



# Notice of Intent to Adopt Rules

Revised July 2014

## 1. General Information

a. Agency/Board Name		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Contact Person	f. Contact Telephone Number	
g. Contact Email Address		
h. Date of Public Notice	i. Comment Period Ends	
j. Program		

## 2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

a. If "New," provide the Enrolled Act numbers and years enacted:

b. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed  
*Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.*

Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed

c.  The Statement of Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

Complete all that apply:

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-102:  
\_\_\_\_\_ (Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-102 (see Statement of Reasons).  
\_\_\_\_\_ (Provide chapter numbers)

N/A These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-102.

d.  N/A  In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Section 5 of the Rules on Rules).

e. A copy of the proposed rules\* may be obtained:  
 By contacting the Agency at the physical and/or email address listed in Section 1 above.  
 At the following URL: \_\_\_\_\_

\* If Item "d" above is not checked, the proposed rules shall be in strike and underscore format.

**3. Public Comments and Hearing Information**

a. A public hearing on the proposed rules has been scheduled.  Yes  No

	If "Yes:"	Date:	Time:	City:	Location:

b. What is the manner in which interested persons may present their views on the rulemaking action?  
 By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.  
 At the following URL: \_\_\_\_\_

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:  
 To the Agency at the physical and/or email address listed in Section 1 above.  
 At the following URL: \_\_\_\_\_

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Contact Person listed in Section 1 above.

**4. Federal Law Requirements**

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements.  Yes  No

	If "Yes:"	Applicable Federal Law or Regulation Citation:

Indicate one (1):  
 The proposed rules meet, but do not exceed, minimum federal requirements.  
 The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:  
 To the Agency at the physical and/or email address listed in Section 1 above.  
 At the following URL: \_\_\_\_\_

**5. State Statutory Requirements**

a. Indicate one (1):  
 The proposed rule change *MEETS* minimum substantive statutory requirements.  
 The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):  
 The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:  
 By contacting the Agency at the physical and/or email address listed in Section 1 above.  
 At the following URL: \_\_\_\_\_  
 Not Applicable.

**6. Authorization**

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	

Distribution List:

- Attorney General and LSO: Hard copy of Notice of Intent; Statement of Reasons; clean copy of the rules; and strike-through and underline version of rules (if applicable). Electronic copies (PDFs) of all items noted (in addition to hard copies) may be emailed to LSO at [Criss.Carlson@wyoleg.gov](mailto:Criss.Carlson@wyoleg.gov).
- Secretary of State: Electronic version of Notice of Intent sent to [Rules@wyo.gov](mailto:Rules@wyo.gov).

## Statement of Reasons

Upon request of the regulated seed industry, the Wyoming Crop Improvement Association; Wyoming State Seed Lab; Wyoming Department of Agriculture; and Board of Agriculture were requested to amend Chapter 51, Regulations Pertaining to Seed Law. These changes are being proposed to clarify regulations and to bring the regulations closer to conformance with current industry practices.

Below is a list of reasons for the proposed changes by section.

### Proposed Changes:

- Section 2: Adoption of Federal Seed Act regulations by reference. This is not an addition of regulation, but rather an adjustment of clarity for a more logical document flow. Web address for Federal Seed Act Part 201 added.
- Section 3 – Definitions: Informational changes, used to clarify terms and make regulations more understandable and enforceable.
- Sections 4, 5 and 6: Prohibited Noxious weeds: alphabetized for easier reference, updated spelling, and Latin name changes.
- Section 7: Added Reclamation Species List notation.
- Section 8: The date of test for germination or TZ: this was inadvertently omitted in 2008 when the Wyoming Seed Law underwent changes. This information is imperative for industry practices, interstate shipment of seed, and enforcement issues for regulatory officials.
- Section 9: Tetrazolium (TZ) testing. Exceptions allowing labeling with a tetrazolium (TZ) test. This change is industry-driven to meet the needs of buyers and sellers in the reclamation industry, as seed is currently traded on a TZ basis rather than germination. This change allows people selling these species to forego the expense of a germination test that has no value other than meeting regulations. This process is currently used as an industry standard in many other states. This change would allow Wyoming growers quicker turnaround times on sample analysis, as a TZ test takes two days versus germination tests that can take up to a month depending on the species, thus allowing Wyoming growers to be more competitive in marketing for these species. Reclamation Species List added under subsection (a).
- Section 10: Minimum Germination Standards for Vegetable Seeds: State regulatory officials sample many of these products on a yearly basis and reference to Section 201.31 of the Federal Seed Act Regulations Part 201 – Germination standards for vegetable seeds in interstate commerce, allowing minimum lab standards for germination.
- Sections 11, 12 and 13: These sections deal with the written content of seed tags and labels. These are industry standards that need to be added and clarified in our state seed regulations.
- Section 14: Seed Laboratory Name Not Used in Advertising. Informational changes, protecting the Seed Lab from claims of fraud or misrepresentation.
- Sections 15 and 16: Informational changes, renumbered or dated language removed from the seed regulations, and web addresses added.
- Section 10: Removed from regulations because no longer needed.

