

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
SEED
ADMINISTRATIVE CODE

CHAPTER 80-11-1
SEED STANDARDS, TOLERANCES AND TREATMENT

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80-11-1-.01 Purpose.

The purpose of this regulation is to implement the manner of testing seeds regulated by the Alabama seed law, for germination and to prescribe germination standards and tolerances. It also provides prohibitions and restrictions of noxious weed seed. It also establishes permit fees for seed dealers and processors.

Author: Charles H. Barnes, John P. Hagood

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982. **Amended:** Filed August 16, 2004; effective September 20, 2004.

80-11-1-.02 Previous Regulations Withdrawn And Amended.

Portions of that regulation entitled Rules and Regulations for Administration of Alabama Seed Law adopted December 13, 1963, March 10, 1965 and November 17, 1965, identified as Regulations Nos. 1 through 13 and Regulations Nos. 17, 19, 21, 30, 31, and 33 and all amendments thereto, and all other regulations pertaining to the purpose appearing in Rule No. 80-11-1-.01 of this regulation are hereby repealed, amended and withdrawn. This chapter is submitted in their place.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982.

80-11-1-.03 Allowable Standards For Sampling And Tolerances.

(1) The manner of sampling and handling seed in the field and analyzing and testing seed in the Laboratory, Greenhouse and Trial plots shall be the same as that recommended in the Rules For Testing Seeds of the Association of Official Seed Analysts, as published in 1978 and as same is subsequently amended.

(2) The same tolerances published in the Rules For Testing Seeds as published by the Association of Official Seed Analysts, in 1978 and as subsequently amended, shall be recognized in the administration of the Alabama State Seed Law; except no tolerances shall be applied to minimum germination standards, maximum weed seed percentages, maximum noxious weed seeds permitted, prohibited noxious weeds and when the term "none allowed" is used, this shall mean 0 with no tolerance.

(3) Any portion of the Rules For Testing Seeds of the Association of Official Seed Analysts, or as may later be amended, in conflict with any Alabama law or regulation shall be disregarded and not followed:

(4) Tree and shrub seed shall be tested in accordance with the proceedings prescribed by the Association of Official Seed Analysts and set forth in the latest edition of the Rules For Testing Seeds published by that Association. For those kinds not covered in these rules, the testing procedure used shall be those recommended by the Eastern Tree Seed Lab.

(5) All lots of seeds shall be stacked separately and made accessible for proper sampling.

(6) The nine (9) month period of validity of a germination test is hereby extended to 36 months for agricultural and vegetable seeds packaged in hermetically sealed containers which comply with the following requirements:

(a) The seed was packaged within nine months after harvest;

(b) 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 degrees F. with a relative humidity on one side of 90 per cent and on the other side of 0 per cent. Water vapor penetration or W V P is measured by the standards of the U. S. Bureau of Standards as gm.H₂O/24 hr./100 sq. in./100 degrees F/90% RH V. 0% RH;

(c) The seed in the container does not exceed the percentage of moisture, on a wet weight basis, as listed in S201.36c of the Federal Seed Act for the crops listed in this section;

(d) The container is conspicuously labeled in not less than eight point type to indicate (1) that the container is hermetically sealed, (2) that the seed has been preconditioned as to moisture content, and (3) the calendar month and year in which the germination test was completed.

(e) The percentage of germination shall be stated on label at the time of packaging.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982.

80-11-1-.04 Germination Standards For Seed.

(1) Germination standards for vegetable seed shall be as follows:

	Percent		Percent
Artichoke	60	Bean, lima	70
Asparagus	70	Bean, runner	75
Asparagus bean	75	Beet	65
Bean, garden	75	Broad bean	75
[Varieties other		Broccoli	75
than Improved		Brussels sprouts	70
Tendergreen		Cabbage	75
(Resistant		Cantaloupe (see	
Tendersgreen),		muskmelon)	
Cornelli 14, King		Cardoon	60
Green,		Carrot	55
Logan Processor,		Cauliflower	75
Ranger,		Celeriac	55
Rival Seminole,		Celery	55
Tenderbest,		Chard, Swiss	65
Tenderlong 15,		Chicory	65
Topcrop, Top-		Chinese cabbage	75
most, Wade,		Chives	50
Whiteseeded		Citron	65
Tendergreen, and			
Woodruff's			
Hyscore]			
Beans, garden			
[Varieties Improved			
Tendergreen			
(Resistant			
Tendergreen),			
Rendercrop, King			
Green,			

