

CHAPTER 115. STANDARDS FOR SEED CERTIFICATION

Subchap.	Sec.
A. [Reserved]	115.1
B. [Reserved]	115.31
C. TRENCHING CELERY	115.41
D. CORN—COMMERCIAL HYBRIDS	115.71
E. [Reserved]	115.111
F. CORN—SINGLE CROSSES	115.151
G. DEERTONGUE GRASS	115.191
H. LEGUME CROP	115.221
I. [Reserved]	115.251
J. POTATO	115.271
K. SMALL GRAIN	115.301
L. SOD	115.311
M. [Reserved]	115.341
N. TOBACCO	115.361
O. [Reserved]	115.371
P. [Reserved]	115.381
Q. [Reserved]	115.391
R. SOYBEANS	115.401
S. TREES	115.411
T. INTERAGENCY TURFGRASS	115.451

Authority

The provisions of this Chapter 115 issued under act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297), unless otherwise noted.

Subchapter A. [Reserved].

§ 115.1. [Reserved].

Source

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§ 115.2. [Reserved].

Source

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§ 115.4. [Reserved].

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§ 115.11. [Reserved].

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§ 115.12. [Reserved].

Source

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§ 115.13. [Reserved].

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§ 115.14. [Reserved].

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§ 115.15. [Reserved].

Source

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§ 115.21. [Reserved].

Source

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Subchapter B. [Reserved].**§ 115.31. [Reserved].****Source**

The provisions of this § 115.31 amended through February 29, 1980, effective March 1, 1980, 10 Pa.B. 911; reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (48887).

§ 115.32. [Reserved].**Source**

The provisions of this § 115.32 amended September 26, 1975, 5 Pa.B. 2522; reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23051).

§ 115.33. [Reserved].**Source**

The provisions of this § 115.33 amended September 26, 1975, 5 Pa.B. 2522; reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23051).

Subchapter C. TRENCHING CELERY**GENERAL REQUIREMENTS**

- Sec.
115.41. Definition.
115.42. Inspection.
115.43. Seeds for certification.

FIELD STANDARDS

- 115.51. Land requirements.
115.52. Isolation requirements.
115.53. Mixture or off-types.

SEED STANDARDS

- 115.61. Requirements.

GENERAL REQUIREMENTS**§ 115.41. Definition.**

The term “trenching celery”, when used in this subchapter, means varieties of celery which are seeded in the spring, grown in the field in the summer, stored in trenches in the fall and taken from the trenches and marketed during the winter months, unless the context indicates otherwise.

§ 115.42. Inspection.

One inspection shall be made when the crop is beginning to flower or the seed is beginning to mature. Additional inspections may be made as deemed necessary by the certification office.

Source

The provisions of this § 115.42 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522. Immediately preceding text appears at serial page (1793).

§ 115.43. Seeds for certification.

(a) Seed for certification shall be derived from plants selected by representatives of the Agricultural Experiment Station in cooperation with representatives of the Department.

(b) Selection shall be based primarily upon the following factors: freedom from disease, uniformity of type, quality, appearance and vigor.

(c) Selected plants shall be designated as the source of Breeder seed by representatives of the Agricultural Experiment Station.

Source

The provisions of this § 115.43 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522. Immediately preceding text appears at serial page (1793).

FIELD STANDARDS**§ 115.51. Land requirements.**

Soil for the production of certified celery seed may not have produced celery the previous year, unless fumigated.

Source

The provisions of this § 115.51 amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23052).

§ 115.52. Isolation requirements.

(a) A minimum isolation distance of 660 feet between varieties or strains of a variety shall be required for field grown seed.

(b) Isolation requirements are not imposed for greenhouses, screen-houses or plastic houses which are adequately protected from insects except that only one variety shall be grown in a single compartment.

Source

The provisions of this § 115.52 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522. Immediately preceding text appears at serial page (1794).

§ 115.53. Mixture or off-types.

Neither varietal mixtures nor off-type plants is permitted.

Source

The provisions of this § 115.53 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522. Immediately preceding text appears at serial page (1794).

SEED STANDARDS

§ 115.61. Requirements.

The following standards apply for certification of trenching celery seed:

<i>Factor</i>	<i>Minimum Standard</i>
Pure Seed	98%
Other Crops	none
Weed Seed	none
Germination	70%

Subchapter D. CORN—COMMERCIAL HYBRIDS

GENERAL REQUIREMENTS

- Sec.
115.71. Definitions.
115.72. Acreage.

FIELD STANDARDS

- 115.81. Land requirements.
115.82. Isolation requirements.
115.83. Plant ratio.
115.84. Male sterile ear parents.
115.85. Pollen restoring lines.
115.86. Redivision of fields.

- 115.87. Replanting fields.
- 115.88. Detasseling.
- 115.89. Inspection and mixture requirements.

SEED STANDARDS

- 115.91. Labeling.
- 115.92. Processing of uncertified hybrids.
- 115.93. Ear inspection.
- 115.94. Seed standards.

GENERAL REQUIREMENTS

§ 115.71. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Commercial hybrid field corn—Corn planted for the production of corn for food or feed purposes, or for other commercial or farm use except for seed. It may consist of any one of the following:

(i) *Double-Cross*—The first generation of a cross between two single crosses.

(ii) *Three-way or Line Cross*—The first generation of a cross between a single cross and an inbred line.

(iii) *Single-Cross*—A first generation cross between two inbred lines to be used for commercial production and not for the production of double, three-way and line crosses.

(iv) *Top Cross*—The first generation hybrid of a cross between an inbred line and an open-pollinated variety or the first generation hybrid between a single cross and an open-pollinated variety.

(v) *Inbred line*—A relatively true-breeding strain resulting from at least five successive generations of controlled self-fertilization or of backcrossing to a recurrent parent with selection, or its equivalent, for specific characteristics.

(vi) *Open-pollination*—Pollination that occurs naturally as opposed to controlled pollination, such as by detasseling, cytoplasmic male sterility, self-incompatibility or similar processes.

Pollen-shedding tassels—Tassels on main plants, portions of tassels or sucker tassels when 2 inches or more of the exposed central stem, side branches or a combination of the two have the anthers extended from the glumes.

Receptive silk—Any fresh turgid silk.

Authority

The provisions of this § 115.71 amended under 3 Pa.C.S. §§ 7111 and 7117.

Source

The provisions of this § 115.71 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended May 22, 2009, effective June 22, 2009, 39 Pa.B. 2577. Immediately preceding text appears at serial page (276740).

§ 115.72. Acreage.

Producers of commercial hybrids having less than 5 acres of the crop to be inspected may not be accepted for certification, except that less than 5 acres may be considered for inspection in special cases.

Source

The provisions of this § 115.72 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522. Immediately preceding text appears at serial page (1796).

FIELD STANDARDS**§ 115.81. Land requirements.**

Commercial hybrid fields may not be planted on land that grew corn the preceding season.

§ 115.82. Isolation requirements.

(a) Fields in which commercial hybrid field corn are being produced shall be so located that the female, or seed parent is not less than 660 feet from other corn of a different kernel color or type (field, sweet, pop, flint, white or red) in all directions, including the diagonal.

(b) Small areas (not larger than 1% of the area of the seed producing field) of corn, closer than 660 feet to the seed producing field will not be considered contaminating, if the pollen is controlled. Failure to properly control pollen shedding of the small areas shall be cause for rejection.

(c) Large areas (greater than 1% of the area of the seed producing field) of corn, closer than 660 feet to the seed producing field will be cut to the ground before the seed parent has 3% receptive silks. Where the contaminating corn is of the same type, then this distance may be modified by the size of the crossing field, and by the planting of border rows of pollen or male parent.

(d) The following table indicates the minimum number of border rows required for fields of various sizes, when located at different distances from other corn:

<i>Minimum Distance From Contaminant</i>	<i>Minimum Numbers of Male Border Rows Required</i>	
	<i>0-20 Acres</i>	<i>>20 Acres</i>
660	0	0
570	4	2
490	6	2
410	8	4
330	10	6
270	12	8
210	14	10
150	16	12
90	18	14
<90	24*	16**

*minimum of 60' including border rows.

**minimum of 40' including border rows.

(e) The requirements for outside male rows shall apply to all sides of the crossing-field exposed to contamination from other corn, except that a requirement for only two male rows may be disregarded where it would necessitate planting across the row-ends of the crossing-field.

(f) Border rows of male shall be adjacent to and not separated from the female rows.

(g) Sufficient seed of male should be obtained to plant the maximum number of outside male rows that would be required by any possible rearrangement of plantings by neighbors, or by the grower himself in planting nearby fields of corn. The plot should be insured against any changes.

Authority

The provisions of this § 115.82 amended under 3 Pa.C.S. §§ 7111 and 7117.

Source

The provisions of this § 115.82 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended May 22, 2009, effective June 22, 2009, 39 Pa.B. 2577. Immediately preceding text appears at serial pages (276741) to (276742).

§ 115.83. Plant ratio.

Commercial hybrid seed fields shall be planted in a ratio not to exceed four seed parent rows to one pollen parent row.

§ 115.84. Male sterile ear parents.

Male sterile ear parents may be used to produce certified hybrid corn seed by one of the following two methods:

(1) Seed of the normal fertile ear parent shall be mixed with seed of the male sterile ear parent of the same pedigree either by blending in the field in harvest time or by size at processing time. The ratio of male sterile ear parent seed may not exceed two to one.

(2) The male parent shall involve a certified pollen restoring line or lines so that not less than one-third of the plants grown from the hybrid corn seed produce pollen which appears to be normal in quantity and viability.

Cross References

This section cited in 7 Pa. Code § 115.88 (relating to detasseling).

§ 115.85. Pollen restoring lines.

(a) When pollen restoring lines are used in the production of hybrid corn seed, all pollen parent rows including border rows should be of the pollen-restoring type.

(b) Each lot of commercial hybrid seed involving pollen restoring lines shall be subjected to a test to assure that adequate viable pollen will be present in the grower's field.

§ 115.86. Redivision of fields.

Where a field under inspection does not entirely meet the isolation requirements, parts of the fields may be cut in order to qualify the balance of the field for certification if the parts of fields are cut to the ground before the first detasseling inspection is made.

§ 115.87. Replanting fields.

Replanting of a commercial hybrid seed field that failed to produce a good stand shall be cause for rejection.

§ 115.88. Detasseling.

(a) The following requirements apply when 3% or more of the ear parent plants have apparently receptive silks at the start of silking period and 1% or less have apparently receptive silks at the end of silking period and no evidence of pollen shedding in male rows:

(1) Commercial hybrid shall be rejected for certification if more than 1% of the ear parent stalks have shed pollen at any one inspection or if the total of any three inspections on different dates exceeds 2%.

(2) Sucker tassels, portions of tassels or tassels on main plants shall be counted as shedding pollen when 2 inches or more of the central stem, the side branches, or a combination of the two have the anthers extended from the glumes.

(3) Tassels of all pollen bearing female plants shall be removed before final inspection, except for female lines carrying the male sterile factor in pure form.

(4) A plant shedding pollen in male sterile rows shall be completely destroyed at pollinating time to eliminate the possibility of its seed production. The ratio of pollen sterile female plants may not be more than 50% of the female rows. A fertile pollen appearing on sterile female rows shall be counted as in § 115.84(1) (relating to male sterile ear parents).

(b) The grower shall be given the opportunity to select one of the following two options when the male steriles break down:

(1) Detassel the seed parent in the field in question.

(2) Test to determine pollen viability.

(i) Cooperate in a test to determine pollen viability. If this option is selected, the grower shall be required to place glassine bags on at least 20 ear shoots located for easy access.

(ii) The bags shall be placed on ear shoots before any shedding of pollen appears. The grower and the state inspector working together shall make the hand pollinations applying an official seal.

(iii) Pollen sources may not be bulked. The inspector shall report final results.