## CHAPTER 51

### REGULATIONS PERTAINING TO SEED LAW

Section 1. Authority. Pursuant to authority vested in the Department of Agriculture by W.S. 11-12-104(a) and the Board of Agriculture by virtue of W.S. 11-12-113 and W.S. 16-3-101 through 16-3-115, the following regulations are hereby promulgated and adopted.

Section 2. Purpose of rules. These rules pertain to establishing prohibited noxious, restricted noxious, and regulated weed species in the state of Wyoming, and establishing a tolerance for these species. These rules also include seed cleaning establishment requirements, adoption by reference of the current edition of the Federal Seed Act Regulations Part 201, <http://www.ecfr.gov/cgi-bin/text-idx?SID=03d3df93572eff5f7ee29fa68465030&node=pt7.3.201&rgn=div5>.

Section 3. Definitions.

- (a) "Board" means the Wyoming Board of Agriculture.
- (b) "Department" means the Wyoming Department of Agriculture.
- (c) "Large seeded crops" means crops with seeds the size of winter wheat or larger.
- (d) "Prohibited" means none allowed.
- (e) "Restricted" means there is an established allowable tolerance.
- (f) "Regulated" means there is an established tolerance specific to the issue.
- (g) "Seed Cleaning Establishments" means any entity that processes grain to be seed for establishing a crop.
- (h) "Small seeded crops" means crops with seeds smaller than winter wheat.
- (i) "Tetrazolium test" or "TZ test" means a chemical test which indicates seed viability.
- (j) "Person" includes an individual, partnership, corporation, company, society, or other association.
- (k) "Weed Seeds" includes the seeds of all plants generally recognized as weeds within this state, and includes noxious weed seeds.
- (l) "Reclamation Species" means native or introduced species used for range or fire re-vegetation, not intended to include agronomic crops.

(m) "Weight" shall be understood and construed to mean the net weight.

Section 4. Prohibited Noxious Weeds. No seeds from the following noxious weeds are allowed.

Bindweed, field	<i>Convolvulus arvensis</i> L.
Blueweed	<i>Echium vulgare</i> L.
Burdock, common	<i>Arctium minus</i> (Hill) Bernh.
Bursage, skeletonleaf	<i>Ambrosia tomentosa</i> Nutt.
Camelthorn	<i>Alhagi maurorum</i> Medik.
Campion, bladder	<i>Silene vulgaris</i> (Moench) Garcke subsp. <i>vulgaris</i>
Crupina common	<i>Crupina vulgaris</i> Cass.
Daisy, oxeye	<i>Leucanthemum vulgare</i> Lam.
Dodder	<i>Cuscuta</i> spp.
Goatgrass, jointed	<i>Aegilops cylindrical</i> Host
Halogeton	<i>Halogeton glomeratus</i> (M. Bieb.) Ledeb.
Hawkweed, orange	<i>Hieracium aurantiacum</i> L.
Hemlock, poison	<i>Conium maculatum</i> L.
Henbane, black	<i>Hyoscyamus niger</i> L.
Hound's tongue	<i>Cynoglossum officinale</i> L.
Knapweed, black	<i>Centaurea nigra</i> L.
Knapweed, diffuse	<i>Centaurea diffusa</i> Lam.
Knapweed, meadow	<i>Centaurea x moncktonii</i> C. E. Britton
Knapweed, Russian	<i>Rhaponticum repens</i> L. Hidalgo
Knapweed, spotted	<i>Centaurea stoebe</i> subsp. <i>micranthos</i> (Gugler) Hayek
Knapweed, squarose	<i>Centaurea squarrosa</i> Willd.
Loosestrife, purple	<i>Lythrum salciaria</i> L.
Medusa-head	<i>Taeniatherum caput-medusae</i> (L.) Nevski subsp. <i>caput-medusae</i>
Millet, wild proso	<i>Panicum milliaceum</i> L. subsp. <i>ruderales</i> (Kitag.) Tzvelev
Olive, Russian	<i>Elaeagnus angustifolia</i> L.
Pepperweed, perennial	<i>Lepidium latifolium</i> L.
Puncturevine	<i>Tribulus terrestris</i> L.
Quackgrass	<i>Elymus repens</i> L. Desv. ex Nevski
Saltcedar	<i>Tamarix</i> spp.
Salvation jane	<i>Echium plantagineum</i> L.
Sandbur, field	<i>Cenchrus incertus</i> M. A. Curtis
Sandbur, longspine (mat)	<i>Cenchrus longispinus</i> (Hack.) Fernald
Skeletonweed, rush	<i>Chondrilla juncea</i> L.
Sowthistle, perennial	<i>Sonchus arvensis</i> L.
Spurge, leafy	<i>Euphorbia esula</i> L.
Starthistle, purple	<i>Centaurea calcitrapa</i> L.
Starthistle, yellow	<i>Centaurea solstitialis</i> L.

