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02.06.01 - Rules Governing the Pure Seed Law

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**IDAPA 02
TITLE 06
CHAPTER 01**

02.06.01 - RULES GOVERNING THE PURE SEED LAW

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 22, Chapter 4, Idaho Code, Sections 22-418(4) and 22-418(11). (3-30-06)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules Governing the Pure Seed Law.” (3-20-97)

02. Scope. This chapter has the following scope: These rules shall govern procedures for sale or distribution of seed in Idaho. These rules will also establish seed service testing fees for purity, germination, tetrazolium and special tests. The official citation of this chapter is IDAPA 02.06.01.000 et. seq. For example, this section’s citation is IDAPA 02.06.01.001. (3-20-97)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-30-06)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeals before the Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (3-20-97)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (3-30-06)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Office Hours. Office hours are 8 a.m. to 5 p.m. Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (3-30-06)

02. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P. O. Box 790, Boise, Idaho 83701. (3-30-06)

03. Street Address. The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (3-30-06)

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records available for inspection and copying at the Department and the State Law Library. (3-30-06)

007. -- 009. (RESERVED)

010. DEFINITIONS.

In addition to the definitions set forth in Section 22-414, Idaho Code, the Department adopts the following definition: “Condition” means drying, cleaning, scarifying and other operations which could change the purity or germination of the seed and require the seed lot to be retested to determine the label information. (4-2-08)

011. (RESERVED)

012. METHODS OF SAMPLING -- GENERAL PROCEDURE.

01. Sample. In order to secure a representative sample, equal portions shall be taken from evenly distributed parts of the quantity of seed or screenings to be sampled. Access shall be had to all parts of that quantity. When more than one (1) trierful of seed is drawn from a bag, different paths shall be followed. When more than one

(1) handful is taken from a bag, the handfuls shall be taken from well-separated points. (7-1-93)

02. Free Flowing Seed. For free-flowing seed in bags or bulk, a probe or trier shall be used. For small free-flowing seed in bags a probe or trier long enough to sample all portions of the bag shall be used. (7-1-93)

03. Non-Free Flowing Seed. Non-free-flowing seed, such as certain grass seed, uncleaned seed or screenings difficult to sample with a probe or trier, shall be sampled by thrusting the hand into the bulk and withdrawing representative portions. The hand is inserted in an open position and the fingers are held closely together while the hand is being inserted and the portion withdrawn. (7-1-93)

04. Composite Samples. Composite samples shall be obtained to determine the quality of a lot of seed (i.e., percentages of pure seed, other crop seed, weed seed, inert matter and germination). Individual bag samples may be obtained to determine if the lot of seed is uniform. (7-1-93)

a. To determine if there is an obvious lack of uniformity of seed from which a composite sample is being obtained, each portion shall be examined and the portions shall then be combined to form a composite sample or samples. (7-1-93)

b. If the lot is found not to be uniform when obtaining a composite sample to determine its quality then additional individual bag samples shall be taken for the purpose of testing for uniformity. (7-1-93)

c. Such individual bag samples may also be taken for the purpose of testing for uniformity even though a composite sample has not previously been obtained. The identity of each individual bag sample must be maintained. (7-1-93)

05. Bulk. Bulk seed or screenings shall be sampled by inserting a long probe or thrusting the hand into the bulk, as circumstances require, in at least seven uniformly distributed parts of the quantity being sampled. At least as many trierfuls or handfuls shall be taken as the minimum which would be required for the same quantity of seed or screenings in bags of a size customarily used for such seed or screenings. (7-1-93)

06. Bags. (7-1-93)

a. For lots of six (6) bags or less, each bag shall be sampled. A total of at least five (5) trierfuls shall be taken. (7-1-93)

b. For lots of more than six (6) bags, five (5) bags plus at least ten percent (10%) of the number of bags in the lots shall be sampled. (Round off numbers with decimals to the nearest whole number, raising five tenths (.5) to the next whole number.) Regardless of the lot size it is not necessary that more than thirty (30) bags be sampled. (7-1-93)

c. Samples shall be drawn from unopened bags except under circumstances where the identity of the seed has been preserved. (7-1-93)

07. Packets. In sampling seed in packets, entire unopened packets shall be taken. (7-1-93)

08. Size of Sample. (7-1-93)

a. For composite sample to test for quality, the following are minimum weights for samples of seed to be submitted for analysis, test or examination (7-1-93)

i. Two (2) ounces (approximately fifty five (55) grams) of grass seed not otherwise mentioned, white or alsike clover, or seeds not larger than these. (7-1-93)

ii. Five (5) ounces (approximately one hundred fifty (150) grams) of red or crimson clover, alfalfa, lespedezas, ryegrasses, bromegrasses, millet, flax, rape, or seeds of similar size. (7-1-93)

iii. One (1) pound of Sudangrass, sorghum, proso, hemp seed, or seeds of similar size. (7-1-93)

iv. Two (2) pounds (approximately one thousand (1,000) grams) of cereals, vetches, or seeds of similar or larger size. (7-1-93)

b. For individual bag samples to test for uniformity. (7-1-93)

i. The size of any individual bag sample to determine uniformity in a lot of seed shall be not less than the quantities set out in the "Rules and Regulations, under the Federal Seed Act" (53 Statute 1275) (Subsection 201.46). (7-1-93)

ii. If the sample drawn is larger than desired, it shall be thoroughly mixed before it is divided to the desired size. (7-1-93)

09. Forwarding and Receipt of Official Samples. Before being forwarded for analysis test or examination, the containers of official samples shall be properly sealed and identified. The containers of official samples shall be initialed and dated and the sample weighed by the person who breaks the seals. (7-1-93)