(iv) If tests indicate any viable pollen was present, the entire field acreage shall be rejected.

§ 115.89. Inspection and mixture requirements.

(a) Before the pollination period the plot or fields in which the hybrid is being produced shall be inspected at least once for purity as to plant type and isolation. Off-type plants shall be destroyed before they shed pollen. A field that, after pollen shedding begins, contains more than .2% of off-type plants, or more than 2% of plants of doubtful type may not be eligible for certification.

(b) During the pollination period, the plot or field shall be inspected by the certifying agency as many times as deemed necessary. Inspection shall be made without giving previous notice to the grower.

Source

The provisions of this § 115.89 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522. Immediately preceding text appears at serial page (1800).

SEED STANDARDS

§ 115.91. Labeling.

(a) Each lot shall show the hybrid number, the name of the seedsman and the words "For Certification" printed in letters not smaller than 3/8 inch on a tag attached to the drying bin.

(b) After the hybrid corn has been shelled, each bin, lot or bag shall carry a tag carrying the information indicated in subsection (a). Tags shall remain on each bin, lot or bag until the corn is graded and ready for distribution.

(c) Shelled or graded seed may be marked by a lot number or code if the identity of each lot is established to the satisfaction of the inspector before the certification tags are attached; the same lot number or code shall be printed on the certification tags.

§ 115.92. Processing of uncertified hybrids.

Uncertified hybrids may be processed in the same processing plant with certified hybrids, provided that such uncertified hybrids shall bear the statement: "Not For Certification," printed in letters not smaller than 3/8 inch on a tag attached to the drying bin, bags or containers in which the seed is being processed. The tags shall remain on the uncertified hybrids until seed is tagged for shipment or removed from the processing plant.

§ 115.93. Ear inspection.

Ear inspection may be made after the seed is harvested, dried, culled and ear picked (ready for shelling). If found to contain more than .1% off-type ears or any

kernels pollinated by other color corn, the lot of seed shall not be considered satisfactory for certification and shall be reworked and reinspected before shelling.

§ 115.94. Seed standards.

Seeds shall be dried to 14% moisture or less. They may contain not more than .1% off-color or off-type kernels, or not more than 2% kernels of doubtful type. The following specifications apply:

<i>Factor</i>	<i>Standard</i>
Pure seed	99% (min.)
Other crop seed, including other varieties	0.5% (max.)
Inert matter	1.0% (max.)
Weed seed	none
Germination	90% (min.)

Source

The provisions of this § 115.94 amended September 26, 1975, 5 Pa.B. 2522. Immediately preceding text appears at serial page (1801).

Subchapter E. [Reserved]

§ 115.111. [Reserved].

Source

The provisions of this § 115.111 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23060).

§ 115.112. [Reserved].

Source

The provisions of this § 115.112 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23061).

§ 115.113. [Reserved].

Source

The provisions of this § 115.113 amended September 26, 1975, 5 Pa.B. 2522; reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23061).

§ 115.114. [Reserved].**Source**

The provisions of this § 115.114 amended September 26, 1975, 5 Pa.B. 2522; reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23061).

§ 115.121. [Reserved].**Source**

The provisions of this § 115.121 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23061).

§ 115.122. [Reserved].**Source**

The provisions of this § 115.122 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23061).

§ 115.123. [Reserved].**Source**

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§ 115.131. [Reserved].**Source**

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§ 115.132. [Reserved].**Source**

The provisions of this § 115.132 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23062).

§ 115.133. [Reserved].**Source**

The provisions of this § 115.133 amended September 26, 1975, 5 Pa.B. 2522; reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23062).

§ 115.134. [Reserved].**Source**

The provisions of this § 115.134 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23062).

§ 115.141. [Reserved].**Source**

The provisions of this § 115.141 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23062).

§ 115.142. [Reserved].**Source**

The provisions of this § 115.142 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23063).

§ 115.143. [Reserved].**Source**

The provisions of this § 115.143 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23063).

Subchapter F. CORN—SINGLE CROSSES**GENERAL REQUIREMENTS**

Sec.

- 115.151. Identity.
- 115.152. Substitution of fertility-restoring line.
- 115.153. Substitution of male sterile line.
- 115.154. Seed shortages; substitution of seed.

FIELD STANDARDS

- 115.161. Land requirements.
- 115.162. Isolation requirements.
- 115.163. Inspection requirements.
- 115.164. Mixture requirements.

STAND REQUIREMENTS

- 115.171. Planting ratio.
- 115.172. Pollen-shedding plants.
- 115.173. Destruction of noncertified plants.

SEED STANDARDS

- 115.181. Seed house inspection.
- 115.182. Drying, purity and germination.

GENERAL REQUIREMENTS**§ 115.151. Identity.**

A single cross shall consist of the first generation of a hybrid between two certified inbred lines.

§ 115.152. Substitution of fertility-restoring line.

A fertility-restoring line may be substituted for its normal counterpart in a Foundation single cross, provided that the restoring line has been back-crossed for no less than five generations to its normal counterpart and the pollen restoring line is the same in other characteristics as its normal counterpart.

§ 115.153. Substitution of male sterile line.

A male sterile line (cytoplasmic) may be substituted for its fertile counterpart as one parent of a Foundation single cross, provided that the male sterile line has been back crossed for no less than five generations to its fertile counterpart and the male sterile line is the same in other characteristics as its fertile counterpart.

§ 115.154. Seed shortages; substitution of seed.

In cases of serious shortages of seed stock, second generation seed may be accepted for certification as Foundation hybrids, with the specific approval of the Pennsylvania Agriculture Experiment Station. The second generation seed may be produced by one of the following methods:

- (1) As the result of hand-pollination among pollen parent plants in an isolated plot or field in which a certified commercial hybrid is being produced.
- (2) As a result of hand-pollination among pollen parent plants in a breeding nursery.
- (3) From an isolated field devoted to increase single crosses which were properly inspected and approved.

FIELD STANDARDS**§ 115.161. Land requirements.**

Single cross plots should not be planted on land that has grown corn the preceding season.

§ 115.162. Isolation requirements.

(a) Single crossing plots of field corn which are not hand-bagged shall be made in a plot isolated at least 660 feet from other corn, and 1,320 feet from corn of other color and sweet or popcorn.

(b) If sweet corn or popcorn plots are found within 1,320 feet distance of a single crossing plot of field corn, the grower shall be immediately notified, and he shall have the sweet corn or popcorn plots completely destroyed or detasseled before silks emerge on the female seed parent.

§ 115.163. Inspection requirements.

Tassels shall be removed so that no more than .5% of the plants in the seed parent rows shed pollen on any one inspection, or not more than .75% as the total of any three inspections, have shed pollen while more than 3% of the seed parent plants have receptive silks.

Source

The provisions of this § 115.163 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522. Immediately preceding text appears at serial page (1807).

§ 115.164. Mixture requirements.

Apparent mixtures shall be properly rogued from the pollen (male) parent before the seed (female) parent silks. The seed parent shall be carefully rogued throughout the growing and harvesting season. To be acceptable, plots shall show less than .1% off-type plants shedding pollen, in the pollen parent row, or a total of 2% of doubtful plants during any one inspection.

Source

The provisions of this § 115.164 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522. Immediately preceding text appears at serial page (1807).

STAND REQUIREMENTS**§ 115.171. Planting ratio.**

Single crossing plots shall be planted in a ratio not to exceed two seed parent rows to one pollen parent row. Plots may not be less than .5 acre.

§ 115.172. Pollen-shedding plants.

There shall be 1,000 pollen plants per acre capable of shedding pollen during the pollination period. If the stand of plants is reduced below this ratio, any seed accepted for certification shall be produced on hand-pollination plants.

§ 115.173. Destruction of noncertified plants.

Portions of single-cross plots not meeting certification requirements shall be destroyed before field inspection is completed if the balance of the plot is to qualify for certification.

SEED STANDARDS**§ 115.181. Seed house inspection.**

(a) Ear inspection shall be made after the seed is harvested, dried, culled, ear picked (ready for shelling). If found to contain more than .1% off-type ears, or any kernels pollinated by other corn, the lot of seed may not be considered satisfactory for certification and shall have to be reworked and reinspected before shelling.

(b) Lots of seed found shelled before ear inspection shall be disqualified for certification.

(c) If the lot is approved upon ear inspection, it may then be shelled and graded in preparation for final certification.

§ 115.182. Drying, purity and germination.

Seed of single-crosses shall be harvested and dried to 14% moisture or less as soon as possible after the corn is mature with a minimum purity of 99% and a germination of 90% or more.

Source

The provisions of this § 115.182 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522. Immediately preceding text appears at serial page (1809).

Subchapter G. DEERTONGUE GRASS**GENERAL REQUIREMENTS**

Sec.

115.191. [Reserved].

115.192. Certification requirements.

115.193. Equipment care.

115.194. Areas of adaptation.

FIELD STANDARDS

- 115.201. Land requirements.
- 115.202. Isolation requirements.
- 115.203. [Reserved].
- 115.204. [Reserved].
- 115.205. [Reserved].

SEED STANDARDS—DEERTONGUE GRASS

- 115.211. Seed standards.
- 115.212. [Reserved].

GENERAL REQUIREMENTS**§ 115.191. [Reserved].****Source**

The provisions of this § 115.191 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23065).

§ 115.192. Certification requirements.

Only one variety of a species may be grown per farm for certification. The minimum acreage per field shall be 3 acres.

§ 115.193. Equipment care.

Combines, threshers and cleaners shall be thoroughly cleaned, inside and out, and inspected before use on any grass crop.

§ 115.194. Areas of adaptation.

Where an area of adaptation for the production of seed of a specific variety is defined, Foundation seed production may be limited to that area. Certified seed may be produced outside the area of adaptation for seed production. Areas of adaptation shall be designated by the originator of the variety.

Source

The provisions of this § 115.194 amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23066).

FIELD STANDARDS**§ 115.201. Land requirements.**

(a) A field, to be eligible for the production of certified seed, may not have grown or been seeded to the same species during the previous 3 years except to Foundation or Certified seed of the same variety.

(b) An animal manure may not be applied during the period of the stand.

(c) The field shall be free from volunteer plants of the species being seeded.

Source

The provisions of this § 115.201 amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23066).

§ 115.202. Isolation requirements.

For a seed field to be eligible for production of Certified seed it shall be isolated from other strains of the same species which flower at the same time, by a minimum of 330 feet.

Source

The provisions of this § 115.202 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial pages (23066) and (23067).

§ 115.203. [Reserved].**Source**

The provisions of this § 115.203 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23067).

§ 115.204. [Reserved].**Source**

The provisions of this § 115.204 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial pages (23067) and (1812).

§ 115.205. [Reserved].**Source**

The provisions of this § 115.205 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (1812).

SEED STANDARDS—DEERTONGUE GRASS**§ 115.211. Seed standards.**

The following seed standards apply:

	<i>Certified Class</i>
Pure Seed (minimum)	97%
Other crop seed	2%
*Weed seeds	1%
Inert matter (maximum)	3%
Germination (minimum)	70%

* A maximum of nine restricted noxious weed seeds per pound is allowed.

Authority

The provisions of this § 115.211 amended under 3 Pa.C.S. §§ 7111 and 7117.

Source

The provisions of this § 115.211 amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878; amended May 22, 2009, effective June 22, 2009, 39 Pa.B. 2577. Immediately preceding text appears at serial page (276753).

§ 115.212. [Reserved].**Source**

The provisions of this § 115.212 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial pages (1812) and (23068).

Subchapter H. LEGUME CROP**GENERAL REQUIREMENTS**

- Sec.
 115.221. Definitions.
 115.222. Requirements for certification.
 115.223. Equipment requirements.
 115.224. Areas of adaption.

FIELD STANDARDS

- 115.231. Land requirements.
 115.232. Isolation requirements.
 115.233. Number of seed harvest years.
 115.234. Stand requirements.
 115.235. Objectionable plants.
 115.236. [Reserved].