St. Johnswort	<i>Hypericum perforatum</i> L.
Swainsonpea	<i>Sphaerophysa salsula</i> (Pall.) DC.
Tansy, common	<i>Tanacetum vulgare</i> L.
Thistle, Canada	<i>Cirsium arvense</i> (L.) Scop.
Thistle, musk	<i>Carduus nutans</i> L.
Thistle, plumeless	<i>Carduus acanthoides</i> L.
Thistle, Scotch	<i>Onopordum acanthium</i> L.
Toadflax, Dalmatian	<i>Linaria dalmatica</i> (L.) Mill.
Toadflax, yellow	<i>Linaria vulgaris</i> Mill.
Tussock, serrated	<i>Nassella trichotoma</i> (Nees) Hack. ex Arechav.
Whitetop	<i>Lepidium draba</i> L.
Woad, dyers	<i>Isatis tinctoria</i> L.

Section 5. Restricted Noxious Weeds. The tolerance for restricted noxious weeds, unless otherwise stated, shall be fifty (50) seeds per pound in small seeded crops and five (5) seeds per pound in large seeded crops.

Cinquefoil, sulphur	<i>Potentilla recta</i> L. ‘Warrenii’
Dock, curly	<i>Rumex crispus</i> L.
Knotweed, Japanese	<i>Fallopia japonica</i> (Houtt.) Ronse Decr.
Lettuce, blue	<i>Lactuca tatarica</i> subsp. <i>pulchella</i> (Pursh) Stebbins
Licorice, wild	<i>Glycyrrhiza lepidota</i> Pursh
Mallow, Venice	<i>Hibiscus trionum</i> L.
Mustard, wild	<i>Sinapis arvensis</i> L. subsp. <i>arvensis</i>
Oat, wild	<i>Avena fatua</i> L.
Plantain, buckhorn	<i>Plantago lanceolata</i> L.
Povertyweed	<i>Iva axillaris</i> Pursh
Ragweed, perennial	<i>Ambrosia psilostachya</i> DC.

Section 6. Regulated Weeds. The tolerance for regulated weeds is specified for each species as shown below. These species are not considered to be prohibited or restricted noxious weeds.

Cheat *Bromus secalinus* L. – Tolerance shall be 1,200 seeds per pound.

Downy brome *Bromus tectorum* L. – Tolerance shall be 1,200 seeds per pound.

Feral rye *Secale cereale* L. subsp. *cereale* – Tolerance shall be none (0) in small grains other than rye.

Japanese brome *Bromus japonicus* Thunb. – Tolerance shall be 1,200 seeds per pound.

Ripgut brome *Bromus diandrus* Roth var. *rigidus* (Roth) Sales – Tolerance shall be 1,200 seeds per pound.

Section 7. Amendments and changes to the Prohibited, Restricted and Regulated weed lists and the Reclamation Species List, and considerations for such actions.

a) The procedures for amending or changing the Prohibited, Restricted, and Regulated weed lists and the Reclamation Species list are as follows:

(i) A person may propose an amendment or change to the lists, which shall be presented in writing to the State Seed Analyst.

(ii) The State Seed Analyst shall present the proposed amendment or change to the Seed Lab Advisory Group. The State Seed Analyst with the Seed Lab Advisory Group shall approve or disapprove the proposed amendment or change by motion at the next regular scheduled meeting of the Seed Lab Advisory Group or at a special Seed Lab Advisory Group meeting, and if approved, shall forward the recommendation for change to the Department and the Board.

(iii) The Board shall consider the recommended change at its next scheduled meeting, and if approved, direct the Department to institute the process to change the regulations.

(iv) The following may be considered in the decision to include a weed on the Prohibited, Restricted, or Regulated weed lists.

- (1) Invasiveness.
- (2) Economic harm to ranching, farming, or general public.
- (3) Impact on native species, including plants and wildlife.
- (4) Toxicity to grazers.
- (5) Other relevant factors.

Section 8. The date of test for germination or TZ.

(a) The date of germination or TZ testing shall not exceed the following:

- (i) Agricultural seed: twelve months excluding the month of the test;
- (ii) Flower and vegetable (greater than 1 pound containers), reclamation species seed: twelve months excluding the month of the test;
- (iii) Cool season lawn and turf grasses: fifteen months excluding the month of the test;
- (iv) Seed in hermetically sealed containers: 24 months excluding the month of the test;

(v) Flower and vegetable (less than 1 pound containers) must indicate a “sell-by” or “packed-for” date or year, respectively.

Section 9. Tetrazolium (TZ) testing. Exceptions allowing labeling with a tetrazolium (TZ) test.

(a) The reclamation species below are in the rules for testing and may be labeled using either a germination or a tetrazolium (TZ) test.