113. -- 049. (RESERVED)

050. GERMINATION STANDARDS -- TABLE.

Germination Standards for Vegetable Seeds, which shall be construed to include hard seed.

| | Percent |
|-------------------------------|----------------|
| Artichoke | 60 |
| Asparagus | 70 |
| Asparagusbean | 75 |
| Bean, garden | 70 |
| Bean, lima | 70 |
| Bean, runner | 75 |
| Beet | 65 |
| Broadbean | 75 |
| Broccoli | 75 |
| Brussels sprouts | 70 |
| Burdock, great | 60 |
| Cabbage | 75 |
| Cabbage, tronchuda | 75 |
| Cantaloupe (See muskmelon) | |
| Cardoon | 60 |
| Carrot | 55 |
| Cauliflower | 75 |
| Celeriac | 55 |
| Celery | 55 |
| Chard, Swiss | 65 |

| | Percent |
|------------------|----------------|
| Eggplant | 60 |
| Endive | 70 |
| Kale | 75 |
| Kale, Chinese | 75 |
| Kohlrabi | 75 |
| Leek | 60 |
| Lettuce | 80 |
| Muskmelon | 75 |
| Mustard, India | 75 |
| Mustard, spinach | 75 |
| Okra | 50 |
| Onion | 70 |
| Onion, Welsh | 70 |
| Pak-choi | 75 |
| Parsley | 60 |
| Parsnip | 60 |
| Pea | 80 |
| Pepper | 55 |
| Pumpkin | 75 |
| Radish | 75 |

| | Percent |
|-----------------|---------|
| Chicory | 65 |
| Chinese Cabbage | 75 |
| Chives | 50 |
| Citron | 65 |
| Collards | 80 |
| Corn, sweet | 75 |
| Cornsalad | 70 |
| Cowpea | 75 |
| Cress, garden | 75 |
| Cress, upland | 60 |
| Cress, water | 40 |
| Cucumber | 80 |
| Dandelion | 60 |

| | Percent |
|----------------------|---------|
| Rhubarb | 60 |
| Rutabaga | 75 |
| Salsify | 75 |
| Sorrel | 65 |
| Soybean | 75 |
| Spinach | 60 |
| Spinach, New Zealand | 40 |
| Squash | 75 |
| Tomato | 75 |
| Tomato, husk | 50 |
| Turnip | 80 |
| Watermelon | 70 |

(7-1-93)

051. -- 099. (RESERVED)

100. GERMINATION STANDARDS FOR FLOWER SEEDS.

The kinds of flower seeds listed below are those for which standard testing procedures have been prescribed by the Association of Official Seed Analysts (AOSA) and which are required by the labeling provisions of Section 22-415, Idaho Code. The percentage listed opposite each kind is the germination standard for that kind. For the kinds marked with an asterisk, the percentage is arrived at by totaling the percent germination and percent hard seed. (7-1-93)

01. Table 1.

| Kind | Percent |
|---|---------|
| Achillea (The Pearl) - <i>Achillea ptarmica</i> | 50 |
| African Daisy - <i>Dimorphotheca aurantiaca</i> | 55 |
| African Violet - <i>Saintpaulia</i> spp. | 30 |
| Ageratum - <i>Ageratum mexicanum</i> | 60 |
| Agrostemma (rose champion) - <i>Agrostemma coronaria</i> | 65 |
| Alyssum - <i>Alyssum campactum</i> , <i>A. maritimum</i> , <i>A. procumbens</i> , <i>A. saxatile</i> | 60 |
| Amaranthus - <i>Amaranthus</i> spp. | 65 |
| Anagalis (pimpernel) - <i>Anagalis arvensis</i> , <i>Anagalis coerulea</i> , <i>Anagalis grandiflora</i> | 60 |
| Anemone - <i>Anemone coronaria</i> , <i>A. pulsatilla</i> | 55 |
| Angel's Trumpet - <i>Datura arborea</i> | 60 |
| Arabis - <i>Arabis alpina</i> | 60 |

| Kind | Percent |
|--|---------|
| Arctotis (African lilac daisy) - <i>Arctotis grandis</i> | 45 |
| Armeria - <i>Armeria formosa</i> | 55 |
| Asparagus, fern - <i>Asparagus plumosus</i> | 50 |
| Asparagus, sprenger - <i>Asparagus sprengeri</i> | 55 |
| Aster, China - <i>Callistephus chinensis</i> ; except Pompon, Powderpuff, and Princess types | 55 |
| Aster, China - <i>Callistephus chinensis</i> ; Pompon, Powderpuff, and Princess types | 50 |
| Aubretia - <i>Aubretia deltoides</i> | 45 |
| Baby Smilax - <i>Asparagus asparagoides</i> | 25 |
| Balsam - <i>Impatiens balsamina</i> | 70 |
| Begonia - <i>Begonia fibrous rooted</i> | 60 |
| Begonia - <i>Begonia tuberous rooted</i> | 50 |
| Bells of Ireland - <i>Molucella laevis</i> | 60 |
| Brachycome (swan river daisy) - <i>Brachycome iberidifolia</i> | 60 |
| Browallia - <i>Browallia elata</i> and <i>B. speciosa</i> | 65 |
| Buphthalmum (sunwheel) - <i>Buphthalmum salicifolium</i> | 60 |
| Calceolaria - <i>Calceolaria</i> spp. | 60 |
| Calendula - <i>Calendula officinalis</i> | 65 |
| California Poppy - <i>Eschscholtzia californica</i> | 60 |
| Calliopsis - <i>Coreopsis bicolor</i> , <i>C. drummondii</i> , <i>C. elegans</i> | 65 |
| Campanula: | |
| Canterbury Bells - <i>Campanula medium</i> | 60 |
| Cup and Saucer Bellflower - <i>Campanula medium calycanthemata</i> | 60 |
| Carpathian Bellflower - <i>Campanula carpatica</i> | 50 |
| Peach Bellflower - <i>Campanula persicifolia</i> | 50 |
| Candytuft, Annual - <i>Iberis amara</i> , <i>I. umbellata</i> | 65 |
| Candytuft, Perennial - <i>Iberis gibraltarica</i> , <i>I. sempervirens</i> | 55 |
| *Castor Bean - <i>Ricinus communis</i> | 60 |
| Cathedral Bells - <i>Cobaea scandens</i> | 65 |
| Celosia - <i>Celosia argentea</i> | 65 |

