Stricken language would be deleted from and underlined language would be added to the Code of Arkansas Rules.

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Proposed Rulemaking

Title

Promulgated by:
State Plant Board

Title 2. Agriculture

Chapter II. ~~State Plant Board,~~ ~~State Plant Board,~~ Department of Agriculture

Subchapter A. Generally

Part 34. Official Standards for Seed Certification in Arkansas

Subpart 1. General Provisions

2 CAR § 34-101. ~~Outline of steps~~Definitions and ~~s~~Steps to follow for certifying seed.

(a) Definitions when used in this rule.

(1) "AOSA" means the Association of Official Seed Analysts;

(2) "AOSCA" means the Association of Official Seed Certifying Agencies, which is a nonprofit organization dedicated to promoting and facilitating the movement of certified seed;

(3) "Brand" means a name, term, sign, symbol, design, or a combination of them that identifies the seed of one seller or group of sellers and differentiates that seed from the seed of other sellers;

(4) "Bushel" means a unit of volume commonly used in U.S. agriculture to measure harvested crops;

(5) "Certified seed" means the progeny of certified seed, which is handled to maintain specific genetic purity and identity, ensuring quality suitable for production;

(6) "Certifying agent" means the person responsible for ensuring that the seed meets the required standards and procedures for certification;

~~(7) "Coating material" means any substance that changes the size, shape, or weight of the original seed. Ingredients such as rhizobia, dyes, polymers, biologicals, and pesticides are not coating material for purposes of this part;~~

(~~8~~7) "Cotton staple length" means the length of individual cotton fibers;

(~~9~~8) "Department" means the Arkansas Department of Agriculture, Plant Industries Division;

(~~10~~9) "Double cross" means the first generation hybrid between two single crosses;

(~~11~~10) "Fallowed land" means a practice involving leaving land uncultivated, or planted, for a period of time to allow it to rest and regenerate;

(~~12~~11) "Germplasm" means the genetic material passed from one generation to the next serving as the foundation for the development of new crops, animals, and other organisms;

(~~13~~12) "Hybrid" means the offspring resulting from the mating of two different varieties;

(~~14~~13) "Inbred line" means a relatively true-breeding strain resulting from at least five successive generations of controlled self-fertilization or of backcrossing to a recurrent parent with selection, or its equivalent, for specific characteristics;

(~~15~~14) "Kind" means one or more related species or subspecies, which singly or collectively is known by one common name, for example:

(A) Corn;

(B) Wheat;

(C) Alfalfa; and

(D) Tall fescue;

(~~16~~15) "Lot" means a definite quantity of seed identified by a lot number or other mark, where every uniform portion or bag within carries the recognized tolerances for the factors that appear in the labeling;

(~~17~~16) "Morphology" means the study of the form and structure of an organism;

(~~18~~17) "Noxious weeds" means plants that are considered harmful or invasive, posing a threat to the environment;

(~~19~~18) "Off-type" means a plant or seed that deviates in one or more distinguishable characteristics usual for the desired variety;

(~~20~~19) "Open-pollination" means pollination that occurs naturally as opposed to controlled pollination, such as by detasseling, cytoplasmic male sterility, self-incompatibility, or similar processes;

(~~21~~20) "Person" means any:

(A) Individual;

(B) Partnership;

(C) Corporation;

(D) Company;

(E) Society; or

(F) Association;

(~~22~~21) "Physiology" means the study of the functions and activities of an organism including its organs, tissues, and cells;

(~~23~~22) "Progeny" means the descendants of a person, animal, or plant;

(~~24~~23) "Pure line selection" means a method used in plant breeding where individual plants with desirable traits are selected and their progeny are grown separately;

(~~25~~24) "Registered seed technologist" means a person who has attained registered membership in the Society of Commercial Seed Technologists, Association of Seed Analysts, or other acceptable society through qualifying tests and experiences as required by that society;

(~~26~~25) "Rogue" means to remove plants with undesirable characteristics from fields to maintain crop quality;

(~~27~~26) "Seed conditioning" means the process of cleaning, treating, and preparing harvested seeds for storage or planting, which involves removing debris, underdeveloped seeds, and contaminants to improve seed purity and viability;

(2827) "Seed cleaning" means the removal of debris, non-viable seeds, and other impurities from harvested seeds, ensuring better germination rates and healthier seedlings;

(2928) "Seed hilum" means the scar or mark left on a seed coat by the former attachment to the seed pod, which is a defining characteristic of many plant species;