Balsamroot	<i>Balsamorhiza</i> spp.
Bitterbrush	<i>Purshia</i> spp.
Cliffrose	<i>Purshia</i> spp.
Kochia, forage	<i>Bassia prostrata</i>
Lupine	<i>Lupinus</i> spp.
Mormon-tea	<i>Ephedra</i> spp.
Mountain-Mahogany	<i>Cercocarpus</i> spp.
Needlegrass	<i>Achnatherum</i> spp.
Needlegrass	<i>Nassella</i> spp.
Penstemon	<i>Penstemon</i> spp.
Rabbitbrush	<i>Chrysothamnus</i> spp.
Ricegrass, Indian	<i>Achnatherum</i> spp.
Sagebrush	<i>Artemisia</i> spp.
Saltbush	<i>Atriplex</i> spp.
Winterfat	<i>Krascheninnikovia</i> spp.

(b) Any species not listed in the germination table of the rules for testing as cited in W.S. 11-12-101 may be labeled using a germination or a tetrazolium (TZ) test.

Section 10. Minimum Germination Standards for Vegetable Seeds:

(a) Vegetable seeds must have a germination equal to or better than those listed in Section 201.31 of the Federal Seed Act Regulations Part 201- Germination standards for vegetable seeds in interstate commerce.

(b) The minimum germination standard for vegetable seeds, for which no other standard has been established, shall be 50%.

Section 11. Tags and Labels.

(a) The following weight or seed count requirements apply:



(i) Net weight is required on all containers and shall be clearly and plainly labeled.

(ii) Pre-planted containers, mats, tapes, or other planting devices shall state the minimum number of seeds in the container.

(iii) When a seed bag is used, the weight information may appear on a seed tag rather than on the seed bag.

Section 12. Altering of Tags or Labels. No tag or label attached or imprinted upon the exterior of the container or displayed on the container as required by W.S. 11-12-105, shall be altered or defaced in any manner. Any tag or label altered or defaced is voidable.

Section 13. Blank Spaces Defined. Blank spaces are construed to mean "0.00" for the purpose of applying the tolerances prescribed in these regulations.

Section 14. Seed Laboratory Name Not Used in Advertising. The name of the State Seed Laboratory shall not be used for advertising purposes in connection with seed analysis reports.

Section 15. Seed Cleaning Establishments.

(a) To be licensed as a certified seed cleaner, seed cleaning establishments must meet the requirements set forth below.

(i) The approval status of all certified conditioners will be reviewed annually by the Wyoming Seed Certification Service. All approved plants are subject to inspection during normal business hours.

(ii) A certified conditioner must have a designated person in charge of each facility and handling of certified seed. The designated person must be trained and have experience in handling, sampling, and labeling certified seed.

(iii) All seed conditioning plants, including all seed handling equipment, will be thoroughly cleaned between each seed lot to prevent contamination or varietal mixture.

(iv) All seed cleaning establishments must keep complete and accurate records showing identity, origin, every process, and every movement of each lot of seed from the time of receipt until delivery. These records must be maintained for 7 (seven) years.

(v) Federal and state seed laws and Wyoming certification standards must be complied with in the production, cleaning, labeling, sampling, shipment, and sale of certified seed.

(vi) All seed conditioners shall properly contain weed seed to prevent spread and proliferation of weeds.

(vii) If no approved seed conditioning plant is located within one-hundred fifty miles (150 miles) hauling distance of a seed grower, a non-approved plant may be approved on a one-time basis only to clean that lot of seed for that particular grower. A thorough inspection must be conducted by the Seed Certification Service and an inspection fee must be paid before that lot of seed may be cleaned.

(viii) Conditioners must comply with all appropriate regulations and standards outlined in the Wyoming Certified Seed Handbook with respect to conditioning specific crops. The Wyoming Certified Seed Handbook as revised in February 2007 is adopted, but does not include any later amendments or editions. Copies are available for public inspection and may be purchased at cost from the Wyoming Seed Certification Service, 747 Road 9, Powell, Wyoming 82435, <http://wyseedcert.com/>; or the Wyoming Department of Agriculture, 2219 Carey Avenue, Cheyenne, WY 82002, <http://wyagric.state.wy.us/>.

(b) All seed cleaning establishments shall adhere to Wyoming seed law and these regulations.