| Kind | Percent |
|---|----------------------------------|
| Centaurea: Basket Flower - <i>Centaurea americana</i> , Cornflower - <i>C. cyanus</i> , Dusty Miller - <i>C. candidissima</i> , Royal Centaurea - <i>C. imperialis</i> , Sweet Sultan - <i>C. moschata</i> , Velvet Centaurea - <i>C. gymnocarpa</i> | 60 |
| Cerastium (snow-in-summer) - <i>Cerastium biebersteini</i> and <i>C. tomentosum</i> | 65 |
| Chinese Forget-me-not - <i>Cynoglossum amabile</i> | 55 |
| Chrysanthemum, Annual - <i>Chrysanthemum carinatum</i> , <i>C. coronarium</i> , <i>C. segetum</i> | 40 |
| Cineraria - <i>Senecio cruentus</i> | 60 |
| Clarkia - <i>Clarkia elegans</i> | 65 |
| Cleome - <i>Cleome gigantea</i> | 65 |
| Coleus - <i>Coleus blumei</i> | 65 |
| Columbine - <i>Aquilegia</i> spp. | 50 |
| Coral Bells - <i>Heuchera sanguinea</i> | 55 |
| Coreopsis, Perennial - <i>Coreopsis lanceolata</i> | 40 |
| Corn, ornamental - <i>Zea mays</i> | 75 |
| Cosmos: Sensation, Mammoth and Crested types - <i>Cosmos bipinnatus</i> ; Klondyke type - <i>C. sulphureus</i> | 65 |
| Crossandra - (<i>Crossandra infundibuliformis</i>) | 50 |
| Dahlia - <i>Dahlia</i> spp. | 55 |
| Daylily - <i>Hemerocallis</i> spp. | 45 |
| Delphinium, Perennial: Belladonna and Bellamosum types; Cardinal Larkspur - <i>Delphinium cardinale</i> ; Chinensis types; Pacific Giant, Gold Medal and other hybrids of <i>D. elatum</i> | 55 |
| Dianthus: Carnation - <i>Dianthus caryophyllus</i> China Pinks - <i>Dianthus chinensis</i> , <i>heddewigi</i> , <i>heddensis</i> Grass Pinks - <i>Dianthus plumarius</i> Maiden Pinks - <i>Dianthus deltoides</i> Sweet William - <i>Dianthus barbatus</i> Sweet Wivelsfield - <i>Dianthus allwoodi</i> | 60 70 60 60 70 60 |
| Didiscus - (blue lace flower) - <i>Didiscus coerulea</i> | 65 |
| Doronicum (leopard's bane) - <i>Doronicum caucasicum</i> | 60 |
| Dracaena - <i>Dracaena indivisa</i> | 55 |

| Kind | Percent |
|---|---------|
| Dragon Tree - <i>Dracaena draco</i> | 40 |
| English Daisy - <i>Bellis perennis</i> | 55 |
| Flax - Golden flax (<i>Linum flavum</i>); Flowering flax <i>L. grandiflorum</i> ; Perennial flax, <i>L. perenne</i> | 60 |
| Flowering Maple - <i>Abutilon</i> spp. | 35 |
| Foxglove - <i>Digitalis</i> spp. | 60 |
| Gaillardia, Annual - <i>Gaillardia pulchella</i> ; <i>G. picta</i> ; Perennial - <i>G. grandiflora</i> | 45 |
| Gerbera (transvaal daisy) - <i>Gerbera jamesoni</i> | 60 |
| Geum - <i>Geum</i> spp. | 55 |
| Gilia - <i>Gilia</i> spp. | 65 |
| Gloriosa daisy (<i>rudbeckia</i>) - <i>Echinacea purpurea</i> and <i>Rudbeckia hirta</i> | 60 |
| Gloxinia - (<i>Sinningia speciosa</i>) | 40 |
| Godetia - <i>Godetia amoena</i> , <i>G. grandiflora</i> | 65 |
| Gourds: Yellow Flowered - <i>Cucurbita pepo</i> ; White Flowered - <i>Lagenaria siceraria</i> ; Dishcloth - <i>Luffa cylindrica</i> | 70 |
| Gypsophila: Annual Baby's Breath - <i>Gypsophila elegans</i> ; Perennial Baby's Breath - <i>G. paniculata</i> , <i>G. pacifica</i> , <i>G. repens</i> | 70 |
| Helenium - <i>Helenium autumnale</i> | 40 |
| Helichrysum - <i>Helichrysum monstrosum</i> | 60 |
| Heliopsis - <i>Heliopsis scabra</i> | 55 |
| Heliotrope - <i>Heliotropium</i> spp. | 35 |
| Helipterum (<i>Acroclinium</i>) - <i>Helipterum roseum</i> | 60 |
| Hesperis (sweet rocket) - <i>Hesperis matronalis</i> | 65 |
| *Hollyhock - <i>Althea rosea</i> | 65 |
| Hunnemannia (mexican tulip poppy) - <i>Hunnemannia fumariaefolia</i> | 60 |
| *Hyacinth bean - <i>Dolichos lablab</i> | 70 |
| Impatiens - <i>Impatiens holstii</i> , <i>I. sultani</i> | 55 |
| *Ipomea - Cypress Vine - <i>Ipomea quamoclit</i> ; Moonflower - <i>I. noctiflora</i> ; Morning Glories, Cardinal Climber, Hearts and Honey Vine - <i>Ipomea</i> spp. | 75 |

