

**250-RICR-40-20-8**

## **TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

### **CHAPTER 40 - AGRICULTURE AND RESOURCE MARKETING**

#### **SUBCHAPTER 20 - MARKETING**

PART 8 - Rules and Regulations under the Rhode Island State Seed Law

#### **8.1 Authority**

These regulations are promulgated pursuant to R.I. Gen. Laws § 2-6-7 and Chapter 42-17.1, and in accordance with the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

#### **8.2 Incorporated Materials**

- A. These regulations hereby adopt and incorporate 7 C.F.R. § 201 (2017) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.
- B. These regulations hereby adopt and incorporate the 2017 Variety Fluorescence Levels (VFL) Report, AOSCA Grass Variety Review Board, March 8, 2017 by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.
- C. These regulations hereby adopt and incorporate 7 C.F.R. § 201.36c (1994) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.

#### **8.3 Methods of Sampling, Inspecting, Analyzing, Testing and Examining Agricultural and Vegetable Seeds and Tolerances to be Followed in the Administration of These Rules and Regulations**

The terms used in seed testing and the methods of sampling, inspecting, analyzing, testing and examining agricultural and vegetable seeds and the tolerances to be followed in the administration of these rules and regulations shall be those adopted effective July 1, 1955, and as subsequently amended by the Association of Official Seed Analysts.

#### **8.4 Prohibited Noxious Weed Seeds**

- A. The following list of prohibited noxious weed seeds is established effective January 1, 1979:

Bindweed, <i>Convolvulus arvensis</i>
Nutgrass, <i>Cyperus spp.</i>
Quackgrass, <i>Agropyron repens</i>
Thistle, Canada, <i>Cirsium arvense</i>

- B. The sale of agricultural, vegetable or lawn seed containing any prohibited noxious weed seeds is prohibited.

## 8.5 Restricted Noxious Weed Seeds

- A. The following list of restricted noxious weed seeds is established effective January 1, 1979:

Corncockle, <i>Agrostemma githago</i>
Dodder, <i>Cuscuta spp.</i>
Garlic, Wild, <i>Allium vineale</i>
Horsenettle, <i>Solanum carolinense</i>
Mustard, Wild, <i>Brassica spp.</i>
Onion, Wild, <i>Allium canadense</i>
Plantain, Buckhorn, <i>Plantago lanceolata</i>
Radish, Wild, <i>Raphanus raphanistrum</i>
Sowthistle, Perennial, <i>Sonchus arvensis</i>

- B. The label shall show the name and approximate number of each kind of restricted noxious weed seed:
1. Per ounce in *Agrostis spp.*, *Poa spp.*, timothy, orchardgrass, fescues, alsike and white clover, reed canarygrass, ryegrass, foxtail millet, alfalfa, red clover, sweetclovers, lespedezas, smooth brome, crimson clover, and other agricultural seeds of a size and weight similar to or greater than those within this group, or any mixtures within this group; and,
  2. Per pound in sudangrass, wheat, oats, rye, barley, buckwheat, sorghums, vetches, and other agricultural seeds of a size and weight similar to or greater than those within this group or any mixtures within this group.

## **8.6 Germination Standards for Vegetable Seeds**

The standards for the germination of vegetable seeds shall be those promulgated by the U.S. Department of Agriculture as set forth in the Federal Seed Act Regulations, 7 C.F.R. § 201 (See 7 C.F.R. § 201.31 Germination Standards for Vegetable Seeds in Interstate Commerce), incorporated above at § 8.2 of this Part.

## **8.7 White Sweetclover**

Sweetclover seed containing more than 5 percent of yellow sweetclover seed (more than 1.25 percent) mottled seeds must not be labeled white sweetclover. Such seed must be labeled sweetclover or as a mixture.

## **8.8 Grower's Declaration**

A grower's declaration is a statement signed by the grower giving, for any lot of seed the lot number, the kind, variety, origin and weight.

## **8.9 Labeling of Seed Distributed to Wholesalers**

After seed has been processed it must be labeled before distribution to any person including a wholesaler. Each bag or bulk lot must be completely labeled when supplied to a retailer or consumer. Labeling of seed supplied to a wholesaler, one whose predominant business is to supply seed to other distributors rather than to consumers of seed, may be by invoice if each bag or other container is clearly identified by a lot number stenciled on the container or if the seed is in bulk. Each bag or container that is not so identified must carry complete labeling.

## **8.10 "Grass Variety Fluorescence Levels" (VFL)**

For purposes of labeling under R.I. Gen. Laws § 2-6-3(3)(ii)(A), "Grass Variety Fluorescence Levels" shall include those kinds or varieties approved by the Association of Official Seed Certifying Agencies, as set forth in the 2017 Variety Fluorescence Levels (VFL) Report, AOSCA Grass Variety Review Board, Marcy 8, 2017, incorporated above at § 8.2(B) of this Part.

## **8.11 Hermetically-Sealed Seed**

- A. The following standards, requirements and conditions must be met before seed is considered to be hermetically-sealed under the provisions of these rules and regulations.
  - 1. The seed was packaged within 9 months after harvest.

2. The container used does not allow water vapor penetration through any wall, including the seals, greater than 0.05 grams of water per 24 hours per 100 square inches of surface at 100°F with a relative humidity on one side of 90 percent and on the other side of 0 percent. Water vapor penetration or WVP is measured by the standards of the U.S. Bureau of Standards as: gm.H<sub>2</sub>O/24 hr./100 sq. in./100°F/90% RH V.0% RH, as set forth in 7 C.F.R. § 201.36c (1994), incorporated above at § 8.2(C) of this Part.
  
3. The seed in the container does not exceed the percentage of moisture, on a wet weight basis, as listed below:

a. Agricultural Seeds:

Agricultural Seeds	Percent
Beet, Field	7.5
Beet, Sugar	7.5
Bluegrass, Kentucky	6.0
Clover, Crimson	8.0
Fescue, Red	8.0
Ryegrass, Annual	8.0
Ryegrass, Perennial	8.0
All others	6.0
Mixture of above	8.0

b. Vegetable Seeds:

Vegetable Seeds	Percent
Bean, Garden	7.0
Bean, Lima	7.0
Beet	7.5
Broccoli	5.0
Brussel Sprouts	5.0

Cabbage	5.0
Carrot	7.0
Cauliflower	5.0
Celeriac	7.0
Celery	7.0
Chard, Swiss	7.5
Chinese Cabbage	5.0
Chives	6.5
Collards	5.0
Corn, Sweet	8.0
Cucumber	6.0
Eggplant	6.0
Kale	5.0
Kohlrabi	5.0
Leek	6.5
Lettuce	5.5
Muskmelon	6.0
Mustard, India	5.0
Onion	6.5
Onion, Welsh	6.5
Parsley	6.5
Parsnip	6.0
Pea	7.0
Pepper	4.5

Pumpkin	6.0
Radish	5.0
Rutabaga	5.0
Spinach	8.0
Squash	6.0
Tomato	5.5
Turnip	5.0
Watermelon	6.5
All Others	6.0

4. The container is conspicuously labeled in not less than 8 point type to indicate:
  - a. That the container is hermetically sealed,
  - b. That the seed has been preconditioned as to moisture content, and,
  - c. The calendar month and year in which the germination test was completed.
5. The percentage of germination of seed at the time of packaging was equal to or above the standards specified elsewhere in these rules and regulations.