Section 16. Adoption of Federal Seed Act Regulations, 7 CFR 201.38 through 201.76. The Federal Seed Act Regulations, 7 CFR 201.38 through 201.76, currently in effect and not including any later amendments or editions are adopted. Copies are available for public inspection and may be purchased at cost from the Wyoming Department of Agriculture, 2219 Carey Avenue, Cheyenne, WY 82002, <http://wyagric.state.wy.us/> and may also be inspected at the United States Department of Agriculture, Animal Plant Health Inspection Service, Plant Protection and Quarantine, 5353 Yellowstone Road, Suite 208, Cheyenne, WY 82002, [http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/planthealth?1dmy&urile=wcm%3Apath%3A%2Faphis\\_content\\_library%2Fsa\\_our\\_focus%2Fsa\\_plant\\_health%2Fsa\\_program\\_overview%2Fct\\_sphd](http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/planthealth?1dmy&urile=wcm%3Apath%3A%2Faphis_content_library%2Fsa_our_focus%2Fsa_plant_health%2Fsa_program_overview%2Fct_sphd); the Wyoming Seed Certification Service, <http://wyseedcert.com/> or the University of Wyoming Agriculture Experiment Station, <http://www.uwyo.edu/uwexpstn/centers/powell/>, both located at 747 Road 9, Powell, WY 82345.

## CHAPTER 51

### REGULATIONS PERTAINING TO SEED LAW

Section 1. Authority. Pursuant to authority vested in the Department of Agriculture by W.S. 11-12-104(a) and the Board of Agriculture by virtue of W.S. 11-12-113 and W.S. 16-3-101 through 16-3-115 the following regulations are hereby promulgated and adopted.

Section 2. Purpose of rules. These rules pertain to the establishment of the prohibited noxious, restricted noxious and regulated weed species in the state of Wyoming, and establishing a tolerance for those species. These rules also include seed cleaning establishment requirements, ~~recognition of 7 CFR Section 201 Federal Seed Act Regulations.~~ and adoption of the current Edition of the Federal Seed Act Regulations Part 201 by reference, <http://www.ecfr.gov/cgi-bin/text-idx?SID=03d3df93572eff5f7ee29fa68465030&node=pt7.3.201&rgn=div5> and the repeal of Chapter 26, Regulations Pertaining to Seeds & Seed Cleaning Establishments and Chapter 56, Regulations Pertaining to the Pricing of Seed Analysis.

Section 3. Definitions.

- (a) “Board” means the Wyoming Board of Agriculture.
- (b) “Department” means the Wyoming Department of Agriculture.
- (c) “Large seeded crops” means crops with seeds the size of winter wheat or larger.
- (d) “Prohibited” means none allowed.
- (e) “Restricted” means there is an established allowable tolerance.
- (f) “Regulated” means there is an established tolerance specific to the issue.
- (g) “Seed Cleaning Establishments” means any entity that processes grain to be seed for establishing a crop.
- (h) “Small seeded crops” means crops with seeds smaller than winter wheat.
- (i) “Tetrazolium test or TZ test,” means a chemical test which indicates seed viability.
- (j) “Person” includes an individual, partnership, corporation, company, society or other association.
- (k) “Weed Seeds” includes the seeds of all plants generally recognized as weeds within this state, and includes noxious weed seeds.

(l) “Reclamation Species” means native or introduced species used for range or fire re-vegetation, not intended to include agronomic crops.

(m) “Weight” shall be understood and construed to mean the net weight.

Section 4. Prohibited noxious weeds. No seeds from the following noxious weeds are allowed.

<u>Bindweed, field</u> <del>Field</del>	<i>Convolvulus arvensis</i> L.
<del>Bindweed</del>	
<u>Vipers bugloss</u>	<i>Echium vulgare</i> L. <del><i>Echium plantagineum</i> L.</del>
<u>Blueweed</u>	<del>(<i>Arctium minus</i>)</del> <i>Arctium minus</i> (Hill) Bernh.
<del>Common burdock</del>	
<u>Burdock, common</u>	
<del>Common burdock</del>	
<u>Bursage, skeletonleaf</u>	<i>Ambrosia tomentosa</i> Nutt.
<del>Skelton leaf bursage</del>	
Camelthorn	<i>Alhagi maurorum</i> Medik.
<u>Campion, bladder</u>	<i>Silene vulgaris</i> (Moench) Garcke <u>subsp. vulgaris</u>
<del>Bladder campion</del>	
<u>Crupina common</u>	<i>Crupina vulgaris</i> Cass.
<del>Common erupina</del>	
<u>Daisy, oxeye</u> <del>Oxeye</del>	<i>Leucanthemum vulgare</i> Lam.
<del>daisy</del>	
Dodder	<i>Cuscuta</i> <del>species</del> <u>spp.</u>
<u>Goatgrass, jointed</u>	<i>Aegilops cylindrical</i> Host
<del>Jointed goatgrass</del>	
Halogeton	<i>Halogeton glomeratus</i> (M. Bieb.) <del>C.A. Mey</del> <u>Ledeb.</u>
<u>Hawkweed, orange</u>	<i>Hieracium aurantiacum</i> L.
<del>Orange hawkweed</del>	
<u>Hemlock, poison</u>	<i>Conium maculatum</i> L.
<del>Poison hemlock</del>	
<u>Henbane, black</u> <del>Black</del>	<i>Hyoscyamus niger</i> L.
<del>henbane</del>	
Hound's tongue	<i>Cynoglossum officinale</i> L.
<u>Knapweed, black</u> <del>Black</del>	<i>Centaurea nigra</i> L.
<del>knapweed</del>	
<u>Knapweed, diffuse</u>	<i>Centaurea diffusa</i> Lam.
<del>Diffuse knapweed</del>	
<u>Knapweed, meadow</u>	<i>Centaurea</i> <del>x</del> <u>moncktonii</u> C. E. Britton
<del>Meadow knapweed</del>	
<u>Knapweed, Russian</u>	<del><i>Acroptilon</i></del> <u><i>Rhaponticum repens</i> L.</u> <del>Hidalgo</del> <u>DC.</u>
<del>Russian Knapweed</del>	
<u>Knapweed, spotted</u>	<i>Centaurea stoebe</i> <del>L.</del> subsp. <i>micranthos</i> (Gugler) Hayek
<del>Spotted knapweed</del>	
<u>Knapweed, squarose</u>	<i>Centaurea</i> <del>virgata</del> <del>Lam.</del> subsp. <i>squarrosa</i> (Boiss.) <del>Gugler</del> <u>Willd.</u>
<del>Squarose knapweed</del>	