| Kind | Percent |
|--|---------|
| Jerusalem cross (maltese cross) - <i>Lychnis chalcedonica</i> | 70 |
| Job's Tears - <i>Coix lacrymajobi</i> | 70 |
| Kochia - <i>Kochia childsii</i> | 55 |
| Larkspur, Annual - <i>Delphinium ajacis</i> | 60 |
| Lantana - <i>Lantana camara</i> , <i>L. hybrida</i> | 35 |
| Lilium (regal lily) - <i>Lilium regale</i> | 50 |
| Linaria - <i>Linaria</i> spp. | 65 |
| Lobelia, Annual - <i>Lobelia erinus</i> | 65 |
| Lunaria, Annual - <i>Lunaria annua</i> | 65 |
| *Lupine - <i>Lupinus</i> spp. | 65 |
| Marigold - <i>Tagetes</i> spp. | 65 |
| Marvel of Peru - <i>Mirabilis jalapa</i> | 60 |
| Matricaria (feverfew) - <i>Matricaria</i> spp. | 60 |
| Mignonette - <i>Reseda odorata</i> | 55 |
| Myosotis - <i>Myosotis alpestris</i> , <i>M. oblongata</i> , <i>M. palustris</i> | 50 |
| Nasturtium - <i>Tropaeolum</i> spp. | 60 |
| Nemesia - <i>Nemesia</i> spp. | 65 |
| Nemophila - <i>Nemophila insignis</i> | 70 |
| Nemophila, spotted - <i>Nemophila maculata</i> | 60 |
| Nicotiana - <i>Nicotiana affinis</i> , <i>N. sanderae</i> , <i>N. sylvestris</i> | 65 |
| Nierembergia - <i>Nierembergia</i> spp. | 55 |
| Nigella - <i>Nigella damascena</i> | 55 |
| Pansy - <i>Viola tricolor</i> | 60 |
| Penstemon - <i>Penstemon barbatus</i> , <i>P. grandiflorus</i> , <i>P. laevigatus</i> , <i>P. pubescens</i> | 60 |
| Petunia - <i>Petunia</i> spp. | 45 |
| Phacelia - <i>Phacelia campanularia</i> , <i>P. minor</i> , <i>P. tanacetifolia</i> | 65 |
| Phlox, Annual - <i>Phlox drummondii</i> all types and varieties | 55 |
| Physalis - <i>Physalis</i> spp. | 60 |
| Platycodon (balloon flower) - <i>Platycodon grandiflorum</i> | 60 |
| Plumbago, cape - <i>Plumbago capensis</i> | 50 |
| Ponytail - <i>Beaucarnea recurvata</i> | 40 |

| Kind | Percent |
|---|---------|
| Poppy: Shirley Poppy - <i>Papaver rhoeas</i> ; Iceland Poppy - <i>P. nudicaule</i> ; Oriental Poppy - <i>P. orientale</i> ; Tulip Poppy - <i>P. glaucum</i> | 60 |
| Portulace - <i>Portulace grandiflora</i> | 55 |
| Primula (Primrose) - <i>Primula</i> spp. | 50 |
| Pyrethrum (painted daisy) - <i>Pyrethrum coccineum</i> | 60 |
| Salpiglossis - <i>Salpiglossis gloxinaeflora</i> , <i>S. sinuata</i> | 60 |
| Salvia: Scarlet Sage - <i>Salvia splendens</i> ; Mealycup Sage (blue bedder) - <i>Salvia farinacea</i> | 50 |
| Saponaria - <i>Saponaria ocymoides</i> , <i>S. vaccaria</i> | 60 |
| Scabiosa, Annual - <i>Scabiosa atropurpurea</i> | 50 |
| Scabiosa, Perennial - <i>Scabiosa caucasica</i> | 40 |
| Schizanthus - <i>Schizanthus</i> spp. | 60 |
| *Sensitive plant (mimosa) - <i>Mimosa pudica</i> | 65 |
| Shasta Daisy - <i>Chrysanthemum maximum</i> , <i>C. leucanthemum</i> | 65 |
| Silk Oak - <i>Grevillea robusta</i> | 25 |
| Snapdragon - <i>Antirrhinum</i> spp. | 55 |
| Solanum - <i>Solanum</i> spp. | 60 |
| Statice - <i>Statice sinuata</i> , <i>S. suworonii</i> (flower heads) | 50 |
| Stocks: Common - <i>Mathiola incana</i> ; Evening Scented - <i>Mathiola bicornis</i> | 65 |
| Sunflower - <i>Helianthus</i> spp. | 70 |
| Sunrose - <i>Helianthemum</i> spp. | 30 |
| *Sweet Pea, Annual and Perennial other than dwarf bush - <i>Lathyrus odoratus</i> , <i>L. latifolius</i> | 75 |
| *Sweet Pea, dwarf bush - <i>Lathyrus odoratus</i> | 65 |
| Tahoka daisy - <i>Machaeanthera tanacetifolia</i> | 60 |
| Thunbergia - <i>Thunbergia alata</i> | 60 |
| Torch Flower - <i>Tithonia speciosa</i> | 70 |
| Torenia (wishbone flower) - <i>Torenia fournieri</i> | 70 |
| Tritoma Kniphofia spp. | 65 |
| Verbena, Annual - <i>Verbena hybrida</i> | 35 |
| Vinca - <i>Vinca rosea</i> | 60 |

