

CHAPTER XXVI

REGULATIONS PERTAINING TO SEEDS & SEED CLEANING ESTABLISHMENTS

Section 1. Authority. Pursuant to authority vested in the Commissioner of Agriculture by virtue of Section 11-204, Wyoming Statutes 1957, the following regulations pertaining to seed and seed cleaning establishments are hereby promulgated and adopted.

Section 2. Application. Any person desiring to have his grain (including seed) cleaning establishment approved by the Department of Agriculture shall make application to the Department on forms provided, setting forth grain (including seed) equipped to clean and type of equipment available.

Section 3. Approval. No establishment shall be approved for cleaning grain (including seed) unless they are in compliance with the seed laws and grain handling laws.

Section 4. Equipment. Grain (including seed) cleaning establishments shall be equipped with proper equipment, kept in good condition in order to properly clean the grain (including seed) for which application for approval is made.

Section 5. Labeling Screenings Offered for Sale. All screenings offered or exposed for sale shall be labeled as required by Section 11-199, Wyoming Statutes 1957. Screenings containing noxious weed seeds are subject to Section 11-199, Wyoming Statutes 1957. They shall be free of noxious weed seeds as prescribed in Section 11-196, Wyoming Statutes 1957.

Section 6. Noxious Weed Infested Screenings. Screenings found to contain any such noxious weed seeds shall be subject to Section 11-196, Wyoming Statutes 1957,

Section 7. Disposal of Noxious Weed Seed-Infested Screenings. Screenings from grain or seed which contain noxious weed seeds shall be disposed of in one of the following manners:

- a. Complete destruction, or
- b. Removal outside of the boundaries of the State, or
- c. Recleaned to the point that no noxious weed seeds are present, or
- d. Processing in such a way as to make the weed seeds nonviable and sold as feed.

Section 8. Qualified Equipment Operators. All persons operating a grain (Including seed) cleaning establishment shall be competent and experienced in operating of the equipment required.

Section 9. Cleaning of Equipment. Grain (including seed) cleaning equipment must be thoroughly cleaned between each lot of seed to avoid mixing of varieties.

Section 10. Prohibiting Sale of Noxious Weed Seeds as Feed. No grain (including seed) shall be offered for sale as feed, which contains viable noxious weed seeds. In order to prevent viable noxious weed seeds from being sold in feed, all grain or seed which contains noxious weed seeds shall, before being offered for sale, be so processed by steam rolling, whereby the temperature of all the product being so processed has reached a temperature of at least 205@F.; such processing equipment shall be equipped with proper thermometers and other controls to assure the product of having been exposed to this temperature for 3@ minutes.

Section 11. Licensed Distributors. No seed dealer shall sell or offer for sale or distribute any seed purchased from a distributor that is not licensed with the Wyoming Department of Agriculture, provided, that this shall not apply to seed purchased from resident growers.

Section 12. Chemically Treated Grain. No grain (including seed) that has been chemically treated shall be sold or offered for sale as feed.

Section 13. Weight on Label. All seed sold in packages shall be clearly and plainly labeled declaring the net weight thereof.

Section 14. Non-certified Seed. All tags or labels required by Section 11-197, shall not be any shade of blue, unless the seed is certified in accordance with Sections 11-209 and 11-210, Wyoming Statutes 1957.

This regulation shall not apply to corn, including hybrids; sorghums, including sudangrass and hybrids; millets; grasses and lawn seed mixtures intended for lawns.

Section 15. Definition of Terms. The following definitions of terms shall be used in interpreting the seed laws and regulations.

a. The term "kind" shall be construed to mean one or more related species or sub-species which singly or collectively are known by one common name, for example, wheat, oats, sweet clover, alfalfa, etc.

b. The term "variety" shall be construed to mean a subdivision of a kind which is characterized by growth, plant, fruit, seed or other characters by which it can be differentiated from other sorts of the same kind, for example, range alfalfa, marquis wheat, manchu soybeans, etc.

c. The term "type" shall be construed to mean either:

(1) A group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions; or,

(2) when used with a variety name means seed of the variety named which may be mixed with seed of other varieties of the same kind and of similar character, the manner of, and the circumstances connected with the use of the designation to be governed by Regulation 201-11 of the Federal Seed Act.

d. The term "person" shall include any individual, partnership, corporation, company, society or association.

e. The term "weed seeds" includes the seeds of all plants generally recognized as weeds within this state, and includes noxious weed seeds.

f. The term "labeling" includes all labels and other written, printed or graphic representations, in any form whatsoever, accompanying or pertaining to any seed whether in bulk or in containers, and includes representations on invoices.

g. The term "hybrid" means the first generation seed of a cross produced by controlling the pollination and by combining:

- (1) two, three or four inbred lines;
- (2) one inbred or a single cross with an open-pollinated variety; or,
- (3) two varieties or species, except open-pollinated varieties of corn (*Zea mays*).

The second generation and subsequent generations from such crosses shall not be regarded as hybrids. Hybrid designations shall be treated as variety names.

h. The term "lot" means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform.

i. "Pure seed" means agricultural and vegetable seeds exclusive of inert matter and all other seeds not of the kinds, or kinds and varieties, being considered.

j. The term "germination" means the percent of seeds capable of producing normal seedlings under ordinarily favorable conditions.

k. "Treated seed" means seed that has been treated with any approved substance designed to control or repel plant disease organisms or insect pests, the rate of application being that recommended by the manufacturer or any recognized state or federal agency at the discretion of the enforcement officer.

Section 16. Grass Seed Mixtures. For the purpose of interpreting paragraph A of Section 11-198, Wyoming Statutes 1957, lawn grass seed shall be construed to mean grass seed or a mixture of grass seed which contains fifty percent or more of permanent grasses such as Kentucky blue grass (*Poa pratensis*) or Bent grass (*Agrostis* species), or Fescue (*Festuca* species).

Any label, placard or advertising which contains any illustrations or words that imply the seed may be used as a lawn grass seed, shall be prima facie evidence that the seed is being sold or offered for sale as a lawn grass seed, therefore, must comply with the laws and regulations pertaining thereto.

Section 17. Viable Seed Test - Tetrazolium. The tetrazolium chloride technic viability test for agricultural and vegetable seeds is hereby declared an official test to be used in determining viable seeds in the enforcement of the state and county noxious weed quarantines.

Section 18. Altering of Tags or Labels. No tag or label attached or imprinted or displayed upon the exterior of the container as required by Section 11-197, Wyoming Statutes 1957, shall be altered or defaced in any manner without first having obtained a laboratory analysis. Such analysis will be made available to the Commissioner of Agriculture on request.

Section 19. Blank Spaces Defined. Blank spaces or words "free" or "none" shall be construed to mean "0" or "0.00 percent" as the case may be for the purpose of applying the tolerances prescribed in these regulations.

Section 20. Seed Laboratory Name Not Used in Advertising. The name of the State Seed Laboratory shall not be used for advertising purposes in connection with the seed analysis report.