	Percent		Percent
Logan, Processor, Ranger		Collards	80
Rival, Seminole, Tenderbest		Corn, sweet	75
Tenderlong 15, Topcrop, Top-		Cornsalad	70
most, Wade, Whiteseeded		Cowpea	75
Tendergreen, and Woodruff's Hyscore]	70		
Cress, upland	60	Cress, garden	75
Cress, water	40	Parsley	60
Cucumber	80	Parsnip	60
Dandelion	60	Pea	80
Eggplant	60	Pepper	55
Endive	70	Pumpkin	75
Kale	75	Radish	75
Kale, Chinese	75	Rhubarb	60
Kohlrabi	75	Rutabaga	75
Leek	60	Salsify	75
Lettuce	80	Sorrell	65
Muskmelon	75	Soybean	75
Mustard	75	Spinach	60
Mustard, spinach	75	Spniach, New Zealand	40
Okra	50	Squash	75
Onion	70	Tomato	75
Onion, Welsh	70	Tomato, husk	50
Pak-choi	75	Turnip	80
		Watermelon	70

(2) Germination standards for any vegetable seeds not listed above shall be the same as is published by the United States Department of Agriculture in the Code of Federal Regulations in regard to germination standards for vegetable seed.

(3) Seeds falling below the minimum germination set out below shall not be sold, offered for sale or distributed in Alabama.

(a) All vegetable seeds listed in Subrules (1) and (2) above falling below 20% of standards appearing in these subsections.

(b) Hybrid seed corn germinating less than 90%.

(c) Soybeans germinating less than 70%.

(d) Cotton seed germinating less than 70%.

(4) The person upon whose premises seed are located will be held responsible for securing a new germination test, and subsequently amending the analysis tags, when the test date exceeds 270 days.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982.

80-11-1-.05 Mixed Seed Prohibitions.

(1) The following adulterations or mixtures of seed shall not be sold, offered for sale, or distributed in Alabama:

- (a) Common lespedeza containing more than 5% weed seed.
- (b) Carpet grass containing more than 2.5% weed seed.
- (c) Dallis grass containing less than 25% pure live seed.
- (d) Johnson grass containing less than 50% pure live seed.
- (e) Seed peanuts of one variety containing more than 2.5% of another variety; however, seed peanuts containing 2.5% or less of another variety may be sold, provided the percentages of such varieties are stated on the analysis tag attached to each bag, in addition to all other labeling requirements now, or in the future, in effect.
- (f) Rye seed produced in a northern state or having a northern origin. The term "northern origin" shall mean all states north of North Carolina, Tennessee, Arkansas, Oklahoma and north and west of Texas.
- (g) Seed corn, for planting purposes, containing Texas male sterile cytoplasm. Other types of cytoplasm, which are resistant to Race "T" of the Southern corn leaf blight are not banned nor shall the presence of these other types of cytoplasm be required to be shown on the analysis tag.
- (h) Domestic Sunn Hemp (*Crotalaria juncea*) in a mixture.

(2) The following adulterations or mixtures of seed shall not be sold under the name of the dominant seed:

- (a) Oats consisting of mixed varieties, and oats containing a total of 5% or more of other oat varieties shall not be labeled or sold as seed oats.

A false wild oat will be considered as any unstable or variant form of a cultivated and wild oat possessing one or more of the distinct characteristics of the wild oats (*Avena fatua*).

The sale of mixed oats shall not be prohibited when they are used as a component part in seed for wildlife mixtures. In order to be used in such a mixture the following criteria must

be met: The mixture must include (3) kinds or more and the oat component must be labeled according to the predominate variety that comprises at least sixty (60) percent of the mixture.

(b) Sorghum consisting of mixed varieties and sorghum containing a total of 5% or more of other sorghum varieties shall not be labeled or sold as sorghum seed.