| Kind | Percent |
|---|---------|
| Viola - Viola cornuta | 55 |
| Virginian stocks - Malcolmia maritima | 65 |
| Wallflower - Cheiranthus allioni | 65 |
| Yucca (Adam's needle) - Yucca filamentosa | 50 |
| Zinnia (except Linearis and Creeping) - Zinnia angustifolia, Z. elegans, Z. grandiflora, Z. gracillima, Z. haegeana, Z. multiflora, Z. pumila | 65 |
| Zinnia, Linearis and Creeping - Zinnia linearis, Sanvitalia procumbens | 50 |
| All other kinds | 50 |

(7-1-93)

02. Below Standard. A mixture of kinds of flower seeds will be considered to be below standard if the germination of any kind or combination of kinds constituting twenty-five percent (25%) or more of the mixture by number is below standard for the kind or kinds involved. (7-1-93)

101. -- 149. (RESERVED)

150. GERMINATION STANDARDS FOR SEED IN HERMETICALLY SEALED CONTAINERS.

The period of validity of germination tests is extended to the following period for seed packaged in hermetically sealed containers under conditions and label requirements set forth in this section. (7-1-93)

01. Germination Tests. The germination test for agricultural and vegetable seed shall have been completed within the following period, exclusive of the calendar month in which the test was completed, immediately prior to shipment, delivery, transportation or sales: (7-1-93)

a. In the case of agricultural or vegetable seeds shipped, delivered, transported or sold to a dealer for resale, eighteen (18) months; (7-1-93)

b. In the case of agricultural or vegetable seeds for sale or sold at retail, thirty-six (36) months. (7-1-93)

02. Conditions of Packaging. The following standards, requirements, conditions must be met before seed is considered to be hermetically sealed under the provisions of this Act: (7-1-93)

a. The seed was packaged within nine months after harvest. (7-1-93)

b. The container used does not allow water vapor penetration through any wall, including the seals, greater than five hundredths (0.05) gram of water per twenty-four (24) hours per one hundred (100) square inches of surface at one hundred degrees F. (100F) with a relative humidity on one side of ninety percent (90%) and on the other of zero percent (0%). Water vapor penetration or WVP is measured by the standards of the U.S. Bureau of Standards as-gm. H₂O/24 hr./100 sq. in./100 F/ 90% RHV. 0% RH. (7-1-93)

03. Moisture. The seed in the container does not exceed the percentage of moisture, on a wet weight basis, as listed below: (7-1-93)

a. Table 1.

| Agricultural Seeds | Percent |
|------------------------------|----------------|
| Beet, field | 7.5 |
| Beet, sugar | 7.5 |
| Bluegrass, Kentucky | 6.0 |
| Clover, crimson | 8.0 |
| Fescue, red | 8.0 |
| Ryegrass, annual | 8.0 |
| Ryegrass, perennial | 8.0 |
| All other agricultural seeds | 6.0 |
| Mixtures of above | 8.0 |

(7-1-93)

b. Table 2.

| Vegetable Seeds | Percent |
|------------------------|----------------|
| Bean, garden | 7.0 |
| Bean, lima | 7.0 |
| Beet | 7.5 |
| Broccoli | 5.0 |
| Brussels sprouts | 5.0 |
| Cabbage | 5.0 |
| Carrot | 7.0 |
| Cauliflower | 5.0 |
| Celeriac | 7.0 |
| Celery | 7.0 |
| Chard, Swiss | 7.5 |
| Chinese cabbage | 5.0 |
| Chives | 6.5 |
| Collards | 5.0 |
| Corn, sweet | 8.0 |
| Cucumber | 6.0 |
| Eggplant | 6.0 |
| Kale | 5.0 |
| Kohlrabi | 5.0 |
| Leek | 6.5 |

| Vegetable Seeds | Percent |
|---------------------------|---------|
| Lettuce | 5.5 |
| Muskmelon | 6.0 |
| Mustard, India | 5.0 |
| Onion | 6.5 |
| Onion, Welsh | 6.5 |
| Parsley | 6.5 |
| Parsnip | 6.0 |
| Pea | 7.0 |
| Pepper | 4.5 |
| Pumpkin | 6.0 |
| Radish | 5.0 |
| Rutabaga | 5.0 |
| Spinach | 8.0 |
| Squash | 6.0 |
| Tomato | 5.5 |
| Turnip | 5.0 |
| Watermelon | 6.5 |
| All other vegetable seeds | 6.0 |

(7-1-93)

04. Labeling. The container is conspicuously labeled in not less than eight (8) point type to indicate that the container is hermetically sealed, that the seed has been preconditioned as to moisture content, and the calendar month and year in which the germination test was completed. (7-1-93)

05. Germination. The percentage of germination of seed at the time of packaging was equal to or above the standards specified elsewhere in these rules. (7-1-93)

151. -- 199. (RESERVED)