(3029) "Seed pubescence" means the presence of soft down or short hairs on the surfaces of plants, which is a defining characteristic of many plant species;

(3130) "Seedsman" means a person who specializes in the production, processing, and selling of seeds;

(3231) "Single cross" means the first generation hybrid between two inbred lines;

(3332) "Small grains" means oats, wheat, rye, or barley;

(3433) "Sown broadcast" means a method of sowing seeds by scattering them evenly over a large area by hand or mechanically;

(3534) "Three-way cross" means a first generation hybrid between a single cross and

an inbred line;

(3635) "Threshing" means to separate an attached grain from its plant to which it is attached;

(3736) "Top cross" means the first-generation hybrid of a cross between an inbred line and an open-pollinated variety or the first-generation hybrid between a single cross and an open-pollinated variety;

(3837)(A) "Treated seed" means seed that has been treated with a substance designed to control or repel plant disease, organisms, insects, or other pests attacking that seed or plants, or will otherwise improve the planting value of the seed;

(B) Exception. Fumigants or grain protectants that leave no residues toxic to warm-blooded animals, such as ssynergized pyreth-rins, are not covered by this part;

(~~39~~38) "Trier" means a tool used for sampling seeds from bags or containers designed to remove an equal volume of seed from the container it travels through;

(~~40~~39) "Variety" means a subdivision of a kind characterized by growth, yield, plant, fruit, seed, or other characteristics by which it can be differentiated from other plants of the same kind; and

(~~41~~40) "Weed seed" includes the seeds, or structures normally considered as seeds, of all plants generally recognized as weeds within this state and includes noxious weed seeds.

~~(a~~b)(1) ~~Write for rules and~~Complete an application ~~blank~~form for the crop~~,~~ or crops, you want to certify.

~~(~~2) ~~These~~ Forms are furnished by the ~~State Plant Board~~department.

~~(3) Study these rules carefully.~~

~~(b~~c) ~~(1) Secure approved~~The source of the seed must be approved by the department.

~~(2) Check the rule on this point.~~

~~(c~~d)(1) ~~Send~~ Submit the completed application to the ~~State Plant Board office, Little Rock.~~department

(2) ~~Unless~~ If you do not use your own certified seed, be sure to include with your application:

~~(~~A) A copy of the invoice showing purchase of the seed;

~~(~~B) A set of tags~~,~~ or labels~~,~~ from one (1) of the bags; and

~~(~~C) ~~About a~~A one-pound representative sample of the seed.

(3) ~~Check the rules for each crop as to time applications should be made~~Application periods for each crop type can be found in **2 CAR § 34-208**.

(4) Do not send payment with the form. The department will invoice you for the costs. ~~(d) (1) Completely clean~~ Clean all planting equipment of other seeds, ~~.~~

and plant (2) Plant the seed for certification in a field which is relatively free of noxious weeds and;

(3) one which conforms to the rules as toof isolation from other crops and; to

(4) crops grown on this field in previous years.

(2)(5) Check the rules on these points for(e) Details for the specific crop seed that you are certifying can be found in **2 CAR § 34-208Subparts 3-16 of this rule.** .

(ef)(1) Prior to the field inspection by the boarddepartment, be sure to rogue your field of:

(A1) Noxious weeds;

(B2) Other crops; and

(C3) Off-type plants.

(2) This is a very important point, and if the job is done well it may mean the difference of the seed being certified or disqualified.

(fg) Be sure to nNotify the board officedepartment about no later than two (2) weeks ahead of the expected harvest date so that the necessary field inspection can be madescheduled.

(gh)(1) Completely clean Clean all harvesting equipment and storage bins of all other seeds so that no mixture will occur at this point.

(2) The method of harvesting and the storage should be approved by the board (check the cotton rules for special requirements as to ginning and storage of seed).

(hi) After Once harvest is completed, report to the board department the number of bushels of seed saved for certification on a form supplied by the department.

(i)(1) Keep a close check on the seed in storage to see that the moisture content is low enough to prevent heating.

(2)(A)(ij)(1) Before cleaning, send in submit a representative sample for a preliminary test.

(2) This will not be an official test for certification.

(B) This would not be an official test.

(j)(1) Use the best equipment available for cleaning and treating seed.

(2)(jk) If you are using someone else's facilities to clean your seed, yYou may request that the board department inspect the cleaning equipment just prior to the cleaning of your seed.

(kl) New containers, approved reusable containers, or dedicated bulk bins must be used for the storage of certified seed that is for certification.

(lm)(1) After the seed have has been cleaned, notify the board department, and it will take an official representative sample for an analysis certification and moisture test will be taken by the department.