SEED STANDARDS

- 115.241. [Reserved].
- 115.242. [Reserved].
- 115.243. [Reserved].
- 115.244. Crownvetch.
- 115.245. Flatpea.

GENERAL REQUIREMENTS**§ 115.221. Definitions.**

The term, “legume crops,” as used in this subchapter, refers to legumes, such as crownvetch and flatpea.

Source

The provisions of this § 115.221 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23068).

§ 115.222. Requirements for certification.

Only one variety of a species may be grown per farm for certification. The minimum acreage per field shall be 3 acres.

§ 115.223. Equipment requirements.

Combines, threshers or cleaners shall be thoroughly cleaned, inside and out, and inspected before use on any forage crop seed.

§ 115.224. Areas of adaption.

Where an area of adaptation for the production of seed of a specific variety is defined, Foundation seed production may be limited to that area. Certified seed may be produced outside the area of adaptation for seed production. Areas of adaptation shall be designated by the originator of the variety.

Source

The provisions of this § 115.224 amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23069).

FIELD STANDARDS**§ 115.231. Land requirements.**

(a) Crownvetch and flatpea to be certified in either class, shall be seeded on land on which no plants of the species have ever been planted, insofar as it is possible to ascertain.

- (b) Animal manure may not be applied during the production period of the stand.
- (c) The land shall be free from volunteer plants of the species being seeded.

Source

The provisions of this § 115.231 amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial pages (23069) to (23070).

§ 115.232. Isolation requirements.

- (a) For a seed field to be eligible for production of Foundation or Certified seed it shall be isolated from other strains of the same species which flower at the same time, in accordance with the following requirements:

<i>Class</i>	<i>Fields Less Than Five Acres (feet)</i>	<i>Fields More Than Five Acres (feet)</i>
Foundation	1320	1320
Certified	330	165
Between different seed classes of same variety	165	165

- (b) Flatpea—Isolation of 660 feet from other varieties of *Lathyrus Sylvestrus* or other species of *Lathyrus* or *Vicia*. 1320 feet for production of foundation seed.

- (c) Isolation from fields and fence rows inside of the minimum distances may be accomplished by mowing these fields and fence rows before flowering starts in the fields entered for certification.

Source

The provisions of this § 115.232 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522. Immediately preceding text appears at serial page (1815).

§ 115.233. Number of seed harvest years.

The production of Foundation or Certified seed of crownvetch and flatpea shall have no time limit as long as requirements for stand and volunteer plants are maintained.

Source

The provisions of this § 115.233 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial pages (23070) to (23071).

§ 115.234. Stand requirements.

- (a) Not less than 80% of the original stand shall be permitted.

(b) For Penngift crownvetch and Lathco flatpea the sequence of generations shall be Breeder seed, Foundation seed and Certified seed.

Source

The provisions of this § 115.234 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23071).

§ 115.235. Objectionable plants.

The finding of dodder (*Cuscuta spp.*) in a field shall be a cause for rejection for certification.

Source

The provisions of this § 115.235 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522. Immediately preceding text appears at serial page (1816).

§ 115.236. [Reserved].

Source

The provisions of this § 115.236 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23072).

SEED STANDARDS

§ 115.241. [Reserved].

Source

The provisions of this § 115.241 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial pages (23072) to (23073).

§ 115.242. [Reserved].

Source

The provisions of this § 115.242 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23073).

§ 115.243. [Reserved].

Source

The provisions of this § 115.243 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial pages (23073) to (23074).

§ 115.244. Crownvetch.

(a) The following seed standards shall apply to crownvetch:

<i>Factor</i>	<i>Standards for Each Class</i>	
	<i>foundation</i>	<i>certified</i>
Pure seed	97% (min.)	96% (min.)
Total other crop seeds, including other varieties	.10% (max.)	.5% (max.)
Total weed seeds	.10% (max.)	.20% (max.)
Germination	35% (min.)	35% (min.)
Total germination and hard seed	70% (min.)	70% (min.)

(b) Seed may contain a maximum of nine restricted noxious weed seeds per pound.

(c) Percentages of total germination and hard seeds shall be noted separately.

Source

The provisions of this § 115.244 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23074).

§ 115.245. Flatpea.

(a) The following seed standards apply to flatpea:

<i>Factor</i>	<i>Certified</i>
Pure seed	99%
Total other crop seed incl. other varieties	.20% (max.)
Total weed seeds	.20% (max.)
Germination	35% (min.)
Total germination and hard seed	70% (min.)

(b) Seed may contain a maximum of nine restricted noxious weed seeds per pound.

(c) Percentages of total germination and hard seeds shall be noted separately.

Source

The provisions of this § 115.245 adopted September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial pages (23074) to (23075).

Subchapter I. [Reserved]**§ 115.251. [Reserved].****Source**

The provisions of this § 115.251 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23075).

§ 115.252. [Reserved].**Source**

The provisions of this § 115.252 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23075).

§ 115.253. [Reserved].**Source**

The provisions of this § 115.253 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23075).

§ 115.254. [Reserved].**Source**

The provisions of this § 115.254 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23076).

§ 115.255. [Reserved].**Source**

The provisions of this § 115.255 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23076).

§ 115.256. [Reserved].**Source**

The provisions of this § 115.256 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23076).

§ 115.261. [Reserved].**Source**

The provisions of this § 115.261 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial pages (23076) and (48888).

Subchapter J. POTATO**GENERAL STANDARDS**

Sec.

- 115.271. Seed source.
- 115.272. Field, greenhouse or laboratory conditions.
- 115.273. Minimum acreage.

FIELD STANDARDS

- 115.281. Isolation requirements.
- 115.282. Diseases.
- 115.283. Varietal mixtures.
- 115.284. Recordkeeping requirements for certification of Prenuclear seed potatoes.
- 115.285. Inspection and testing of Prenuclear seed potatoes.
- 115.286. Complaints by users of certified Prenuclear seed potatoes.
- 115.287. Violations.

SEED STANDARDS

- 115.291. Winter test.
- 115.292. Storage.
- 115.293. Eligibility factors for tags.

GENERAL STANDARDS**§ 115.271. Seed source.**

Seed potatoes grown in this Commonwealth will be limited to 8 generations. Foundation G7 is the minimum acceptable source to produce Certified G8. When out-of-State source is used, tags shall indicate generation. Signed documentation will be accepted in lieu of tag. Plantlets and mini-tubers entered shall come from an authorized source. Inspections of plantlets shall be made at the discretion of the certification office.

Authority

The provisions of this § 115.271 amended under 3 Pa.C.S. §§ 7111 and 7117.

Source

The provisions of this § 115.271 amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878; amended May 22, 2009, effective June 22, 2009, 39 Pa.B. 2577. Immediately preceding text appears at serial page (276759).

§ 115.272. Field, greenhouse or laboratory conditions.

(a) *Field conditions.* The previous crop shall be other than potatoes. Potatoes showing a stand of less than 80% may be refused certification. When fields are rogued, the diseased plants and tubers shall be removed from the field.

(b) *Greenhouse conditions.* The following requirements shall be met prior to the introduction of Prenuclear seed potatoes to a greenhouse, and, if applicable, at all times that Prenuclear potatoes are present in the greenhouse:

- (1) The greenhouse shall be cleaned and thoroughly disinfected.
- (2) The interior of the greenhouse shall be treated to kill insects.
- (3) Weeds shall be killed and removed from the interior of the greenhouse.
- (4) Benches, floors, pots and tools shall be sanitized.
- (5) The growth medium shall be sterilized.
- (6) A foot dip tray shall be situated for use at each entrance. The use of the foot dip tray shall be required of all persons entering the greenhouse.
- (7) An adequate amount of protective outerwear shall be in place at each entrance, and use of the protective outerwear shall be required of persons entering the greenhouse.
- (8) Inspection, sampling and testing of potato plants and potato plant materials shall be conducted prior to the introduction of the plants or plant materials into the greenhouse. The plants and plant materials shall be free of *Erwinia caratovora* pv. *caratovora*, *Erwinia caratovora* pv. *atroseptica*, *Clavibacter michiganense* subsp. *sepedonicum* (synonym: *Corynebacterium sepedonicum*), potato spindle tuber viroid, potato leafroll virus and potato viruses A, M, S, X and Y.
- (9) Access to the greenhouse shall be limited to trained personnel and escorted visitors.
- (10) Smoking is not allowed within the greenhouse.
- (11) Benches and containers shall be labeled or tagged with variety and seed lot information.
- (12) Prior to entering the greenhouse, and between work with different seed lots within the greenhouse, persons shall wash, disinfect and rinse their hands.
- (13) The greenhouse shall be free of holes, cracks or other portals of entry for insects and debris.
- (14) A dead-air space shall exist between the outdoors and any entrance to the greenhouse.

(c) *Laboratory conditions.* In propagating Prenuclear seed potatoes, a laboratory shall use standard aseptic microbiological techniques at all stages of plant growth in tissue culture. The following additional requirements shall be met by the laboratory:

- (1) Plant material in the certification program shall be physically and procedurally isolated from plant materials of unknown disease status.

- (2) Media which allow the growth of microorganisms shall be used routinely in the propagation of plant material.
- (3) Containers of plant material shall be labeled to identify variety and lot.

Authority

The provisions of this § 115.272 amended under The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285-11); and the act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297).

Source

The provisions of this § 115.272 amended through February 29, 1980, effective March 1, 1980, 10 Pa.B. 911; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878; amended April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558. Immediately preceding text appears at serial page (147365).

Cross References

This section cited in 7 Pa. Code § 115.285 (relating to inspection and testing of Prenuclear seed potatoes).

§ 115.273. Minimum acreage.

Growers, other than growers of Prenuclear seed potatoes, having less than 10 acres of potatoes may not be eligible for the certification service. Less acres will be considered if located in a current seed-producing area.

Authority

The provisions of this § 115.273 amended under the The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285-11); and the act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297).

Source

The provisions of this § 115.273 amended February 29, 1980, effective March 1, 1980, 10 Pa.B. 911; amended April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558. Immediately preceding text appears at serial page (147365).

FIELD STANDARDS

§ 115.281. Isolation requirements.

(a) *Isolation of fields.* Fields entered for certification shall be isolated by a minimum distance of 200 feet from other potato fields that show more disease than is permitted at the final inspection. Certification fields shall be separated from noncertified fields by blank rows or other crops.

(b) *Isolation of greenhouses, laboratories or other facilities used in the production of Prenuclear seed potatoes.* Greenhouses, laboratories or other facilities used in the production of Prenuclear seed potatoes shall be isolated by a minimum distance of 200 feet from any potato field.

Authority

The provisions of this § 115.281 amended under The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285-11); and the act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297).

Source

The provisions of this § 115.281 amended through February 29, 1980, effective March 1, 1980, 10 Pa.B. 911; amended April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558. Immediately preceding text appears at serial pages (147365) to (147366).

§ 115.282. Diseases.

(a) *Potatoes other than Prenuclear seed potatoes.* The Department will inspect fields of potatoes at least twice during the growing season. Other inspections, which may include digging, may be made. A final inspection shall be made at shipping time for grade.

(1) First field inspection will be made as early as possible to make accurate identification of diseases.

(2) Second or later inspections will take place at blossom time and before the vines are killed.

(3) Seed lots will be rejected if found to contain more than the following diseases:

<i>Disease</i>	<i>Maximum Percent Allowed</i>		
	<i>G1 & G2</i>	<i>G3</i>	<i>G4-G8</i>
Mosaic	.25	.5	2
Leaf Roll	.25	.5	1
Spindle Tuber	.25	.5	1
Yellow Dwarf	.25	.5	1
Total Virus including Mosaic, Leaf Roll, Spindle Tuber and Yellow Dwarf	.50	1.0	3
Ring Rot	.00	.00	.00

(4) Maximum percentages allowed for diseases other than those listed in paragraph (3) will be determined by the certification office after identification.