Loosestrife, purple  
~~Purple loosestrife~~  
 Medusa-head  
Millet, wild proso ~~Wild~~  
~~proso millet~~  
Olive, Russian ~~Russian~~  
~~olive~~  
Pepperweed, perennial  
~~Perennial pepperweed~~  
 Puncturevine  
 Quackgrass  
 Saltcedar  
 Salvation jane  
Sandbur, field ~~Field~~  
~~sandbur~~  
Sandbur, longspine (mat)  
~~Longspine (mat) sandbur~~  
Skeletonweed, rush  
~~Skeletonweed rush~~  
Sowthistle, perennial  
~~Perennial sow thistle~~  
Spurge, leafy ~~Leafy~~  
~~spurge~~  
Starthistle, purple  
~~Purple starthistle~~  
Starthistle, yellow  
~~Yellow starthistle~~  
 St. Johnswort  
Swainsonpea  
~~Swainson pea~~  
 Tansy, common  
 Thistle, Canadian  
~~Canada Canadian thistle~~  
Thistle, musk ~~Musk~~  
~~thistle~~  
Thistle, plumeless  
~~Plumeless thistle~~  
Thistle, Scotch ~~Scotch~~  
~~thistle~~  
Toadflax, Dalmatian  
~~Dalmatian toadflax~~  
Toadflax, yellow  
~~Yellow toadflax~~  
Tussock, serrated  
~~Serrated tussock~~

~~*Lythrum salciaria* L. and *Lythrum virgatum* L.~~  
*Taeniatherum caput-medusae* (L.) Nevski subsp. caput-medusae  
*Panicum milliaceum* L. ~~spp.~~ subsp. ruderale (Kitag.) Tzvelev  
*Elaeagnus angustifolia* L.  
*Lepidium latifolium* L.  
*Tribulus terrestris* L.  
~~*Elytrigia*~~ *Elymus repens* L. Desv. ex Nevski  
*Tamarix* spp.  
*Echium plantagineum* L.  
*Cenchrus incertus* M. A. Curtis  
*Cenchrus longispinus* (Hack.) Fernald  
*Chondrilla juncea* L.  
*Sonchus arvensis* L.  
*Euphorbia esula* L.  
*Centaurea calcitrapa* L.  
*Centaurea solstitialis* L.  
*Hypericum* ~~spp.~~ *perforatum* L.  
*Sphaerophysa salsula* (Pall.) DC.  
*Tanacetum vulgare* L.  
~~(*Cirsium arvense*)~~ *Cirsium arvense* (L.) Scop.  
*Carduus nutans* L.  
*Carduus acanthoides* L.  
*Onopordum acanthium* L.  
*Linaria dalmatica* (L.) Mill.  
*Linaria vulgaris* Mill.  
*Nassella trichotoma* (Nees) Hack. ex Arechav.

Whitetop  
Woad, dyers ~~Dyer's~~  
~~woad~~

*Lepidium draba* L. ~~ssp. draba~~  
*Isatis tinctoria* L.

Section 5. Restricted Noxious Weeds. The tolerance for restricted noxious weeds, unless otherwise stated, shall be fifty (50) seeds per pound in small seeded crops and five (5) seeds per pound in large seeded crops.

Cinquefoil, sulphur  
~~Sulphur cinquefoil~~  
Dock, curly ~~Curly~~  
~~dock~~

*Potentilla recta* L. 'Warrenii'

*Rumex crispus* L.

Knotweed, Japanese  
~~Japanese knotweed~~

~~Polygonum cuspidatum Siebold and Zucc.~~ Fallopia japonica  
(Houtt.) Ronse Decr.

Lettuce, blue ~~Blue~~  
~~lettuce~~

*Lactuca tatarica* L. ~~C.A. May subsp~~ subsp. pulchella (Pursh)  
Stebbins

Licorice, wild ~~Wild~~  
~~licorice~~

*Glycyrrhiza lepidota* (~~Nutt.~~) Pursh

Mallow, Venice  
~~Venice mallow~~

*Hibiscus trionum* L.