(2) This is the final step, and if the analysis conforms to the rules, you are in line for tags or bulk certificates on your seed.

(32) Cottonseed may be officially sampled before being cleanedcleaning either in bulk or in bags.

(43) **Note.** Only certified blue tag grade class may be sampled in the bulk and be eligible for tags or certificates.

(mn) Tags and/or bulk certificates are issued when ordered by the applicant.

(n)(1) By carefully following the outline above, you should not experience too much difficulty in getting your seed certified.

(2) If at any time you have questions or are in doubt about the next step to take, please feel free to contact the board office.

2 CAR § 34-102. Noxious weeds of Arkansas.

(a) Every certified seed grower should know and learn to recognize the noxious weeds of the state.

(b) By knowing these weeds, a certified seed grower is in a much better position to successfully rogue his or her fields, thus enabling him or her to conform more easily to the rules.

(ca) (1) The noxious weeds of Arkansas are as follows:

(A1) Field bindweed (*Convolvulus arvensis*);

(B2) Nutgrass (*Cyperus rotundus*);

(C3) Crotalaria (*Crotalaria spp.*);

——(~~D~~4) Wild onion ~~and/~~or wild garlic (*Allium spp.*);

——(~~E~~5) Johnson grass (*Sorghum halepense*);

——(~~F~~6) Dodder (*Cuscuta spp.*);

——(~~G~~7) Bermuda grass (*Cynodon dactylon*);

——(~~H~~8) Cheat or chess (*Bromus secalinus* ~~and/~~or *Bromus commutatus*);

——~~(~~I9) Darnel (*Lolium temulentum*);

——(~~J~~10) Corncockle (*Agrostemma githago*);

——(~~K~~11) Horsenettle (*Solanum carolinense*);

——(~~L~~12) Purple nightshade (*Solanum elaeagnifolium*);

——(~~M~~13) Buckhorn plantain (*Plantago lanceolata*);

——(~~N~~14) Dock ~~and/~~or sorrel (*Rumex spp.*);

——(~~O~~15) Blueweed (*Helianthus ciliaris*);

——(~~P~~16) Morning glory (*Ipomoea spp.*);

——(~~Q~~17) Hedge bindweed (*Calystegia sepium*);

——(~~R~~18) Giant foxtail (*Setaria faberi*);

——(~~S~~19) Cocklebur (*Xanthium spp.);*

——(~~T~~20) Moonflower (*Ipomoea turbinata*);

——(~~U~~21) Balloon vine (*Cardiospermum halicacabum*);

——(~~V~~22) Itchgrass (*Rottboellia cochinchinensis*);

——(~~W~~23) Serrated tussock (*Nassella trichotoma*);

——(~~X~~24) Barnyard grass (*Echinochloa crusgalli*); and

——(~~Y~~25) Tropical soda apple (*Solanum viarum*).

——(~~2~~b) ~~Weeds listed in subdivisions (c)(1)(U), (V), (W), and (Y) of this section~~The following weeds are prohibited in both Fields ~~Standards~~ and Cleaned Seed ~~Standards~~ for all certified crops ~~certified~~.

——(1) Balloon vine (*Cardiospermum halicacabum*);

——(2) Itchgrass (*Rottboellia cochinchinensis*);

——(3) Serrated tussock (*Nassella trichotoma*); and

——(4) Tropical soda apple (*Solanum viarum*).

~~(d~~c) When found in rice, the following weeds shall~~, in addition,~~ also be classed as noxious~~,~~. ~~and their~~ Their presence must be indicated in accordance with the requirements for other noxious weeds:

~~(~~1) Red rice (*Oryza sativa* var.);

~~(~~2) Curly indigo (*Aeschynomene* spp.); and

~~(~~3) Tall indigo or coffee bean (*Sesbania macrocarpa*).

~~2 CAR § 34-103. Requirements for becoming a state~~State- licensed plant breeder.