(5) Ring rot, also referred to as *Clavibacter michiganense* subsp. *sepedonicum* (synonym: *Corynebacterium sepedonicum*), found at any time in bin or graded stock will be cause for rejection.

(b) *Prenuclear seed potatoes.* If *Erwinia caratovora* pv. *caratovora*, or *Erwinia caratovora* pv. *atroseptica*, or *Clavibacter michiganense* subsp. *sepedonicum* (synonym: *Corynebacterium sepedonicum*), or potato spindle tuber viroid, or potato leafroll virus, or potato virus A, M, S, X or Y is detected in a seed lot for which Prenuclear certification is sought, that particular seed lot will be rejected. Detection of virus vectors in a seed lot for which Prenuclear certification is sought will be grounds for rejection of the entire lot.

Authority

The provisions of this § 115.282 amended under The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285-11); and the act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297); amended under 3 Pa.C.S. §§ 7111 and 7117.

Source

The provisions of this § 115.282 amended February 29, 1980, effective March 1, 1980, 10 Pa.B. 911; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878; amended April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558; amended May 22, 2009, effective June 22, 2009, 39 Pa.B. 2577. Immediately preceding text appears at serial pages (276762) to (276763).

Cross References

This section cited in 7 Pa. Code § 115.291 (relating to winter test).

§ 115.283. Varietal mixtures.

The maximum percentage of varietal mixture allowed is as follows:

Prenuclear	0%
G1	0%
G2	0%
G3	.25%
G4-G8	.25%

Authority

The provisions of this § 115.283 amended under The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285-11); and the act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297).

Source

The provisions of this § 115.283 amended February 29, 1980, effective March 1, 1980, 10 Pa.B. 911; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878; amended April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558; amended May 22, 2009, effective June 22, 2009, 39 Pa.B. 2577. Immediately preceding text appears at serial page (276763).

Cross References

This section cited in 7 Pa. Code § 115.291 (relating to winter test).

§ 115.284. Recordkeeping requirements for certification of Prenuclear seed potatoes.

(a) With respect to each seed lot for which Prenuclear certification is sought, the grower shall maintain complete and accurate records of the following:

- (1) The source of the line.
- (2) The pertinent field performance characteristics of the plant.
- (3) The month and year of initiation into tissue culture.
- (4) General propagation information.

- (5) Disease testing history.
 - (6) Insect and disease resistance information.
- (b) The records described in subsection (a) shall be kept in a manner approved by the Department, and shall be made available for inspection immediately upon the request of the Department.

Authority

The provisions of this § 115.284 issued under The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285-11); and the act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297).

Source

The provisions of this § 115.284 adopted April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558.

§ 115.285. Inspection and testing of Prenuclear seed potatoes.

(a) Inspections of each seed lot for which Prenuclear certification is sought shall be conducted as follows:

(1) As a requisite to Prenuclear status, the grower of the seed potatoes shall, at his own expense, annually inspect and test the tissue culture-grown materials for which certification is sought for trueness-to-variety and freedom from *Erwinia caratovora* pv. *caratovora*, *Erwinia caratovora* pv. *atroseptica*, *Clavibacter michiganense* subsp. *sepedonicum* (synonym: *Corynebacterium sepedonicum*), potato spindle tuber viroid, potato leafroll virus and potato viruses A, M, S, X and Y.

(2) The Department will annually inspect laboratory facilities used for the propagation of Prenuclear seed potatoes to verify compliance with § 115.272 (relating to field, greenhouse or laboratory conditions).

(3) The Department will annually inspect greenhouse facilities used for the propagation of tissue culture materials for compliance with § 115.272. This inspection will include sampling and testing of water and growth medium for the presence of *Erwinia caratovora* pv. *caratovora* and *Erwinia caratovora* pv. *atroseptica*.

(4) The Department will inspect the greenhouse crop between 3 and 4 weeks after planting. The inspector may sample any seed lot and may reject any seed lot showing signs of insect or disease pests which could compromise the quality of the seed potato or present a risk to the potato industry.

(5) The Department will inspect the greenhouse crop when plants are at peak foliar growth. Visual inspection for varietal trueness and the presence of insect or disease pests will be performed. Samples will be taken and tested for the presence of potato leafroll virus and potato viruses A, M, S, X and Y.

(6) At or near harvest of a greenhouse crop, the Department will collect random samples from each seed lot, and test the samples for the presence of

Erwinia caratovora pv. *caratovora* or *Erwinia caratovora* pv. *atroseptica* or *Clavibacter michiganense* subsp. *sepedonicum* (synonym: *Corynebacterium sepedonicum*).

(b) The Department may inspect greenhouse or laboratory facilities, records, equipment or other facilities or instruments used in the propagation of potatoes for which Prenuclear certification is sought, or for which Prenuclear certification has been granted, during normal business hours of the greenhouse or laboratory. During the inspection, the Department may take samples and perform tests it deems necessary. When samples are taken under this subsection, the Department will issue to the applicant, or leave with a responsible person at the facility from which the samples are taken, a receipt setting forth the number and description of the samples taken and the reason for the taking of the samples. Once the samples have been tested, the Department will provide the applicant with written notice of the tests conducted and the results of the tests.

(c) The tests and analyses described in this section shall be conducted at a laboratory approved by the Department using testing procedures approved by the Department. The Department will maintain, and provide upon request, a written description of the testing procedures and protocols to be applied, together with a list of the laboratories approved to conduct these tests and analyses. Whenever the Department makes changes to this written description or list, it will mail a copy of the updated description or list to each current applicant for Prenuclear certification, at the address indicated on the application.

(d) The expense of testing or analysis required under subsection (a) shall be borne by the applicant. The expense of testing or analysis conducted under subsection (b) will be borne by the Department, unless the testing or analysis is a “Florida Test,” or similar test, required by the Department under § 115.291(d) (relating to winter test).

Authority

The provisions of this § 115.285 issued under The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285-11); and the act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297).

Source

The provisions of this § 115.285 adopted April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558.

Cross References

This section cited in 7 Pa. Code § 113.32 (relating to procedure for inspections); and 7 Pa. Code § 115.287 (relating to violations).

§ 115.286. Complaints by users of certified Prenuclear seed potatoes.

The grower of seed potatoes which have been certified as Prenuclear seed potatoes shall forward to the Department complaints registered by users of the certified Prenuclear materials.

Authority

The provisions of this § 115.286 issued under The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285-11); and the act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297).

Source

The provisions of this § 115.286 adopted April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558.

§ 115.287. Violations.

The Department may refuse, suspend or cancel Prenuclear certification with respect to a seed lot if one or more of the following applies:

- (1) The applicable requirements of this chapter have not been complied with.
- (2) The subject plants are found to be off-type, infected with one of the pathogens described in § 115.285 (relating to inspection and testing of Prenuclear seed potatoes) or infested with virus vectors.
- (3) The status of plants produced and offered for certification under this chapter is knowingly misrepresented.
- (4) The identity, propagation history or pathogen-testing history of the subject plants is incomplete, ambiguous or otherwise inadequate.

Authority

The provisions of this § 115.287 issued under The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285-11); and the act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297).

Source

The provisions of this § 115.287 adopted April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558.

SEED STANDARDS**§ 115.291. Winter test.**

(a) Seed to be certified shall have a representative sample of the lot submitted for a test in which the representative sample is grown and examined for diseases prior to the growing of the remainder of the seed lot. This test may be known as a Florida Test, if conducted through the New York Seed Improvement Coop., Inc., a winter test, a grow-out test or some other designation.

(b) Seed will be rejected if a test described in subsection (a) shows disease to be in excess of the foliage inspection described in § 115.282 (relating to diseases). Varietal mixture may not exceed the maximums in § 115.283 (relating to varietal mixtures).

(c) It is the responsibility of the grower to have the test described in subsection (a) made. The Florida Test is available through the New York Seed Improvement Coop. Inc., Ithaca, New York 14850. Payment is required when samples are submitted.

(d) Subsections (a)—(c) do not apply to Prenuclear seed potatoes. The Department may require a Florida Test, or similar test, for particular lots of Prenuclear seed potatoes if virus vectors are detected during the later stages of growth in the greenhouse or laboratory. If this testing is required by the Department as a condition of the Prenuclear certification, the cost of the testing shall be borne by the applicant.

Authority

The provisions of this § 115.291 amended under The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285-11); and the act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297).

Source

The provisions of this § 115.291 amended February 29, 1980, effective March 1, 1980, 10 Pa.B. 911; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878; amended April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558. Immediately preceding text appears at serial page (147367).

Cross References

This section cited in 7 Pa. Code § 115.285 (relating to inspection and testing of Prenuclear seed potatoes).

§ 115.292. Storage.

(a) Seed potatoes may not be stored where it is known or suspected that potatoes infected with bacterial ring rot were previously stored, unless the storage areas are properly cleaned and disinfected by means and methods satisfactory to the inspector.

(b) When a variety of potatoes in storage are found infected with ring rot, all of this variety grown on a given farm from the particular seed source involved shall be rejected. Equipment used in handling diseased lots shall be thoroughly cleaned and disinfected before it may be used for grading certified seed.

(c) No seed for recertification may be sold for 2 crop years from a farm where ring rot has been found.

Source

The provisions of this § 115.292 amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (48892).

§ 115.293. Eligibility factors for tags.

(a) To be eligible to produce and tag generation 1 through 7 for recertification, the entire farm production shall be in the Certification Program.

(b) If the disease reading is too high for generation being produced, seed may be tagged the generation to match reading.

(c) Certification tags will be issued at shipping time. Tubers, including Prenuclear class tubers, shall meet Pennsylvania Certified Grade which is comparable to U. S. Grade No. 1 Seed Potatoes. Title 7 of the Code of Federal Regulations 51.3000—51.3006 (relating to United States Standards for Seed Potatoes)

describes the applicable criteria which shall be met for tubers to be eligible for a Blue or White Tag. Exception will be made for tubers less than 1 1/2 inch in diameter (known as “B” ’s) if size is noted on Blue or White Tag. Tubers, other than Prenuclear class tubers, that meet all certification requirements except grade or size, or both, are eligible for a Green Tag, subject to a Buyer-Seller agreement. Green tagged seed is not eligible for recertification.

Authority

The provisions of this § 115.293 amended under The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285-11); and the act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297); amended under 3 Pa.C.S. §§ 7111 and 7117.

Source

The provisions of this § 115.293 amended February 29, 1980, effective March 1, 1980, 10 Pa.B. 911; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878; amended April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558; amended May 22, 2009, effective June 22, 2009, 39 Pa.B. 2577. Immediately preceding text appears at serial pages (276767) to (276768).

Subchapter K. SMALL GRAIN

GENERAL STANDARDS

Sec.

- 115.301. Definition.
- 115.302. [Reserved].
- 115.303. Field inspections.
- 115.304. Isolation.
- 115.305. Field standards.
- 115.306. Seed standards.

GENERAL STANDARDS

§ 115.301. Definition.

The term, “small grain,” when used in this subchapter, refers to winter barley, spring barley, spring oats, winter wheat and rye for seed purposes.

Source

The provisions of this § 115.301 amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (48893).

§ 115.302. [Reserved].

Source

The provisions of this § 115.302 reserved May 22, 2009, effective June 22, 2009, 39 Pa.B. 2577. Immediately preceding text appears at serial page (276768).

§ 115.303. Field inspections.

Field inspections shall be made after the crop is fully headed and at least two weeks prior to harvest.

§ 115.304. Isolation.

(a) When more than one variety of small grain is grown for certified seed, except rye, on the same farm, the grain shall be separated by a fence row, a roadway or a strip of ground which is mowed, uncropped or planted, to a crop other than small grain.

(b) Rye fields producing certified seed shall be isolated at least 660 feet from rye fields of another variety.

Source

The provisions of this § 115.304 amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (48893).

§ 115.305. Field standards.