200. NOXIOUS WEEDS.

01. Prohibited Noxious Weed Seeds -- Table 1.

| Common Name | Scientific Name |
|---------------------------|-----------------------------|
| 1. Beancaper, Syrian | 1. Zygodophyllum fabago L. |
| 2. Bindweed, Field | 2. Convolvulus arvensis L. |
| 3. Buffalobur | 3. Solanum rostratum Dun. |
| 4. Bursage, Skeleton leaf | 4. Ambrosia tomentosa Nutt. |
| 5. Camelthorn | 5. Alhagi camelorum Fisch. |

| Common Name | | Scientific Name | |
|--------------------|------------------------|------------------------|---|
| 6. | Carrot, Wild | 6. | <i>Daucus carota</i> L. |
| 7. | Cress, Hoary | 7. | <i>Cardaria draba</i> (L.) Desv. |
| 8. | Crupina, Common | 8. | <i>Crupina vulgaris</i> Cass. |
| 9. | Fieldcress, Austrian | 9. | <i>Rorippa austriaca</i> (Crantz) Bess. |
| 10. | Goatgrass | 10. | <i>Aegilops cylindrica</i> Host |
| 11. | Groundcherry, Smooth | 11. | <i>Physalis subglabrata</i> Mackenz. & Bush |
| 12. | Henbane, Black | 12. | <i>Hyoscyamus niger</i> L. |
| 13. | Johnsongrass | 13. | <i>Sorghum halepense</i> L. |
| 14. | Knapweed, Diffuse | 14. | <i>Centaurea diffusa</i> Lam. |
| 15. | Knapweed, Russian | 15. | <i>Centaurea repens</i> L. |
| 16. | Knapweed, Spotted | 16. | <i>Centaurea maculosa</i> Lam. |
| 17. | Lythrum, Purple | 17. | <i>Lythrum salicaria</i> L. |
| 18. | Nightshade, Silverleaf | 18. | <i>Solanum elaeagnifolium</i> Cav. |
| 19. | Pepperweed, Perennial | 19. | <i>Lepidium latifolium</i> L. |
| 20. | Poison-Hemlock | 20. | <i>Conium maculatum</i> L. |
| 21. | Puncturevine | 21. | <i>Tribulus terrestris</i> L. |
| 22. | Quackgrass | 22. | <i>Elytrigia repens</i> ; <i>Agropyron repens</i> (L.) Beauv. |
| 23. | Ragwort, Tansy | 23. | <i>Senecio jacobaea</i> L. |
| 24. | Skeletonweed, Rush | 24. | <i>Chondrilla juncea</i> L. |
| 25. | Sowthistle, Perennial | 25. | <i>Sonchus arvensis</i> L. |
| 26. | Spurge, Leafy | 26. | <i>Euphorbia esula</i> L. |
| 27. | St. Johnswort, Common | 27. | <i>Hypericum perforatum</i> L. |
| 28. | Starthistle, Yellow | 28. | <i>Centaurea solstitialis</i> L. |
| 29. | Swainsonpea | 29. | <i>Sphaerophys salsula</i> (Pall.) DC; <i>Swainsona salsula</i> (Pallas) Taubert |
| 30. | Thistle, Canada | 30. | <i>Cirsium arvense</i> (L.) Scop. |
| 31. | Thistle, Musk | 31. | <i>Carduus nutans</i> L. |
| 32. | Thistle, Scotch | 32. | <i>Onopordum acanthium</i> L. |
| 33. | Toadflax, Dalmatian | 33. | <i>Linaria genistifolia</i> spp. <i>dalmatica</i> (L.) Maire & Petitmengin |
| 34. | Toadflax, Yellow | 34. | <i>Linaria vulgaris</i> Mill. |
| 35. | Woad, Dyers | 35. | <i>Isatis tinctoria</i> L. |

(7-1-93)

02. Restricted Noxious Weed Seeds -- Table 2.

| Common Name | Scientific Name |
|-----------------------------------|---|
| 1. Dodder | 1. Cuscuta spp. |
| 2. Halogeton | 2. Halogeton glomeratus (Stephen ex Bieb.) C.A. Mey |
| 3. Lettuce, Blue | 3. Lactuca pulchella (Pursch) DC. |
| 4. Oats, Wild | 4. Avena fatua L. |
| 5. Plantain, Buckhorn | 5. Plantago lanceolata L. |
| 6. Ragweed, Western and Perennial | 6. Ambrosia psilostachya DC., (T. & G.) Farw. |
| 7. Rye, Medusahead | 7. Taeniatherum caput-medusae (L.) Nevski; Elymus caput-medusae (L.) |
| 8. Sumpweed, Poverty | 8. Iva axillaris Pursh |

(7-1-93)

03. Restricted Noxious Weed Tolerances.

(7-1-93)

a. Seven (7) seeds in fifty (50) grams of Agrotis species, Poa species, Rhodes grass, Bermudagrass, timothy, celery, and other agricultural or vegetable seeds of similar size and weight, within this group. (7-1-93)

b. Seven (7) seeds in each fifty (50) grams of Dallisgrass, ryegrass, fescue species, foxtail millets, alfalfa, red clover, sweetclover, lespedeza, bromegrass, Brassica species, carrot, onion, and other agricultural or vegetable seeds of similar size and weight or mixtures within this group, or mixtures of this group with those in group A. (7-1-93)

c. Seven (7) seeds in fifty (50) grams of alsike clover, white clover, and other agricultural or vegetable seeds of similar size and weight or mixtures within this group, with those in group A or group B. (7-1-93)

d. Eight (8) seeds in one hundred fifty (150) grams of Proso millet, Sudangrass, and seeds of similar size and weight, or mixtures of seed within this group. (7-1-93)

e. Forty-five (45) seeds in each pound for all wheatgrass species. (7-1-93)

f. Four (4) seeds in each five hundred (500) grams of wheat, oats, rye, barley, buckwheat, sorghums, vetches, field peas, and other seeds of a size and weight similar to or greater than those within this group, or any mixtures within this group. (7-1-93)

g. Containing more than one percent (1%) by weight of weed seeds including restricted noxious weed seeds referred to in Section 22-414(17)(b), Idaho Code, provided, that three percent (3%) of cheat, chess, or downy brome shall be allowed in grass seed in which these weeds are found. (7-1-93)

