



Certification Page Regular and Emergency Rules

Revised September 2016

Emergency Rules (After completing all of Sections 1 through 3, proceed to Section 5 below)

Regular Rules

1. General Information

a. Agency/Board Name Wyoming Department of Agriculture		
b. Agency/Board Address 2219 Carey Avenue	c. City Cheyenne	d. Zip Code 82002
e. Name of Agency Liaison Hank Uhden	f. Agency Liaison Telephone Number 307-777-6574	
g. Agency Liaison Email Address hank.uhden@wyo.gov	h. Adoption Date June 29, 2017	
i. Program General Agency, Board or Commission Rules		

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. **Yes.** Please provide the Enrolled Act Numbers and Years Enacted:

3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.
(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 checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
51	Regulations Pertaining to Seed Law	
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

3. State Government Notice of Intended Rulemaking

a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were:

Mon, Apr 24, 2017

- approved as to form by the Registrar of Rules; and
- provided to the Legislative Service Office and Attorney General:

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. No. Yes. N/A

b. A public hearing was held on the proposed rules. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

c. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

5. Final Filing of Rules

a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature:

June 29, 2017

b. Date on which final rules were approved as to form by the Secretary of State and sent to the Legislative Service Office:

June 29, 2017

c. The Statement of Reasons is attached to this certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual



Printed Name of Signatory

Doug Miyamoto

Signatory Title

Director

Date of Signature

June 29, 2017

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature

Date of Signature

Statement of Reasons

The Department is proposing to amend Chapter 51 Regulations Pertaining to Seed Law upon request from the regulated seed industry, the Wyoming Crop Improvement Association; the Wyoming State Seed Lab; the Wyoming Department of Agriculture; and the Board of Agriculture. The Board of Agriculture on April 10, 2017 approved the request to amend the rules to add Ventenata Grass *Ventenata dubia* to the Wyoming Regulated Weed List at a tolerance of 1,200 seeds per pound.

Wyoming Department of Agriculture
2219 Carey Avenue
Cheyenne, WY 82002

Summary of Comments and Responses Chapter 51 Regulations Pertaining to Seed Law

The comment period ended at 5 pm, June 28, 2017, for the Chapter 51 Regulations Pertaining to Seed Law.

Five comments were received regarding the rules, but no formal request for a public hearing was received. Comments are attached.

Three of the comments fully supported the revision to the rules as stated. One comment did not clearly state support, but was not negative. The comment stated that this was a good step forward, and that if the Weed & Pest Council were to elevate the weed species to a higher degree of regulatory oversight, then the seed rules should also recognize that and also follow suit.

The fifth comment, did not openly oppose the revision, but encouraged further amending the rule revisions to a stricter standard. This comment, while it has merit is not relevant to the procedures for seed laboratories. If a stricter standard is adopted, this would effectively make the move to adding Ventenata grass as a restricted seed, to a prohibited weed species. That is not the intent of this revision by request of the industry, keep in mind the procedural concerns as expressed by the seed laboratory as explained below:

The tolerance of 1,200 seeds per pound is due to seed testing practicalities. 1,200 seeds per pound sounds like a lot of seeds, but setting the standard lower than that would result in any seed sample that had one ventenata grass in the seed laboratory purity test working weight of 5 grams failing to meet state seed law. To set the standard lower than 1,200 per pound, or at 50 per pound as is the case with Restricted Noxious Weeds, would in fact have the same effect as placing it on the Prohibited Noxious Weed List, as any found in purity sample would mean the lot could not be sold in Wyoming. The 1,200 per pound tolerance will allow for one seed to be found in a purity sample, but two seeds in that same working weight would calculate to more than 1,200 per pound.

Based on the above comments, the Department found no revisions to the rules necessary, and the rules are approved as published for public comment.

For the Wyoming Department of Agriculture



Hank Uhden
Manager, Technical Services Division
Wyoming Department of Agriculture

CHAPTER 51

REGULATIONS PERTAINING TO SEED LAW

Section 1. Authority. Pursuant to authority vested in the Department of Agriculture by Wyoming Statute 11-12-104(a), 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. vulgaris
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

Starthistle, purple	<i>Centaurea calcitrapa</i> L.
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.
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.

Ventenata Grass *Ventenata dubia* - 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.

(A) Invasiveness.

(B) Economic harm to ranching, farming, or general public.

(C) Impact on native species, including plants and wildlife.

(D) Toxicity to grazers.

(E) 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; 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 Wyoming Statute 11-12-104(a), 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

Starthistle, purple	<i>Centaurea calcitrapa</i> L.
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.
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.

Ventenata Grass *Ventenata dubia* - 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.

(A) Invasiveness.

(B) Economic harm to ranching, farming, or general public.

(C) Impact on native species, including plants and wildlife.

(D) Toxicity to grazers.

(E) 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; 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.