(a) The following standards apply to small grain fields:

<i>Factor</i>	<i>foundation</i>	<i>Percent Tolerances</i>	
		<i>registered</i>	<i>certified</i>
Varietal Mixture	.01 (1:10,000)	.02 (1:5,000)	.03 (1:3,000)
Inseparable other crops	.01 (1:10,000)	.01 (1:10,000)	.02 (1:5,000)
Objectionable plants	none	none	none
Seed-borne diseases:	.1 (1:1,000)	.2 (1:500)	.33 (1:300)
Loose Smut			

(b) The term “other varieties” means those plants that can be differentiated from the variety being inspected. It does not include those variations characteristic of the variety.

(c) The term “inseparable other crops” means those plants which produce seed that cannot be removed by the usual methods of conditioning such as rye in winter wheat.

(d) The term “objectionable plants” means wild onion, wild garlic and corn cockle.

Source

The provisions of this § 115.305 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial pages (48894) and (23083).

§ 115.306. Seed standards.

(a) The following seed standards shall apply to small grains:

<i>Factor</i>	<i>foundation</i>	<i>Tolerances</i>	
		<i>registered</i>	<i>certified</i>
Pure seed	none	99% (min.)	99% (min.)
Varietal mixture	1 seed (max. per lb.)	2 seeds (max. per lb.)	10 seeds (max. per lb.)
Other crops	1 seed (max. per lb.)	1 seed (max. per lb.)	5 seeds (max. per lb.)
Weed seeds	5 seeds (max. per lb.)	5 seeds (max. per lb.)	10 seeds (max. per lb.)
Germination:			
Wheat and Barley	none	90% (min.)	90% (min.)
Oats	none	85% (min.)	85% (min.)
Rye	none	80% (min.)	80% (min.)

(b) In the fluorescence test of oats, the following tolerances for off-types will be permitted:

Foundation class—9 seeds per pound

Registered class—18 seeds per pound

Certified class—36 seeds per pound

(c) Seed may not contain prohibited or restricted noxious weed seeds.

Source

The provisions of this § 115.306 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial pages (23083) to (23084).

Subchapter L. SOD**GENERAL PROVISIONS**

Sec.

115.311. Purpose.

115.312. Prior use of land.

115.313. Inspection.

115.314. Units of certification.

115.315. Isolation.

INSPECTIONS

115.321. Preplanting.

115.322. Optional inspections.

115.323. Length of validity of inspections.

115.324. [Reserved].

FIELD STANDARDS

- 115.331. Age of field.
- 115.332. Maximum field tolerances.
- 115.333. Pests.
- 115.334. Quality of product.
- 115.335. Labeling requirements.

GENERAL PROVISIONS**§ 115.311. Purpose.**

The purpose of sod certification is to maintain and make available to the public high quality sod of turfgrass grown and distributed to insure genetic identity and purity and a high degree of freedom from weeds, injurious insects, diseases and other pests.

Source

The provisions of this § 115.311 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23084).

§ 115.312. Prior use of land.

(a) The land on which certified sod is to be established shall have been in the production of cultivated crops or clean fallow for at least one growing season preceding the seeding of the turfgrass for certification.

(b) A field which is in sod production shall be considered for certification only if the preceding crop has been a cultivated turfgrass.

(c) Soil fumigation or other appropriate weed control methods performed in accordance with recommended procedures may be used in preparation of a field in one growing season in place of the requirements of subsections (a) and (b).

§ 115.313. Inspection.

In all cases, inspections of the field shall show evidence of freedom from unacceptable weeds and volunteer plants of other varieties of species of turfgrasses.

§ 115.314. Units of certification.

A field or blocks within a field shall be considered the unit for certification. If for any reason sections of a field do not meet certification requirements, the portion or portions of the field meeting certification requirements may be certified.

§ 115.315. Isolation.

A field or block of sod, to be eligible for certification, shall be isolated from adjacent fields with a ten foot barrier, or less if approved by the inspector. The barrier shall be fallowed or seeded to the same variety of the turfgrass species considered for certification in order to prevent contamination of grasses at the margins.

INSPECTIONS**§ 115.321. Preplanting.**

- (a) Certified sod shall be the vegetative increase of certified seed.
- (b) Samples of seed shall be obtained by the certification office and checked before planting. Field boundaries shall be designated at the time of the preplanting inspection.
- (c) The seed standards for sod quality grass seed are as follows:

<i>Kind</i>	<i>Minimum Purity</i>	<i>Minimum Germination</i>	<i>Maximum Other Crop</i>	<i>Maximum Weed</i>
Kentucky Bluegrass	97%	80%	.1%	.02%
Red Fescue*	98%	90%	.1%	.02%
Chewings Fescue*	98%	90%	.1%	.02%
Hard fescue*	98%	90%	.1%	.02%
Turf-type perennial ryegrass	98%	90%	.1%	.02%
Turf-type tall fescue	98%	90%	.1%	.02%

* Hereafter referred to as fine fescue

- (1) Kinds of grasses shall be free of big bluegrass, Canada bluegrass, smooth brome, reed canary grass and clover. A maximum of .02% Canada bluegrass is permitted in Kentucky bluegrass.
- (2) A maximum of 2.0% other Kentucky bluegrass varieties is permitted in a named Kentucky bluegrass variety.
- (3) Samples shall be free of prohibited noxious weed seeds and undesirable grass seeds.
- (4) A sod seed analysis based on the rules of the Association of Official Seed Analysts, c/o Illinois State Seed Laboratory, Post Office Box 4906, 801 Sangamen Avenue, Springfield, Illinois 62706 and section 3 Pa.C.S. § 7104 (relating to labels and labeling) shall be the basis of determining seed standards.
- (5) A maximum of 27 ryegrass seeds per pound will be permitted in tall fescue. Ryegrass seeds are not permitted in other kinds.
- (d) To be eligible for certification, a turfgrass shall be planted on sites approved by the certification agency.

(e) On land recently inspected for a certified sod crop, the preplant inspection may be waived and no fee charged.

Authority

The provisions of this § 115.321 amended under 3 Pa.C.S. §§ 7111 and 7117.

Source

The provisions of this § 115.321 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878; amended May 22, 2009, effective June 22, 2009, 39 Pa.B. 2577. Immediately preceding text appears at serial pages (276772) to (276773).

Cross References

This section cited at 7 Pa. Code § 115.462 (relating to minimum seed standards for interagency certification of turfgrass seed).

§ 115.322. Optional inspections.

(a) Inspections during the growing season and immediately before sale of sod shall be made for genetic purity and identity, presence of other perennial grasses, noxious, unacceptable and other objectionable plants, insects, and disease.

(b) A field harvested before inspection shall not be eligible for certification.

Source

The provisions of this § 115.322 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23087).

§ 115.323. Length of validity of inspections.

After fields have met the requirements for certification, inspections made prior to June 30 of the current year shall be valid until June 30; inspections made after June 30 shall be valid until December 31.

Source

The provisions of this § 115.323 amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23087).

§ 115.324. [Reserved].

Source

The provisions of this § 115.324 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23087).

FIELD STANDARDS

§ 115.331. Age of field.

Production of certified sod is limited to fields having stands not more than 3 years old.

§ 115.332. Maximum field tolerances.

(a) Kentucky bluegrass “blends” shall contain a minimum of 20% of any variety by seed weight.

(b) “Kentucky bluegrass—fine fescue mixtures” shall contain a minimum of 30% of either kind in the field. Kentucky bluegrass and Kentucky bluegrass blends may contain up to 1.0% fine fescue in the field.

(c) No ryegrass or tall fescue shall be allowed in Kentucky bluegrass or fine fescue.

(d) Bentgrass may not contain other turfgrasses.

(e) A maximum of 10% Kentucky bluegrass by seed weight will be permitted in turf type tall fescue and turf type perennial ryegrass.

(f) Except as otherwise provided in this section, certified sod shall be free of broadleaf and grassy weeds which may detract from a good esthetic appearance.

Source

The provisions of this § 115.332 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial pages (23087) to (23089).

§ 115.333. Pests.

(a) Every field within the certification program shall be maintained reasonably free of diseases.

(b) To qualify for certification, fields shall show evidence of proper chemical treatment of the soil for injurious grub species. It may also be necessary at times to treat for certain other insect pests in order to meet certification standards.

(c) Records of pesticides used and treatment dates shall be available.

§ 115.334. Quality of product.

The marketable product shall be of uniform density, color and texture.

§ 115.335. Labeling requirements.

Sod when sold as certified, shall have a certification label properly affixed to the invoice.

Source

The provisions of this § 115.335 amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23089).

Subchapter M. [Reserved]

§ 115.341. [Reserved].

Source

The provisions of this § 115.341 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23090).

§ 115.342. [Reserved].**Source**

The provisions of this § 115.342 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23090).

§ 115.343. [Reserved].**Source**

The provisions of this § 115.343 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23090).

§ 115.344. [Reserved].**Source**

The provisions of this § 115.344 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23091).

§ 115.345. [Reserved].**Source**

The provisions of this § 115.345 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23091).

§ 115.351. [Reserved].**Source**

The provisions of this § 115.351 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23091).

§ 115.352. [Reserved].**Source**

The provisions of this § 115.352 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23091).

§ 115.353. [Reserved].**Source**

The provisions of this § 115.353 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial pages (23091) to (23092).

§ 115.354. [Reserved].**Source**

The provisions of this § 115.354 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (1835).

§ 115.355. [Reserved].**Source**

The provisions of this § 115.355 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23092).

Subchapter N. TOBACCO**GENERAL STANDARDS**

Sec.

- 115.361. Planting requirements.
- 115.362. Isolation.
- 115.363. Number of inspections.
- 115.364. Field standards.
- 115.365. Seed standards.

GENERAL STANDARDS**§ 115.361. Planting requirements.**

(a) Tobacco fields shall be planted in their entirety with the same variety of the same stock. A new plant bed shall be used each year unless the bed is properly treated with a soil sterilant prior to seeding.

(b) Tobacco plants shall be produced in plant beds on the same farm on which the seed is being inspected for seed certification.

Source

The provisions of this § 115.361 amended February 29, 1980, effective March 1, 1980, 10 Pa.B. 911; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (48896).

§ 115.362. Isolation.

Tobacco seed plants shall be at least 150 feet from the same type of tobacco and 1,320 feet from varieties of any other type, except when protected from cross-pollination by bagging or when plants in neighboring or contaminating fields are topped before the blooming stage.

§ 115.363. Number of inspections.

One inspection shall be made, preferably, at the time when selected seed plants are in flower and surrounding plants have been topped.

Source

The provisions of this § 115.363 amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (48896).

§ 115.364. Field standards.

(a) The following field standards apply to tobacco:

<i>Factors</i>	<i>Maximum Permitted in Each Seed Class</i>	
	<i>foundation</i>	<i>certified</i>
Off-type plants	none	none
Varietal mixture	none	none
Mosaic	none	none
Ring-spot	none	none

(b) “Varietal mixtures” shall include only plants that can be identified with reasonable certainty as another variety.

(c) Plants adjacent to a diseased ring-spot plant shall be topped.

Source

The provisions of this § 115.364 amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial pages (48896) to (48897).

§ 115.365. Seed standards.

The following seed standards shall apply to tobacco:

<i>Factors</i>	<i>Percentage Permitted in Each Class</i>	
	<i>foundation</i>	<i>certified</i>
Pure seed	no standard	98%
Weed seeds	no standard	none
Germination	no standard	80%

Source

The provisions of this § 115.365 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522. Immediately preceding text appears at serial page (1837).

Subchapter O. [Reserved]**§ 115.371. [Reserved].****Source**

The provisions of this § 115.371 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (48897).

§ 115.372. [Reserved].**Source**

The provisions of this § 115.372 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (1838).

§ 115.373. [Reserved].**Source**

The provisions of this § 115.373 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (1838).