201. -- 249. (RESERVED)

250. LABEL REQUIREMENTS OF SEEDS FOR SPROUTING.

The following information shall be indicated on all labels of seeds sold for sprouting in health food stores or other outlets: (7-1-93)

01. Name. Commonly accepted name of kind. (7-1-93)

02. Lot. Lot number. (7-1-93)

03. Percentage. Percentage by weight of the pure seed, crop seeds, inert matter, and weed seeds if required. (7-1-93)

04. Germination Percentage. Percentage of germination. (7-1-93)

05. Date. The calendar month and year the test was completed to determine such percentage. (7-1-93)

251. -- 299. (RESERVED)

300. VIABILITY BY TZ%.

A TZ (tetrazolium) test may be used in lieu of germination for the following species. The label shall read “viability by TZ%.” (7-1-93)

01. Bitterbrush. (7-1-93)

02. Saltbush. (7-1-93)

03. Sagebrush. (7-1-93)

04. Indian Ricegrass. (7-1-93)

05. Winterfat. (7-1-93)

301. -- 399. (RESERVED)

400. METHODS OF TESTING.

All methods used in testing and analyzing seed subject to this Act and the tolerances used in the enforcement of this Act shall conform as nearly as practicable to the current “Rules for Testing Seed adopted by the Association of Official Seed Analysts” (AOSA) file at the Idaho Department of Agriculture, State Seed Lab located at 2240 Kellogg Lane, Boise, Idaho 83712 and through the Department of Administration, Office of Administrative Rules, located at 650 West State Street, Room 100, Boise, Idaho 83720. (7-1-93)

401. -- 499. (RESERVED)

500. SERVICE TESTING FEES -- PURITY, GERMINATION AND TETRAZOLIUM FEES.

| Purity, Germination, and Tetrazolium Fees | | | |
|--|----------------------------|--------------------------------|----------------------------------|
| Kind of Seeds | Purity* \$/Unit | Germination \$/Unit | Tetrazolium** \$/Unit |
| AGRICULTURAL GRASS SEED | | | |
| Bluegrasses | \$45.00 | \$25.00 | \$40.00 |
| Brome-grasses | \$38.00 | \$24.00 | \$40.00 |
| Fescues | \$35.00 | \$22.00 | \$40.00 |
| Orchardgrass | \$38.00 | \$25.00 | \$40.00 |
| Ryegrasses | \$38.00 | \$23.00 *** | \$40.00 |
| Timothy | \$28.00 | \$23.00 | \$40.00 |
| For all others the hourly rate will apply | | | |
| | | | |
| FIELD SEED | | | |
| | | | |

| Purity, Germination, and Tetrazolium Fees | | | |
|--|----------------------------|--------------------------------|----------------------------------|
| Kind of Seeds | Purity* \$/Unit | Germination \$/Unit | Tetrazolium** \$/Unit |
| Alfalfa, clovers and trefoils | \$20.00 | \$17.00 | \$40.00 |
| Cereals (Barley, Oats, Rice, Rye, Triticale and Wheat | \$25.00 | \$17.00 | \$40.00 |
| Beans | \$18.00 | \$16.00 | \$40.00 |
| Corn (all types) | \$20.00 | \$17.00 | \$40.00 |
| Peas, and Lentils | \$18.00 | \$17.50 | \$40.00 |
| For all others the hourly rate will apply | | | |
| | | | |
| VEGETABLES, FLOWERS AND HERB SEED | | | |
| Brassica (Canola, Cauliflower, Broccoli, Radish, etc.) | \$40.00 | \$17.00 | \$50.00 |
| Beets and Swiss chard | \$29.00 | \$32.00 | \$40.00 |
| Carrots, celery, dill and parsley | \$27.00 | \$20.00 | \$40.00 |
| Curcubits (Squash, melons, etc.) | \$25.00 | \$20.00 | \$40.00 |
| Flowers (Bachelors button, poppy, etc.) | \$40.00 | \$25.00 | \$50.00 |
| Lettuce, tomato, and pepper | \$25.00 | \$20.00 | \$40.00 |
| Onion and Chives | \$25.00 | \$20.00 | \$40.00 |
| For all others the hourly rate will apply | | | |
| | | | |
| TREE AND SHRUB SEED | | | |
| Bitterbrush | \$40.00 | \$30.00 | \$50.00 |
| Saltbush | \$60.00 | \$30.00 | \$50.00 |
| Chokecherry and Woods' rose | \$25.00 | \$60.00 | \$60.00 |
| Serviceberry, cliff-rose and mahogany | \$30.00 | \$30.00 | \$40.00 |
| Trees (Firs, pines, spruces, etc.) | \$25.00 | \$30.00 | \$40.00 |
| For all others the hourly rate will apply | | | |
| | | | |
| RANGE AND NATIVE SEED | | | |
| Bluestems and grammas | Hourly Rate | \$30.00 | \$50.00 |
| Globemallow and penstemons | \$40.00 | \$30.00 | \$50.00 |
| Kochia and forage Kochia | \$30.00 | \$30.00 | \$40.00 |
| Rushes and Sedges | Hourly Rate | \$30.00 | \$50.00 |
| Sagebrush and Rabbitbrush | Hourly Rate | \$30.00 | \$40.00 |
| Wheatgrasses, wildryes, and squirreltail | \$40.00 | \$25.00 | \$40.00 |

| Purity, Germination, and Tetrazolium Fees | | | |
|--|----------------------------|--------------------------------|----------------------------------|
| Kind of Seeds | Purity* \$/Unit | Germination \$/Unit | Tetrazolium** \$/Unit |
| Winterfat | Hourly Rate | \$30.00 | Hourly Rate |
| For all others the hourly rate will apply | | | |