Mustard, wild ~~Wild~~  
~~mustard~~

~~Synapsis arvensis L. ssp. arvensis~~ Sinapis arvensis L. subsp. arvensis

Oat, wild ~~Wild oat~~  
Plantain, buckhorn

*Avena fatua* L.

~~Buckhorn plantain~~

*Plantago lanceolata* L.

~~Povertyweed~~

*Iva axillaris* Pursh

Ragweed, perennial  
~~Perennial ragweed~~

*Ambrosia psilostachya* DC.

Section 6. Regulated weeds. The tolerance for regulated weeds is specified for each species as shown below. These species are not considered to be prohibited or restricted noxious weeds.

Cheat *Bromus secalinus* L. – Tolerance shall be 1,200 seeds per pound.

Downy brome *Bromus tectorum* L. – Tolerance shall be 1,200 seeds per pound.

Feral rye *Secale cereale* L. subsp. cereale- Tolerance shall be none (0) in small grains other than rye.

Japanese brome *Bromus japonicus* Thunb. - Tolerance shall be 1,200 seeds per pound.

Ripgut brome *Bromus* ~~rigidus~~ diandrus Roth var. rigidus (Roth) Sales – Tolerance shall be 1,200 seeds per pound.

Section 7. Amendments and changes to the Prohibited, Restricted, ~~and~~ and Regulated weed lists and the Reclamation Species List, and considerations for such actions.

a) The procedures for amending or changing the Prohibited, Restricted and Regulated weed lists and the Reclamation Species list are as follows:

(i) A person may propose an amendment or change to the lists, which shall be presented in writing to the State Seed Analyst.

(ii) The State Seed Analyst shall present the proposed amendment or change to the Seed Lab Advisory Group. The State Seed Analyst with the Seed Lab Advisory Group shall approve or disapprove the proposed amendment or change by motion at the next regular scheduled meeting of the Seed Lab Advisory Group or at a special Seed Lab Advisory Group meeting, and if approved, shall forward the recommendation for change to the Department and the Board.

(iii) The Board shall consider the recommended change at its next scheduled meeting, and if approved, direct the Department to institute the process to change the regulations.

(iv) The following may be considered in the decision to include a weed on the Prohibited, Restricted or Regulated weed lists.

(v) Invasiveness

(vi) Economic harm to ranching, farming or general public

(vii) Impact on native species, including plants and wildlife

(viii) Poisonous to grazers

(ix) Other relevant factors.

Section 8. The date of test for germination or TZ.

(a) The date of germination or TZ testing shall not exceed the following:

(i) Agricultural seed: twelve months excluding the month of the test;

(ii) Flower and vegetable seed (> 1 pound containers), reclamation species seed: twelve months excluding the month of the test;

(iii) Cool season lawn and turf grasses: fifteen months excluding the month of the test;

(iv) Seed in hermetically sealed containers: 24 months excluding the month of the test;

(v) Flower and vegetable seed (less than 1 pound containers) must indicate a sell by or packed for date or year respectively.

Section 9. Tetrazolium (TZ) testing. Exceptions allowing labeling with a tetrazolium (TZ) test.

(a) The reclamation species listed below are in the rules for testing and may be labeled using either a germination or a tetrazolium (TZ) test.

<u>Balsamroot</u>	<u><i>Balsamorhiza</i> spp.</u>
<u>Bitterbrush</u>	<u><i>Purshia</i> spp.</u>
<u>Cliffrose</u>	<u><i>Purshia</i> spp.</u>
<u>Kochia, forage</u>	<u><i>Bassia prostrata</i></u>
<u>Lupine</u>	<u><i>Lupinus</i> spp.</u>
<u>Mormon-tea</u>	<u><i>Ephedra</i> spp.</u>
<u>Mountain-Mahogany</u>	<u><i>Cercocarpus</i> spp.</u>
<u>Needlegrass</u>	<u><i>Achnatherum</i> spp.</u>
<u>Needlegrass</u>	<u><i>Nassella</i> spp.</u>
<u>Penstemon</u>	<u><i>Penstemon</i> spp.</u>
<u>Rabbitbrush</u>	<u><i>Chrysothamnus</i> spp.</u>
<u>Ricegrass, Indian</u>	<u><i>Achnatherum</i> spp.</u>
<u>Sagebrush</u>	<u><i>Artemisia</i> spp.</u>
<u>Saltbush</u>	<u><i>Atriplex</i> spp.</u>
<u>Winterfat</u>	<u><i>Krascheninnikovia</i> spp.</u>

(b) Any species not listed in the germination table of the rules for testing as cited in WS Chapter 12 Section 11-12-101(xii) may be labeled using a germination or a tetrazolium (TZ) test.