(c) Cowpeas consisting of mixed varieties shall be labeled as, "mixed." The percent of pure seed shall represent all cowpeas present and the germination test shall be based upon a uniform sample of all of the varieties in the lot.

(3) All whole grain rye sold, offered or exposed for sale in Alabama during the period of time beginning September 1 and ending December 31 of each year shall be labeled as seed rye and must meet all requirements of the Alabama seed law and rules and regulations, except, however, whole grain rye may be mixed with other grain and may be sold during the above prohibitive period, provided such mixture is labeled as commercial feed and shows the percentage of each kind of grain present and shall also comply with all provisions of the Alabama Commercial Feed Law of 1978, Code of Ala. 1975, §§2-21-17 through 2-21-34.

Author: Charles H. Barnes, Patrick B. Moody

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982. **Amended:** Filed May 17, 2007; effective June 21, 2007. **Amended:** Filed May 16, 2012; effective June 20, 2012. **Amended:** Filed May 15, 2018; effective June 29, 2018.

80-11-1-.06 Noxious Weed Seed Prohibitions And Restrictions.

(1) No agricultural, vegetable, flower, herb, tree or shrub seed for planting purposes shall be sold, offered for sale, or distributed within the State if the noxious weed seed per pound of seed tested is in excess of the following limitations:

(a) Field bindweed (*Convolvulus arvensis*) - prohibited - none allowed.

(b) Hedge bindweed (*Convolvulus sepium*) - prohibited - none allowed.

(c) Nutgrass (*Cyperus rotundus*) - Prohibited - none allowed.

(d) *Crotalaria* spp. - prohibited - none allowed except Sunn Hemp (*Crotalaria juncea*) - restricted - 5 seed per pound.

(e) Balloon Vine (*Cardiospermum halicacabum*) - prohibited - none allowed.

- (f) Cocklebur (*Xanthium* sp.) in seed which are certified by an officially recognized seed certifying agency, as defined in Code of Ala. 1975, §2-26-1(18), - prohibited - none allowed.
- (g) Cocklebur (*Xanthium* sp.), in uncertified seed - restricted - 2 seed per pound.
- (h) Blessed Thistle (*Cnicus benedictus*) - restricted - 9 seed per pound.
- (i) Moonflower or giant morninglory (*Calonyction muricatum*) restricted - 9 seed per pound.
- (j) Wild Onion and/or Wild Garlic (*Allium* spp.)- restricted - 27 seed per pound.
- (k) Wild Mustard and/or Turnip (*Brassica* spp.)- restricted - 27 seed per pound.
- (l) Radish (*Raphanus* spp.) - restricted - 27 seed per pound.
- (m) Johnson Grass (*Sorghum halepense*) and/or Sorghum Almun and perennial rhizomatous derivatives of these - restricted - 100 seed per pound.
- (n) Dodder (*Cuscuta* spp.) - restricted - 100 seed per pound.
- (o) Canada Thistle (*Cirsium arvense*) - restricted - 100 seed per pound.
- (p) Quack Grass (*Agropyron repens*)- restricted - 100 seed per pound.
- (q) Docks (*Rumex* spp. except *hastatulus*) - restricted- 100 seed per pound.
- (r) Giant Foxtail (*Setaria faberi*) - restricted - 100 seed per pound.
- (s) Darnel (*Lolium temulentum*) - restricted - 200 seed per pound.
- (t) Corncockle (*Argrostemma githago*) restricted - 200 seed per pound.
- (u) Horsenettle (*Solanum carolinense*) restricted - 200 seed per pound.
- (v) Silverleaf Nightshade (*Solanum elaeagnifolium*)- prohibited - 200 seed per pound.
- (w) Buckhorn (*Plantago lanceolata*)- restricted - 200 seed per pound.

(x) Bracted Plantain (*Plantago artistata*) - restricted - 200 seed per pound.

(y) Sheep Sorrel (*Rumex acetosella*) - restricted - 200 seed per pound.

(z) Bermuda Grass (*Cynodon* spp.) - restricted - 300 seed per pound.

(aa) Cheat or Chess (*Bromus secalinus*, *B. commutatus*) - restricted - 300 seed per pound.