* Samples with high levels of impurities (i.e. other crops, weeds, multiple florets, inert materials) requiring more than one (1) hour analyst time for purity testing will be charged the standard hourly rate of forty dollars (\$40) for each additional hour.

** For all samples submitted for a TZ or Germination test requiring more than one (1) hour for cleaning and/or preparing will be charged at the standard hourly rate of forty dollars (\$40) for each additional hour.

*** With germination fluorescence testing thirty dollars (\$30). (3-30-06)

501. SERVICE TESTING FEES -- SPECIAL TESTS.

| Special Testing Fees | |
|---|--|
| Test Procedures: | Fees \$/Unit |
| All States Noxious | 25.00 |
| Ammonia Test | 33.00 |
| Canada: Purity Germination | 13.00 Added to purity fee 2.50 Added to germination fee |
| Cold Test | 23.50 |
| Crop & Weed Check | 24.50 |
| Cut Test | 22.00 |
| Dormancy Percentage | 10.00 Minimum or Dormant % found x germination fee |
| E.C. Norms | 20.00 |
| Foreign Material | 12.00 |
| Grading (beans) | 18.00 |
| Hay Pellet Germination | 18.00 |
| Identification | 5.00 Minimum or hourly if necessary |
| Inventory Germinations (For Carryover Seed Only, when requested) | 20% Discount of listed germination fee; Available only for the months of March through July. |
| ISTA: Purity Germination | 13.00 Added to purity fee 2.50 Added to germination fee |

| Special Testing Fees | |
|-----------------------------------|-----------------------------------|
| Test Procedures: | Fees \$/Unit |
| Mixtures: | |
| Purity | 12.50 Added per kind exceeding 5% |
| Germination | 12.50 Added per kind exceeding 5% |
| Tetrazolium | 18.00 Added per kind exceeding 5% |
| Moisture Test | 14.00 |
| Seed Count | 13.50 |
| Pest, Disease, Soil & Ergot Check | 13.50 |
| Sod Quality: | |
| Bentgrass | 66.00 |
| Bermudagrass | 64.00 |
| Bluegrass | 64.00 |
| Soil Germination | 23.50 |
| Species Exam | 24.50 |
| Undesirable Grass Species | 25.50 |

(3-30-06)

502. SERVICE TESTING FEES -- MISCELLANEOUS FEES.

| Miscellaneous Fees | |
|---|-------------------------------|
| Type of Service: | Fees \$/Unit |
| Administrative Charge per Test for Internet Access and Data Processing. | Not to exceed \$2.00 per test |
| FAX | \$ 3.00 per sheet |
| Hourly Charge | \$40.00 |
| Reports: | |
| Copies | \$ 1.50 |
| Merge Records | \$ 4.00 |
| Revised | \$ 7.00 |
| Rush Service | \$25.00 |

(3-30-06)

503. -- 599. (RESERVED)

600. SEED DEALER'S LICENSE FEES.

Seed dealers shall obtain a seed dealer's license for each location in Idaho before they can sell, offer for sale, expose for sale or deliver agricultural seeds in packages of eight (8) ounces or more or bulk under contract within the state of Idaho. Seed dealers shall pay only for the service or services they render according to the following fee schedule:

- (3-18-99)
- 01. In-State Seed Dealer's License Fees:** (4-2-03)
- a.** License to condition or clean agricultural seeds in Idaho - one-hundred dollars (\$100). (4-2-03)
- b.** License to label container or bulk agricultural seeds for sale in Idaho - fifty dollars (\$50). (4-2-03)
- c.** License to sell, offer for sale, expose for sale, or deliver agricultural seeds in packages of eight (8) ounces or more or in bulk under a contract in Idaho: (4-2-03)
- i.** For annual gross sales of five hundred dollars (\$500) or more, but less than one thousand dollars (\$1,000) - fifty dollars (\$50). (4-2-03)
- ii.** For annual gross sales of one thousand dollars (\$1,000) or more - one hundred dollars (\$100). (4-2-03)
- 02. Out-of-State Seed Dealer's License Fee.** Three hundred fifty dollars (\$350). (3-30-06)
- 03. Exemptions.** (3-24-05)
- a.** Any person selling seed who has total annual gross seed sales not exceeding five hundred dollars (\$500) is exempt from Section 600. (3-24-05)
- b.** An in-state dealer or out-of-state dealer who sells, offers for sale, exposes for sale or delivers seed only in packages of less than eight (8) ounces is exempt from Section 600. (3-24-05)

601. FINDINGS.

The adoption of IDAPA 02.06.01, "Rules Governing the Pure Seed Law," Section 600, will comply with the deadline established by HB 739 to provide that service and license fees be established by rule. It is necessary to make the fee structure effective concurrently with the amendments to the law in order to provide consistent operating funds for the state seed laboratory pursuant to Section 22-418(4), Idaho Code. (3-18-99)

602. -- 999. (RESERVED)

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