Subchapter P. [Reserved]**§ 115.381. [Reserved].****Source**

The provisions of this § 115.381 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (1838).

§ 115.382. [Reserved].**Source**

The provisions of this § 115.382 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial pages (1838) to (1839).

Subchapter Q. [Reserved]**§ 115.391. [Reserved].****Source**

The provisions of this § 115.391 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (1839).

§ 115.392. [Reserved].**Source**

The provisions of this § 115.392 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (48898).

§ 115.393. [Reserved].**Source**

The provisions of this § 115.393 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (48898).

§ 115.394. [Reserved].**Source**

The provisions of this § 115.394 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (48898).

§ 115.395. [Reserved].**Source**

The provisions of this § 115.395 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (48898).

§ 115.396. [Reserved].**Source**

The provisions of this § 115.396 reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (48899).

Subchapter R. SOYBEANS**GENERAL STANDARDS**

- Sec.
115.401. Isolation and land requirements.
115.402. Inspection.
115.403. Field standards.
115.404. Seed standards.

GENERAL STANDARDS

§ 115.401. Isolation and land requirements.

At least 8 feet shall separate varieties of soybean. Soybeans may not be planted in a previous soybean field unless the previous crop was planted with a class of certified seed of the same variety.

Source

The provisions of this § 115.401 amended February 29, 1980, effective March 1, 1980, 10 Pa.B. 911; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (48899).

§ 115.402. Inspection.

At least one field inspection shall be made either at blossom time or after the leaves have dropped.

§ 115.403. Field standards.

(a) The following field standards apply to soybeans:

<u>Factors</u>	<u>Maximum Permitted in Each Class</u>		
	<u>foundation</u>	<u>registered</u>	<u>certified</u>
Varietal mixture	.10% (1:1000)	.2% (1:500)	.5% (1:200)
Inseparable other crops	0	0	Trace

(b) "Varietal mixture" includes off-type plants that can be differentiated from the variety being inspected.

(c) "Inseparable other crops" include corn or sunflower plants bearing seed at harvest time.

Source

The provisions of this § 115.403 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23095).

§ 115.404. Seed standards.

(a) The following seed standards apply to soybeans:

<u>Factors</u>	<u>Foundation</u>	<u>Tolerances</u>	
		<u>Registered</u>	<u>Certified</u>
Varietal mixture	.05% (max.)	.2% (max.)	.5% (max.)
Pure seed	98% (min.)	98% (min.)	98% (min.)
Other crops	0	1 per lb. (max.)	2 per lb. (max.)

<i>Factors</i>	<i>Foundation</i>	<i>Tolerances</i>	
		<i>Registered</i>	<i>Certified</i>
Weed seeds	0	1 per lb. (max.)	2 per lb. (max.)
Germination	No minimum	80% (min.)	80% (min.)

(b) Off-colored beans due to environmental factors may not be considered as varietal mixture.

(c) Seed may not contain prohibited or restricted noxious weed seeds.

Source

The provisions of this § 115.404 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522. Immediately preceding text appears at serial page (23095).

Subchapter S. TREES

GENERAL REQUIREMENTS

Sec.

- 115.411. Terms.
- 115.412. Evidence of qualification.
- 115.413. Tree variety approval committee.

RECORD REQUIREMENTS

- 115.421. Names.
- 115.422. Description.
- 115.423. Record of certification for seedlings.
- 115.424. Nursery reports for seedlings.
- 115.425. Data and analyses.
- 115.426. Parent descriptions for seed method.
- 115.427. Artificial control of seed.
- 115.428. Map of seed production area.
- 115.429. Renewal applications.
- 115.430. Seed collection reports.
- 115.431. Propagation reports for vegetative method.
- 115.432. Propagule collection report—vegetative method.

FIELD REQUIREMENTS

- 115.441. Inspections.
- 115.442. Unit of certification.
- 115.443. Growing seed and plant material.
- 115.444. Harvesting.

GENERAL REQUIREMENTS**§ 115.411. Terms.**

The term “certified”, shall be amplified to include several categories that apply specifically to forest tree seed, seedlings and vegetatively propagated trees, as follows:

- (1) “Certified tree seed, seedlings or clones (blue tag)” shall be either seed, plants grown from seed or plants vegetatively propagated from trees of proven genetic superiority, and produced so as to assure genetic identity.
- (2) “Selected tree seed, seedlings or clones (green tag)” shall be seed, plants grown from seed or plants vegetatively propagated from untested but rigidly selected trees that have promise but not proof of genetic superiority, and produced so as to assure genetic identity.
- (3) “Source-identified tree seed or seedlings (yellow tag)” shall be seed, or plants grown from a natural population or a plantation for which the geographic location and the genetic background are clearly defined, and produced so as to assure genetic identity. This does not apply to vegetative propagation.

§ 115.412. Evidence of qualification.

(a) It shall be the responsibility of the producer to submit evidence that the seed-producing trees (seed), or seed from which plants are to be grown (seedlings), or trees from which plants are to be propagated (vegetative method) qualify for the category within which material is intended for certification.

(b) It is suggested, but not required, that for seed production or vegetative propagation methods a description of procedures to be followed to secure supporting data be submitted to the Department for approval by the tree variety committee before work is begun on selection and genetic testing.

(c) Supporting data shall be statistically and genetically sound. This may necessitate making provisions for obtaining and keeping records many years before seed is to be certified.

§ 115.413. Tree variety approval committee.

(a) A tree variety approval committee shall evaluate evidence to determine if seed, seedlings or clones qualify for one of the certification categories.

(b) The committee shall include professional forest geneticists representing the Department of Environmental Resources, the United States Forest Service, and the Pennsylvania State University School of Forest Resources.

(c) The committee shall look principally to proof, or promise of genetic superiority in at least one trait compared to other available varieties in the same certification category, and to lack of defects that would seriously jeopardize its intended use.

RECORD REQUIREMENTS**§ 115.421. Names.**

(a) The name proposed for the variety (seed) or clone (vegetative) shall be such that it cannot be easily confused with other varieties, clones or taxonomic entities.

(b) Names shall be in accord with the International Code of Nomenclature for Cultivated Plants.

(c) Seedling varietal names shall be the same as those for the seed, except that a variance may be permitted if found to be justified by the Department.

§ 115.422. Description.

(a) A brief description of the variety or clone shall clearly state the methods of selection or breeding by which it was created, its distinctive characteristics, the uses for which it is intended, the geographic region to which it is adapted, and characteristics which may limit its usefulness.

(b) Subsequent advertising claims shall not contain any distortion of this statement, directly or by implication.

§ 115.423. Record of certification for seedlings.

(a) An original or photocopy document of certification and a bill of sale for each time the seed has changed hands shall be submitted.

(b) If inspection and certification are carried out by a different agency, an official copy of the certification standards and procedures of the agency shall be submitted, and these shall offer guarantees of genetic purity, genetic superiority and genetic identity equivalent to the tree standards of the Department of Agriculture.

(c) An English translation of all foreign documents shall be supplied.

§ 115.424. Nursery reports for seedlings.

A nursery or greenhouse report on plans for growing the seedlings shall include all of the following:

- (1) A map showing exactly where the plants are to be grown and existence of barriers to prevent mixing with other seedlings.
- (2) The species and variety grown in the area during the previous growing season, and its date of sowing.
- (3) Weight and number of seeds to be sown.
- (4) The nursery bed area in square feet and expected number of seedlings.
- (5) Dates of sowing, transplanting, attainment of full size, lifting and shipping.
- (6) A description of grading standards and procedures.

§ 115.425. Data and analyses.

Data and analyses supporting claims made in the varietal (seed) or clonal (vegetative) descriptions shall be appropriate to the following certification categories:

(1) *Certified tree seed or clone.*

(i) Seed progeny test records of individuals or populations or clonal test records (vegetative) shall attest that the following requirements have been met, and shall list the names of all persons involved. Alternatively, if a clone was certified by a different agency, a document of certification and an official copy of its certification standards and procedures may be submitted if they offer equivalent guarantees of genetic qualities.

(ii) Each test shall be designed to evaluate differences in specified characteristics at appropriate ages, and test results shall be expressed in those terms. The statistical design shall be recorded in detail to guide the analyses of test data and the evaluation of results. Replication, randomization and specification of appropriate error terms for evaluating differences shall be essential features. Results shall be expressed in standard units of measure, and statistical tests of significance shall be provided for differences between means.

(iii) Test locations shall adequately sample the geographic region for which the variety of clone is to be recommended. The record shall describe the test sites, including location, climate, soil, past use, site preparation, cultural treatments and occurrence of damage caused by freezes, droughts, insects, diseases or other agencies.

(iv) Seeds or plants subjected to testing shall truly represent seeds or plants that subsequently are to be submitted for certification. If there are possible differences due to pollination or propagation method, seed collection, propagule collection procedures or sampling, it shall be shown that the departures do not bias the test results or their applicability to certification.

(v) One or more check clones of seedling varieties shall be incorporated in the progeny tests or clonal tests. The checks shall represent seeds or plants that would have been acceptable to a prudent, well-informed purchaser had the improved seed or clone not been produced or propagated.

(vi) Records shall indicate that reasonable efforts were made to avoid experimental bias that could be introduced by variation in nursery beds, cultural practices, lifting, grading, packing, storage, transportation, planting, plantation treatments, measurements techniques or mixed identities.

(vii) Measurements and observations made during the progeny or clonal test shall be preserved in readily understandable form, together with statistical analyses and clear, verified summaries. The report shall include quantitative comparisons between the candidate progenies or clones and the checks for each characteristic measured and for each measurement date, whether or not any differences revealed are favorable or statistically significant.

(2) *Selected tree seed and clones.* Selection records of populations and their individual members shall attest that the following requirements have been met:

(i) The genetic background or ancestry from which the trees were derived shall be described, including provenance, the possible eugenic or disgenic effects of earlier selection practices in the same or previous generations, and deviations from the usual mating patterns in natural populations of the same species of seed.

(ii) There shall be at least indirect evidence that each clone, or each population from which phenotypically superior trees or clones were selected, is well adapted for the geographic region and uses for which the improved variety is intended. There is no reason for suspecting that the clone or the seed may have a serious genetic defect.

(iii) Selection shall be carried out for or against specified characteristics. Selection criteria and procedures shall be described in detail, including the names of all persons involved.

(iv) Selection intensity shall be given for each characteristic in terms of the quantitative differences between the selected trees or clones and the populations from which they were selected. The procedures for computing these values shall be clearly described.

(v) If it exists, pertinent genetic information such as inheritance patterns, heritability estimates or provenance comparisons (for seed), or concerning clonal variation (vegetative), derived from the literature on the same or closely related species (seed) or clones (vegetative) should be summarized and the literature citations listed.

(3) *Source-Identified tree seed.* The following shall be included:

(i) The genetic background or ancestry from which the trees were derived shall be described, including provenance, possible eugenic or disgenic effects of earlier selection practices in the same or previous generations and deviations from the usual mating patterns in natural populations of the same species.

(ii) There shall be at least indirect evidence that the population is well adapted for the geographic region and uses for which the improved variety is intended. There is no reason for suspecting that it may have serious defects.

§ 115.426. Parent descriptions for seed method.

A list and description of each maternal and paternal seed parent (clone) shall be part of the application for certified or selected tree seed, but not for source-identified tree seed. The description may be in tabular form, and shall include quantitative data obtained during progeny testing or selection pertaining to each characteristic that is claimed to be genotypically or phenotypically superior or inferior.

§ 115.427. Artificial control of seed.

The method of pollination, the system of mating, and any control exerted by man on the genetic quality of the seed shall be described.

§ 115.428. Map of seed production area.

(a) A map shall show the scale, location, access roads and trails, permanent reference points and boundaries of the production area.

(b) For certified or selected tree seed, the map shall also show the isolation zone and the position and number of each maternal and paternal seed parent. Members of the same clone shall be identified by a common number, letter or color.