(bb) Serrated Tussock (*Nassella trichotoma*) - prohibited - none allowed.

(cc) Goatgrass (*Aegilops* spp.) - restricted - 9 seed per pound.

(dd) Sickie Pod (*Senna tora*) - restricted - 27 seed per pound.

(ee) Tropical Soda-Apple (*Solanum viarum*) - prohibited - none allowed.

(ff) Brunswick Grass (*Paspalum nicorae*) - restricted - 300 seed per pound.

(2) When more than one species or variety of noxious weed seed are discovered in pure seed, in addition to the restrictions set out above, the following restrictions shall also apply:

(a) For seeds identified in Subrule 80-11-1-.06(1) (g) through (y), any combination of weed seed shall, also, collectively, not exceed 200 total weed seed per pound of pure seed.

(b) For seeds identified in Subrule 80-11-1-.06(1) (z) through (aa), any combination of these weed seed shall also, collectively, not exceed 300 total weed seed per pound of pure seed.

(c) The added restrictions in Subrule 80-11-1-.06(2) (a) and (b) are, in addition to, and are not to be interpreted as amending or changing the restrictions for individual species of weed seed set out in Subrule 80-11-1-.06(1) above.

Author: Charles H. Barnes, Patrick B. Moody

Statutory Authority: Code of Ala. 1975, §2-26-3.

History: Filed April 19, 1982. Emergency amendment: Effective March 3, 1989. Permanent Amendment: Filed May 19, 1989. **Amended:** Filed May 17, 2007; effective June 21, 2007. **Amended:** Filed May 16, 2012; effective June 20, 2012. **Amended:** Filed May 22, 2019; effective July 6, 2019.

80-11-1-.07 Permit Fees For Seed Dealers And Processors.

(1) Pursuant to Code of Ala. 1975, §2-26-5, Every person who sells, offers for sale, exposes for sale, distributes or solicits orders for the sale of any agricultural, vegetable, herb, tree, shrub or flower seed to retail seed dealers, farmers or to others who use or plant such seed in the State of Alabama shall, before selling or offering such seed for sale or distributing or soliciting orders for the sale of such seed and on or before January 1 of each year secure an annual permit from the Commissioner of Agriculture and Industries to engage in such business. Seed dealers and other sellers of seed shall apply for an annual permit upon forms prescribed by the commissioner, and such permit shall be issued upon the payment of the following permit fees when the application is in proper form:

(a) For each person engaged in selling seed at retail in closed containers or packets of eight ounces or less displayed on a supplemental container display such as a seed rack, a permit fee of \$5.00 for each such supplemental container display;

(b) For each person selling seed to retail seed dealers, farmers or others who use or plant such seed, not displayed on a supplemental container display, a permit fee for each such place of business or each such representative or representatives, where such person does not maintain an established place of business in Alabama, shall be based on gross receipts from the sale of such seed for the last preceding year in Alabama as follows:

Gross Receipts	Permit Fee
1. Receipts of \$2,500.00 or less.....	\$ 15.00
2. Receipts of \$2,500.01 through \$25,000.00.....	\$ 50.00
3. Receipts of \$25,000.01 through \$50,000.00.....	\$ 70.00
4. Receipts of \$50,000.01 through \$100,000.00....	\$150.00
5. Receipts of \$100,000.01 through \$200,000.00...	\$300.00
6. Receipts of \$200,000.01 through \$300,000.00...	\$400.00
7. Receipts of \$300,000.01 through \$400,000.00...	\$500.00
8. Receipts of \$400,000.01 through \$500,000.00...	\$600.00
9. Receipts of more than \$500,000.00.....	\$700.00

(c) Persons engaged in the operation of seed cleaning or processing plants, including peanut shellers, seed treaters and corn processors, and persons who purchase seed and process such seed for resale shall be required to obtain a permit as required under this section if such persons clean and/or process or treat seed at their plant, and the annual fee to be paid therefor shall be \$75.00.

Author: John P. Hagood, Robert J. Russell

Statutory Authority: Code of Ala. 1975, §2-26-5.

History: New Rule: Filed August 16, 2004; effective September 20, 2004. **Amended:** Filed August 10, 2011; effective September 14, 2011.