Section 10. Minimum Germination Standards for Vegetable Seeds:

(a) Vegetable seeds must have a germination equal to or better than those listed in Section 201.31 of the Federal Seed Act Regulations Part 201- Germination standards for vegetable seeds in interstate commerce.

(b) The minimum germination standard for vegetable seeds, for which no other standard has been established, shall be 50%.

Section 11. Tags and Labels.

(a) The following weight or seed count requirements apply:



(i) Net weight is required on all containers and shall be clearly and plainly labeled.

(ii) Preplanted containers, mats, tapes, or other planting devices shall state the minimum number of seeds in the container.

(c) When a seed bag is used, the weight information may appear on a seed tag rather than on the seed bag.

Section 12. Altering of Tags or Labels. No tag or label attached or imprinted upon the exterior of the container or displayed on the container as required by W.S. 11-12-105, shall be altered or defaced in any manner. Any tag or label altered or defaced is voidable.

Section 13. Blank Spaces Defined. Blank spaces are construed to mean "0.00" for the purpose of applying the tolerances prescribed in these regulations.

Section 14. Seed Laboratory Name Not Used in Advertising. The name of the State Seed Laboratory shall not be used for advertising purposes in connection with seed analysis reports.

~~Section 8.~~ Section 15. Seed Cleaning Establishments.

(a) To be licensed as a certified seed cleaner, seed cleaning establishments must meet the requirements set forth below.

(i) The approval status of all certified conditioners will be reviewed annually by the Wyoming Seed Certification Service. All approved plants are subject to inspection during normal business hours.

(ii) A certified conditioner must have a designated person in charge of each facility and handling of certified seed. The designated person must be trained and have experience in handling, sampling and labeling of certified seed.

(iii) All seed conditioning plants, including all seed handling equipment, will be thoroughly cleaned between each seed lot to prevent contamination or varietal mixture.

(iv) All seed cleaning establishments must keep complete and accurate records showing identity, origin, every process, and every movement of each lot of seed from the time of receipt until delivery. These records must be maintained for 7 (seven) years.

(v) Federal and state seed laws and Wyoming certification standards must be complied with in the production, cleaning, labeling, sampling, shipment and sale of certified seed.

(vi) All seed conditioners will properly contain weed seed to prevent spread and proliferation of weeds.

(vii) One-Time Cleaning--If no approved seed conditioning plant is located within one-hundred fifty miles (150 miles) hauling distance of a seed grower, a non-approved plant may be approved on a one-time basis only to clean that lot of seed for that particular grower. A thorough inspection must be conducted by the Seed Certification Service and inspection fee paid before that lot of seed may be cleaned.

(viii) Conditioners must comply with all appropriate regulations and standards outlined in the Wyoming Certified Seed Handbook with respect to conditioning specific crops. The Wyoming Certified Seed Handbook as revised in February 2007 is adopted, but does not include any later amendments or editions. Copies are available for public inspection and may be purchased at cost from the Wyoming Seed Certification Service, 747 Road 9, Powell, Wyoming 82435, <http://wyseedcert.com/>; or the Wyoming Department of Agriculture, 2219 Carey Avenue, Cheyenne, WY 82002, <http://wyagric.state.wy.us/>.

(b) All seed cleaning establishments shall adhere to the Wyoming seed law and these regulations.

~~Section 9. Section 16.~~ Adoption of Federal Seed Act Regulations, 7 CFR 201.38 through 201.76. The Federal Seed Act Regulations, 7 CFR 201.38 through 201.76 currently in effect and not including any later amendments or editions are adopted. Copies are available for public inspection and may be purchased at cost from the Wyoming Department of Agriculture, 2219 Carey Avenue, Cheyenne, WY 82002, <http://wyagric.state.wy.us/> and may also be inspected at the United States Department of Agriculture, Animal Plant Health Inspection Service, Plant Protection and Quarantine, 5353 Yellowstone Road, Suite 208, Cheyenne, WY 82002, [http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/planthealth?1dmy&urile=wcm%3Apath%3A%2Faphis\\_content\\_library%2Fsa\\_our\\_focus%2Fsa\\_plant\\_health%2Fsa\\_program\\_overview%2Fct\\_sphd](http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/planthealth?1dmy&urile=wcm%3Apath%3A%2Faphis_content_library%2Fsa_our_focus%2Fsa_plant_health%2Fsa_program_overview%2Fct_sphd); the Wyoming Seed Certification Service, <http://wyseedcert.com/> or the University of Wyoming Agriculture Experiment Station, <http://www.uwyo.edu/uwexpstn/centers/powell/>, both located at 747 Road 9, Powell, WY 82345.

~~Section 10 — Repeal of Chapter 26 and 56 Pertaining to The Seed Law. Chapter 26, Regulations Pertaining To Seeds & Seed Cleaning Establishments and Chapter 56, Regulations Pertaining to the Pricing of Seed Analysis are hereby repealed.~~