§ 115.429. Renewal applications.

(a) After an original application pertaining to a particular tree or group of trees (seed method) or a particular clone (vegetative method) has been approved, a renewal application shall be submitted for certification in any subsequent years in which certification is desired.

(b) The renewal application shall confirm that all statements in the original application remain valid, or specify all changes that have occurred (both seed and vegetative).

§ 115.430. Seed collection reports.

A seed collection report shall be filed within 90 days after collection begins. It shall include the variety name; geographic location and number of parent trees; dates of picking; description of collection, processing and safeguards against mixed identities; the total weight of cleaned seeds per pound or kilogram; and the names and responsibilities of all persons who handled or directly supervised the work. The signatures of all of the persons shall attest to the accuracy and completeness of the report as it applies to their part in the seed collection.

§ 115.431. Propagation reports for vegetative method.

A propagation report on plans for growing the plants shall include all of the following:

- (1) A map showing exactly where plants or tissue cultures that will serve as sources of propagating materials are to be maintained.
- (2) Map showing exactly where propagules are to be grown.
- (3) A description of precautions that will be taken to prevent mixed identities.
- (4) The propagation area in square feet and expected number of plants.
- (5) Anticipated dates of propagule collection, planting, transplanting, attainment of full commercial size, lifting and shipping.
- (6) A description of grading standards and procedures.

Cross References

This section cited in 7 Pa. Code § 115.432 (relating to propagule collection report—vegetative method).

§ 115.432. Propagule collection report—vegetative method.

A propagule collection or tissue sub-culture report shall be filed within 30 days after the report described in § 115.431 (relating to propagation reports for vegetative method) has been completed. It shall include the name of the clone; actual dates of collection; description of collection, processing and safeguards against mixed identities; the total number of propagules; and the names and responsibilities of all persons who handled or directly supervised the work. The signatures of the persons shall attest that their part in the work has been described accurately.

FIELD REQUIREMENTS**§ 115.441. Inspections.**

(a) At least two field inspections shall be made for each seed, seedling or vegetative crop in the following manner:

(1) *Seed crop.* The first inspection shall be scheduled shortly before or during pollen dissemination and the second during the seed maturation period. The original inspection shall be made before pollination to assure that proper isolation and roguing of seed production areas has been provided.

(2) *Seedling and vegetative crops.* The first inspection shall be scheduled within 30 days before or after the proposed sowing date for seedlings and the proposed propagule collection date for seedlings and the proposed propagule collection date for vegetative propagation and the second prior to removal from the place of propagation, and within 30 days before or after the date when plants are expected to attain their full size.

(b) The inspector's estimate of production, whether seed, seedling or vegetative, shall become confidential information to the certifying agency.

(c) Additional inspections may be made at any time without prior notice during seed methods clone collection, seed extraction, cleaning and storage (seed); and the seedling or clonal crop production and shipping period.

§ 115.442. Unit of certification.

(a) *Seed method.* Certification applies only to the seed crop in one particular year of the trees specified in the application. For certified or selected tree seed, each tree shall be identifiable in the field by number and its location and characteristics shall agree with the information supplied in the application. Boundaries of the seed-producing area and its isolation zone shall be distinct and unmistakable.

(b) *Seedling method.* Certification applies to one seedling crop grown from a particular lot of certified seed in a particular nursery bed or container, as specified in the application.

(c) *Vegetative method.* Certification applies to one crop vegetatively propagated from particular members of a certified clone in particular nursery beds or containers, as specified in the application. Each plant or tissue culture which provides a source of propagules shall be labeled with the clonal name, any other reference number and the date that it became a separate organism. If the members of a clone are planted in a row, it shall suffice to label both ends of each row.

§ 115.443. Growing seed and plant material.

(a) *Seed method.* The following requirements apply to growing seed method material:

(1) Within 500 feet of seed producing trees there may be no tolerance for pollen-producing trees that have the potential for genetic contamination of the seed.

(2) Inadequate pollen production, dispersal or viability may be cause for disqualification if it jeopardizes the seed quality of the variety, in the inspector's judgment.

(b) *Seedling and vegetative methods.* Locations and boundaries of nursery beds or other propagating areas shall be distinct and unmistakable. If plants are to be grown in containers, the varietal or clonal name shall be firmly attached to each container or a tree in it.

(c) *Seedling method.* The following requirements apply solely to growing by the seedling method:

(1) During the 12 months prior to sowing, only seed of the same certified variety or seed of an entirely different species shall be permissible in the soil.

(2) Seed containers shall be properly labeled at all times and handled so as to prevent mixed identities. To prevent contamination, seedling equipment shall be thoroughly cleaned before use.

(3) Isolation strips or barriers to immigration of seed of the same species from adjacent areas shall be maintained until germination is complete.

(4) If resowing is required, only seed of the same certified variety shall be added.

(d) *Vegetative method.* Containers or propagules shall be properly labeled with the clonal name at all times, and handled so as to prevent mixed identities. Tissue culture equipment shall be thoroughly cleaned before use, to prevent contamination.

§ 115.444. Harvesting.

(a) The following requirements apply to harvesting seed material:

(1) Certified or selected tree seed or fruit shall be collected directly from producing trees.

(2) Each container of seed or fruit shall be labeled with the name of the variety at all times.

(3) There shall be adequate safeguards against mixed identities at all times throughout processing and storage.

(4) Storage conditions shall maintain viability of the seed, according to requirements of the species.

(5) The analysis tag shall state the weight of seed in the container in addition to information required by 3 Pa.C.S. Chapter 71 (relating to the Seed Act).

(b) The following minimum acceptable purity and germination standards apply to seed material:

<i>Species</i>		<i>Seed Standards</i>			
<i>common name</i>	<i>scientific name</i>	<i>pure seed min. %</i>	<i>inert material max. %</i>	<i>germi- nation min. %</i>	<i>seed lot wt. (lbs.)</i>
Balsam fir	<i>Abies balsamea</i>	80	20	30	90
Fraser fir	<i>Abies fraseri</i>	80	20	30	90
Black Walnut	<i>Juglans nigra</i>	96	4	60	—
European larch	<i>Larix decidua</i>	90	10	40	70
Japanese larch	<i>Larix leptolepis</i>	90	10	40	50
Norway spruce	<i>Picea abies</i>	94	6	80	80
White spruce	<i>Picea glauca</i>	90	10	80	30
Colorado Blue spruce	<i>Picea pungens</i>	92	8	80	50
Red spruce	<i>Picea rubens</i>	92	8	80	40
Shortleaf pine	<i>Pinus echinata</i>	96	4	85	100
Red pine	<i>Pinus resinosa</i>	96	4	85	100
Eastern White pine	<i>Pinus strobus</i>	96	4	85	200
Scotch pine	<i>Pinus sylvestris</i>	96	4	85	80
Virginia pine	<i>Pinus virginiana</i>	96	4	85	100
Sycamore	<i>Platanus occidentalis</i>	80	20	30	—
Black cherry	<i>Prunus serotina</i>	96	4	60	—
Douglas fir	<i>Pseudotsuga menziesii</i>	85	15	75	125
White oak	<i>Quercus alba</i>	98	2	60	—
Red oak	<i>Quercus borealis</i>	98	2	60	—
Black locust	<i>Robinia pseudoacacia</i>	96	4	50	—

<i>Species</i>		<i>Seed Standards</i>			
<i>common name</i>	<i>scientific name</i>	<i>pure seed min. %</i>	<i>inert material max. %</i>	<i>germi- nation min. %</i>	<i>seed lot wt. (lbs.)</i>
Eastern hemlock	<i>Tsuga canadensis</i>	90	10	75	30

(1) Pure seed minimum category allows no other species.

(2) Standard testing procedures have not been established for black walnut, sycamore, white oak or red oak.

(3) The seed lot weight figure is based on an average lot of seed containing approximately 5 million seeds. It is only a suggested figure giving the maximum weight for convenient storage and testing and not a requirement.

(4) Germination tests shall have been completed within a six-month period prior to shipment and the seed should be stored in appropriate containers at a temperature of not more than 38° F.

(c) The following requirements apply to harvesting of seedlings:

(1) Containers or packages used for transporting the trees shall be labeled with the name of the variety and the seed lot number at all times.

(2) There shall be adequate safeguards against mixed identities at all times throughout the lifting, transporting, storing, grading and packing processes.

(3) Optimum conditions shall be maintained so that the plants will be healthy and vigorous at the time of sale. Seriously diseased plants will not be approved.

(4) Labeling tags shall contain the name and address of the producer; the species and subspecies, if applicable; the variety name; date packed; and lot number and quantity.

(5) After processing, seedlings shall be free of diseases, insects and any type of damage that would adversely affect survival and growth to a significant extent. Plants should meet suggested height and caliper requirements in subsection (e) of this section. The producer shall specify in his advertising the range in plant size, by height and caliper.

(d) The following requirements apply to harvesting vegetative materials:

(1) There shall be adequate safeguards against mixed identities at all times throughout the propagule collection, culturing, planting, transplanting, lifting, transporting, storing, grading and packing processes. The certified clonal materials shall be kept completely separate from similar materials.

(2) Optimum conditions shall be maintained so that the plants will be healthy and vigorous at the time of sale. Seriously diseased plants will not be approved.

(3) Labeling tags shall contain the name and address of the producer; species and subspecies, if applicable; clone name; date packed; and lot number and quantity.

(4) Clone grade standards shall be: After processing, vegetatively reproduced plants or plant parts shall be free of diseases, insects and any type of damage that would adversely affect survival and growth to a significant extent. Plants should meet suggested height and caliper requirements as specified in subsection (e). The producer shall specify in his advertising the range in plant size, by height and caliper.

(e) The following seedling and clone grade standards are recommended:

- (1) Trees should be alive and healthy, but in a dormant condition.
- (2) Evergreen conifers should have live foliage covering two-thirds of their height.
- (3) Roots should be full and fibrous and a minimum of 6 inches in length.
- (4) The top-to-root ratio should not exceed four-to-one in green weight.
- (5) The minimum stem diameter should be the following:

<i>Plant</i>	<i>Height in Inches</i>	<i>Stem Diameter in Inches</i>
Coniferous seedling stock (80% of plants)	4—6	.10
	6—9	.15
	9—15	.20
Coniferous transplant stock (90% of plants)	6—9	.20
	9—15	.25
Hardwood seedling stock (80% of plants)	6—10	.15
	10—18	.20
Hybrid poplar cuttings (95% of plants)	10 (min.)	.25 (small end)

Authority

The provisions of this § 115.444 amended under 3 Pa.C.S. §§ 7111 and 7117.

Source

The provisions of this § 115.444 amended May 22, 2009, effective June 22, 2009, 39 Pa.B. 2577. Immediately preceding text appears at serial pages (276788) to (276791).

Subchapter T. INTERAGENCY TURFGRASS

Sec.

- 115.451. Purpose.
- 115.452. Definitions.
- 115.453. Interagency standards and procedures.
- 115.454. Prior approval of cooperation.
- 115.455. Conditioner's application and requirements.
- 115.456. Conditioner's facilities.
- 115.457. Conditioner's required records.
- 115.458. Inspection of conditioning operations and records.
- 115.459. Appointment of responsible individual.
- 115.460. Sampling and testing by the Department.
- 115.461. Mixing procedures for certified turfgrass.
- 115.462. Minimum seed standards for interagency certification of turfgrass seed.
- 115.463. Interagency certification tags and tagging.
- 115.464. Rejection of interagency certification components' seed lots.
- 115.465. Fees.

Authority

The provisions of this Subchapter T adopted under 3 Pa.C.S. §§ 7111 and 7117, unless otherwise noted.

Source

The provisions of this Subchapter T adopted May 22, 2009, effective June 22, 2009, 39 Pa.B. 2577, unless otherwise noted.

§ 115.451. Purpose.

