Zenari – Mugo Swiss Mountain Pine;
111. *Pinus muricata* D. Don. – Bishop pine;
112. *Pinus nigra* Arnold – Austrian Pine;
113. *Pinus nigra* poiretiana (Ant.) Aschers Graebn. – Corsican Pine;
114. *Pinus palustris* Mill. – Longleaf Pine;
115. *Pinus parviflora* Sieb. Zucc. – Japanese White Pine;
116. *Pinus patula* Schl. Cham. – Jelecote Pine;
117. *Pinus pinaster* Sol. – Cluster Pine;
118. *Pinus pinea* L. – Italian Stone Pine;
119. *Pinus ponderosa* Laws. – Ponderosa Pine, Western Yellow Pine;
120. *Pinus radiata* D. Don. – Monterey Pine;
121. *Pinus resinosa* Ait. – Red Pine, Norway Pine;

122. *Pinus rigida* Mill. – Pitch Pine;
123. *Pinus serotina* Michx. – Pond Pine;
124. *Pinus strobus* L. – Eastern White Pine;
125. *Pinus sylvestris* L. – Scots Pine;
126. *Pinus taeda* L. – Loblolly Pine;
127. *Pinus taiwanensis* Hayata – Formosa Pine;
128. *Pinus thunbergii* Parl. – Japanese Black Pine;
129. *Pinus virginiana* Mill. – Virginia Pine, Scrub Pine;
130. *Platanus occidentalis* L. – American Sycamore;
131. *Populus* spp. – Poplars;
132. *Prunus armeriaca* L. – Apricot;
133. *Prunus avium* L. – Cherry;
134. *Prunus domestica* L. – Plum, Prune;
135. *Prunus persica* Batsch. – Peach;
136. *Pseudotsuga menziesii* var. *glauca* (Beissn.) Franco – Blue Douglas Fir;
137. *Pseudotsuga menziesii* var. *caesia* (Beissn.) Franco – Gray Douglas Fir;
138. *Pseudotsuga menziesii* var. *viridis* – Green Douglas Fir;
139. *Pyrus communis* L. – Pear;
140. *Quercus* spp. – (Red or Black Oak group);
141. *Quercus alba* L. – White Oak;
142. *Quercus muehlenbergii* Engelm. – Chinkapin Oak;
143. *Quercus virginiana* Mill. – Live Oak;
144. *Rhododendron* spp. – Rhododendron;
145. *Robinia pseudoacacia* L. – Black Locust;
146. *Rosa multiflora* Thunb. – Japanese Rose;
147. *Sequoia gigantea* (Lindl.) Decne. – Giant Sequoia;
148. *Sequoia sempervirens* (D. Don.) Engl. – Redwood;
149. *Syringa vulgaris* L. – Common Lilac;
150. *Thuja occidentalis* L. – Northern White Cedar, Eastern Arborvitae;
151. *Thuja orientalis* L. – Oriental Arborvitae, Chinese Arborvitae;
152. *Thuja plicata* Donn. – Western Red Cedar – Giant Arborvitae;
153. *Tsuga canadensis* (L.) Carr. – Eastern Hemlock, Canada Hemlock;
154. *Tsuga heterophylla* (Raf.) Sarg. – Western Hemlock, Pacific Hemlock;
155. *Ulmus americana* L. – American Elm;
156. *Ulmus parvifolia* Jacq. – Chinese Elm;
157. *Ulmus pumila* L. – Siberian Elm; and
158. *Vitis vulpina* L. – Riverbank Grape.

- D. A person shall not indicate a quality of seed higher than the actual quality as found through germination test.
- E. The labeler or the person who sells, offers, or exposes for sale within this state seeds in hermetically-sealed containers more than 36 months after the last day of the month in which the seeds were tested prior to packaging, shall retest the seeds within nine months, excluding of the calendar month in which the retest was completed, immediately prior to sale, exposure for sale, or offering for sale or transportation.

R3-4-406. Sampling and Analyzing Seed

- A. A person shall follow the methods of taking, handling, analyzing, and testing samples of seed and the tolerances and methods of determination as prescribed in the Federal Seed Act Regulations, 7 C.F.R. Part 201.39 through 201.65; (As amended at 85 FR 40580, July 7, 2022~~January 1, 2002~~), and in the Rules for Testing Seeds, ~~2006~~2017, published by the Association of Official Seed Analysts. This material is incorporated by reference and is on file with the Department. The materials incorporated by reference do not include any later amendments or editions. The Rules for Testing Seeds are also available through the web site: <http://www.aosaseed.com>. The CFR may be ordered from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA, 15250-7954 and the Rules for Testing Seeds may be ordered from the AOSA Management Office, Mail Boxes Etc. #285, 601 S. Washington, Stillwater, OK 74074-4539. If there is a conflict between the two documents, the requirements in CFR will prevail.
- B. A labeler offering a seed for sale shall pay the cost of original germination and purity tests on each lot of seed offered for sale, and a dealer or labeler shall pay the cost of any subsequent germination test required by A.R.S. § 3-237. The Department shall pay the cost of testing seed samples drawn by a seed inspector from lots bearing valid labels. The dealer or labeler shall reimburse the Department for the cost of the test if the dealer or labeler chooses to use the Department's germination and purity results in subsequent re-labeling.

R3-4-408. Licenses: Seed Dealer and Seed Labeler; Fees

- A. An applicant for a seed dealer or seed labeler license shall provide the following to the Department:
1. The year for which the applicant wishes to be licensed;
 2. The applicant's name, company name, telephone number, fax number and e-mail address, as applicable;
 3. Verification of previous seed dealer or labeler license, if applicable;
 4. The mailing and physical address of each business location being licensed;
 5. Company Tax ID number or if not a legally-recognized business entity, the applicant's Social Security number;
 6. The date of the application; and
 7. The signature of the applicant.
- B. Seed dealer and seed labeler licenses are not transferable, expire on June 30, and are valid for no more than one year, or period thereof, unless otherwise revoked, suspended, denied or otherwise acted upon by the Department as provided in A.R.S. § 3-233(A)(6).
- C. An applicant shall submit a completed application to the Department accompanied by the following fee, which is nonrefundable unless A.R.S. § 41-1077 applies.
1. Seed dealers, \$50.00 per location; and
 2. Seed labelers, \$100.00.
- ~~D. During fiscal year 2011 and fiscal year 2012, notwithstanding subsection (C), there is no fee to obtain a seed dealer or seed labeler license.~~