(a) The purpose of this subchapter is to provide a system for maintaining the genetic and mechanical purity of certified seed when repackaged or combined in mixtures of kinds and varieties.

(b) The requirements of this subchapter apply when the Department participates with an out-of-State certification agency in the seed certification process.

§ 115.452. Definitions.

In addition to the definitions found in § 113.1 (relating to definitions), the following words and terms, when used in this subchapter, have the following meanings unless the context clearly indicates otherwise:

Component—A specific lot of a single variety that is used in a mixture.

Interagency certified mixture—Different kinds or varieties of seed certified by the state of origin that have been mixed under the Department's supervision and found by the Department to have met the specific minimum seed standards in this subchapter.

Mixing report—A form used by the Department to list each component of a specific mixture and the lots and amounts used in the mixture.

Official sample—A sample taken by a representative of the Department using sampling techniques recognized by the Association of Official Seed Certifying Agencies.

Sod quality—Seed which has met the quality standards established by the state of origin for use in cultivated sod and has been so labeled by the state of origin.

§ 115.453. Interagency standards and procedures.

(a) Varieties eligible for interagency certification shall be those approved by a member of the Association of Official Seed Certifying Agencies.

(b) Only seed certification by member agencies of the Association of Official Seed Certifying Agencies or agencies recognized by it may be used in the interagency certification program.

(c) The seed certification standards as adopted by the Department for the kinds to be certified shall be applied to interagency certified seed. These standards are found in the provisions of this subchapter which relate to the kind of seed in question. In the absence of Pennsylvania standards, the seed standards of the State in which the seed was grown and certified shall be applied.

(d) Seed will not be recognized for final certification by the Department unless it is received in containers carrying documentary evidence of its eligibility supplied by another certifying agency including:

- (1) Variety and kind.
- (2) Amount of seed.
- (3) Class of seed.
- (4) Inspection or lot number traceable to the previous certifying agency's records.

§ 115.454. Prior approval of cooperation.

The Department will not require advance approval of another certifying agency to engage in interagency certification activities unless the original certifying agency prohibits or limits the certification by a statement on its tag.

§ 115.455. Conditioner's application and requirements.

(a) Conditioners desiring interagency certification of seed shall apply annually to the Department and shall meet the requirements of this subchapter.

(b) Conditioners shall notify the Department far enough in advance of the date of mixing to allow for sampling and testing of component lots by the Department.

(c) Conditioners shall be responsible for all applicable fees for application, sampling and testing according to 3 Pa.C.S. Chapter 71 (relating to the Seed Act).

(d) The identity of the seed shall be maintained at all times.

§ 115.456. Conditioner's facilities.

(a) Facilities shall be available to perform the function requested without introducing contaminants or admixtures.

(b) Equipment used for making mixtures of turf grasses shall have all areas which come into direct contact with the seed accessible for thorough cleaning by the conditioner and inspection by the Department.

Cross References

This section cited at 7 Pa. Code § 115.459 (relating to appointment of responsible individual).

§ 115.457. Conditioner's required records.

(a) Records of all movement of seed and procedures must be adequate to account for all incoming seed and seed that has passed final certification. The following records shall be included:

- (1) Receiving records consisting of:
 - (i) Variety and kind.
 - (ii) Name and address of shipper.
 - (iii) Shipper's lot number or inspection number.
 - (iv) Date of shipment.
 - (v) Date received.
 - (vi) Weight received.
 - (vii) Receiving lot number assigned by consignee.
 - (viii) Name and address of delivering carrier.
- (2) Records of mixing or rebagging consisting of:
 - (i) Variety and kind of each component.
 - (ii) Lot number of each component.
 - (iii) Lot number and name assigned to each mixture.
 - (iv) Weight of each bag and number of bags used in each component.
 - (v) Weight of each bag and number of bags in completed lot.
 - (vi) Date of mixing or rebagging.
- (3) Disposition or stock records of completed lot consisting of:
 - (i) Name of mixture and lot number.
 - (ii) Weight of bags and number of bags in final lot.
 - (iii) Invoice number and weight of each shipment made from the lot.
 - (iv) Balance of lot remaining after each shipment.
- (4) Invoice or other sales records consisting of:
 - (i) Name of mixture and lot number.
 - (ii) Name and address of buyer or consignee.
 - (iii) Date sold or shipped.
 - (iv) Number of bags and weight of bags sold or shipped.

(b) Conditioners shall permit inspection by the Department of all records of all lots of the kind of seed certified, including both certified and noncertified lots.

Cross References

This section cited at 7 Pa. Code § 115.459 (relating to appointment of responsible individual).

§ 115.458. Inspection of conditioning operations and records.

The Department will make as many inspections of both seed and records as may be required to ascertain that only seed meeting the requirements of this subchapter is labeled with interagency certification tags.

Cross References

This section cited at 7 Pa. Code § 115.459 (relating to appointment of responsible individual).

§ 115.459. Appointment of responsible individual.

Approved conditioners who have met the requirements in §§ 115.456—115.458 (relating to conditioner's facilities; conditioner's required records; and inspection of conditioning operations and records) shall designate an individual who shall be responsible to the Department for performing duties that may be required.

§ 115.460. Sampling and testing by the Department.

(a) When mixing lots of seed for certification, the conditioner shall use only lots of seed preapproved by the Department. Before approving of a lot, the Department will:

- (1) Take an official sample of each component.
- (2) Perform tests necessary to verify the eligibility of each component lot.

(b) After the different components have been mixed under the supervision of the Department, the conditioner shall permit the Department to take an official sample of each mixture to retain for reference.

(c) Samples of component lots and certified mixes will be retained by the Department for 3 years.

§ 115.461. Mixing procedures for certified turfgrass.

(a) Before mixing, the conditioner shall ensure that:

- (1) Mixing equipment, pallets, scales and floor area adjacent to and around the mixing area are clean and free from seed and foreign material.
- (2) Sufficient quantities of new containers are marked with the name of the mixture.
- (3) Sufficient quantities of properly completed analysis tags are prepared.
- (4) Analysis test reports for purity, germination and sod quality, if applicable, from the State-of-origin shall be supplied for the Department's records for each lot of each component used in the mixture.

(5) A mixing report shall be completed for the Department with the following information:

- (i) The business name, address and phone number of the conditioner.

- (ii) The lot number, State-of-origin and percentage of each component used.
 - (iii) The name, lot number and date of the mixture.
 - (iv) The weight of each package of the mixture and the total number of packages in the mixture.
 - (v) The starting and ending numbers of the certification labels used and the total number of certification labels issued.
 - (vi) A copy of the analysis label either printed on or attached to the report.
 - (vii) The signature of the designated representative of the conditioner and the signature of the Department's representative at the completion of the mixing and packaging process.
- (6) Each component used is assembled in close proximity to the mixing area.
 - (7) Each container of each component is clean and sealed, with a certification tag attached.
 - (8) Damaged containers are not accepted.
 - (9) Sufficient personnel are available to complete the mixing process.
- (b) Before mixing, a Department representative will do the following:
 - (1) Inspect the equipment for cleanliness.
 - (2) Inspect the mixing area for cleanliness.
 - (3) Inspect the new containers provided for the mixture to ensure that they are appropriate.
 - (4) Inspect the analysis tags for completeness and accuracy.
 - (5) Inspect each component to ensure that the correct lots are present in the proper amounts, and that all containers of seed to be used in certified mixtures bear a certification tag.
 - (c) A Department representative shall be present during the mixing process and supervise the loading and bagging of the mixed lot after the components have been thoroughly mixed for the appropriate length of time.
 - (d) A Department representative will have the sole responsibility to:
 - (1) Draw an official sample of the completed mixture.
 - (2) Determine whether the mixer should be cleaned before the next seed mixture is made.

§ 115.462. Minimum seed standards for interagency certification of turf-grass seed.

- (a) Turfgrass mixtures intended for use in this Commonwealth, certified sod and other States-certified sod must meet the following requirements:
 - (1) Component lots shall be those designated as sod quality by the State-of-origin; the minimum seed standards found in § 115.321 (relating to pre-planting); or the standards required by the state into which the mixture is to be shipped.

(2) Varieties and mixtures of varieties may be approved for use by the state in which they are to be shipped.

(3) It is the responsibility of the conditioner to inform the Department that a certain mixture is to comply with a certain states' standards.

(4) The seed analysis tag must bear the statement "Eligible for Certified Sod," when appropriate.

(b) For certified mixtures made for sod growers, other than those in subsection (a), the components used shall be sod quality.

(c) The components for all other mixtures must comply with the following seed standards:

<i>Kind</i>	<i>Min. Purity</i>	<i>Max. Other Varieties</i>	<i>Min. Germ</i>	<i>Max. Other Crop*</i>	<i>Max. Weed+</i>
Kentucky Bluegrass	96%	2%	80%	.25%	.2%
Red Fescues	97%	2%	85%	.25%	.2%
Hard Fescues	97%	2%	85%	.25%	.2%
Tall Fescue	97%	2%	85%	.25%	.2%
Perennial Ryegrass	97%	2%	85%	.50%	.2%
Bentgrass**	98%	3%	85%	.25%	.2%
Rough Bluegrass	96%	2%	80%	.25%	.2%

* Up to 18 seeds per pound is the maximum amount of the following species: Annual bluegrass (*Poa annua*), Big Bluegrass (*Poa ampla*), Rough bluegrass (*Poa trivialis*), Meadow fescue (*Festuca elatior*), Tall Fescue (*F. arundinacea*—except in lots containing tall fescue), Ryegrass (*Lolium spp.*—except in lots containing ryegrass), Bentgrass (*Agrostis spp.*—except in lots containing bentgrass), Timothy (*Phleum pratense*), Smooth Brome (*Bromus inermis*), Wild oat (*Avena fatua*), Foxtail (*Setaria spp.*) Panicum spp., Nutsedge (*Cyperus spp.*), Bermuda-grass (*Cynodon dactylon*), Velvetgrass (*Holcus lanatus*), Orchardgrass (*Dactylis glomerata*). Up to 90 seeds per pound is the maximum amount permitted of the following objectionable weed seeds; Dock and Sorrel (*Rumex spp.*), Plantain (*Plantago spp.*), Black medic (*Medicago lupulina*), Chickweeds (*Cerastium spp. and Stellaria spp.*), Field Pennycress (*Thlaspi arvense*), Wild carrot (*Daucus carota*), Speedwell (*Veronica spp.*), Spurge (*Euphorbia spp.*), Wood sorrel (*Oxalis stricta*), Yarrow (*Achillea millefolium*), Clover (*Trifolium spp.*). In addition, no noxious weed seeds are permitted.

** Bentgrass purity and germination standards may be 96% minimum pure seed and 80% germination for specific varieties as determined by the certifying agency of the state of origin.

(d) In an emergency, and at the discretion of the Department, seed lots failing to meet these standards for other than genetic reasons may be used for inter-agency certified mixtures. Use of those lots shall be made only when the Department determines that there is a serious shortage of seed meeting these standards.

§ 115.463

§ 115.463. Interagency certification tags and tagging.

(a) Certification tags issued by the Department for interagency certified seed will be serially numbered and show class of seed.

(b) The analysis tags supplied by the conditioner must carry the name of the mixture and the number of the lot, show clearly the certifying agencies involved and the kinds and varieties of seed, as well as conform with 3 Pa.C.S. § 7104 (relating to labels and labeling).

§ 115.464. Rejection of interagency certification components' seed lots.

The Department will reject any certified component seed lot for interagency certification that fails to meet the seed standards as described in this subchapter or that exhibits seed damage or contamination. This damage or contamination may include:

- (1) Rodent or insect damage.
- (2) Moisture damage.
- (3) Disease.
- (4) Weed seed.
- (5) Other crop seeds.
- (6) Inert matter.

§ 115.465. Fees.

Fees for interagency certification are set forth in 3 Pa.C.S. § 7109 (relating to fees).

[Next page is 117-1.]