~~(a) Any person wishing to secure a license as a plant breeder shall first apply to the State Plant Board for a Qualification Data Sheet, which must be filled out in complete detail and returned to the Director of the State Plant Board, who shall place on file said data sheet and keep it available for reference at all times.~~

~~(b) Only such persons bearing a reputation for honesty, competency, and fair dealing will be favorably considered as applicants.~~

~~(c) In order to obtain a certificate as a state-licensed plant breeder, all persons applying to the board for seed registration will be required to appear before the director at a designated time and place, and stand a written examination on the scientific principles and economic phases of plant breeding, the questions to be made out and graded by the Agronomy Department, College of Agriculture and Home Economics, University of Arkansas.~~

~~(d)(1) In case any person applied to the board for a certificate who, operating a well-established seed-breeding unit regularly, has in his or her employment under contract (a copy of which must be furnished to the director) one (1) or more technically trained plant breeders, only the employed plant breeder shall take the examination.~~

~~(2) The certificate, if granted, shall be issued in the name of the applicant, but the name of the plant breeder passing the required examination must appear thereon.~~

~~(e) A grade of seventy-five (75) will be considered a passing grade, and any person making such a mark or above shall, when he or she has complied with all other requirements and produced a commercial quantity of foundation or registered seed, be issued a certificate as a licensed plant breeder, and be entitled to purchase a sufficient number of foundation or registered seed tags to cover the production of seed from the acreage that has passed all requirements.~~

~~(f)(1) Provided, that in addition to passing the written examination the applicant shall maintain a breeding program which shall be under the observation of the director for a period of three (3) years, and if at the end of that time the methods used and the results obtained are scientific and worthy, then the certificate shall be issued.~~

~~(2) Or provided that the applicant shall employ one (1) or more qualified plant breeders who shall have a master's or doctoral degree in plant breeding, and only the employed plant breeder shall take the examination, and as soon as a breeding program is started the certificate shall be issued.~~

~~(3) In addition to the name of the applicant, the name of the breeder shall appear on the certificate.~~

~~(4) And provided that, if for any reason the applicant's breeding program in any crop shall be discontinued, then the certificate covering that crop shall be revoked.~~

~~(5) Also, any person having a doctorate degree in plant breeding and three (3) years' experience would not be required to take the examination.~~

~~(g) Any person passing the written examination or the field observations will not be required to pass an additional examination, unless the certificate should be revoked, or his or her crop should fail for a period to pass the necessary field inspection.~~

~~(h) Foundation seeds shall be produced only by a person holding a certificate from the board, entitling said person to be officially designated as a licensed breeder (name of crop to be inserted in blank as said person may qualify).~~

~~(i)(1) Any person seeking a certificate as a producer of foundation or registered seed must own or control land necessary in the breeding and production of seed of high purity and excellence.~~

~~(2) If the said person does not own his or her land, it will be necessary to furnish the director with copies of all contracts or their equivalent, showing actual possession of the land.~~

~~(j)(1)(A) All seed eligible for foundation class and which is registered in the name of any person shall be his or her own or his or her employed plant breeder's selection, except that a licensed plant breeder may obtain breeder seed of the crop for which he or she is licensed from another licensed plant breeder, the Arkansas Agricultural Experiment Station, or the United States Department of Agriculture, and produce foundation seed from this material, provided he or she has written approval from the organization releasing the variety concerned.~~

~~(B) In emergency cases where there is no source of foundation seed of a variety still in demand, any licensed plant breeder may be permitted to take the variety for purification, if necessary, and subsequently produce foundation seed.~~ (a) (1) ~~Persons who wish to hold a license as a plant breeder shall complete in full and submit to the department a Qualification Data Sheet; and~~

(a)(1) Persons who wish to hold a license as a plant breeder shall complete and submit a form furnished by the department; and

(2) Submit required documents as requested;~~.~~ and

(3) The ~~license~~applicant shall list~~, as certifications,~~ the ~~crop, or~~ crops, the applicant wishes to ~~be licensed in~~breed;~~.~~

(b)—(1) Applicants may be required to appear before the Director of the State Plant Board~~Industries Division~~, or his designee, to pass a written examination on the scientific principles and economic phases of plant breeding for the crop, or crops, they wish certification in.~~;~~.

(2) Tests questions are specific to the crop, or crops, the ~~license~~applicant wishes to be certified in~~.~~.;

(3) The test questions are compiled by and graded by the appropriate faculty from the Crop, Soil, and Environmental Sciences or Horticulture Departments of the

University of Arkansas Division of Agriculture~~The test questions are compiled by and graded by the Agronomy Department, College of Agriculture and Home Economics, University of Arkansas.~~;.

(4) A grade of seventy-five (75) percent~~,~~ or ~~better~~above, ~~will~~shall be considered a passing grade.~~;~~.

(5) Applicants holding a doctorate degree in plant breeding with three ~~years'~~ years of experience ~~in plant breeding~~ will not be required to take the test.~~;~~.

(c) (1) If the applicant operates an established breeding program and has in their employ one or more technically trained plant breeders~~,~~ only the plant breeders will be required to take and pass the examination.~~;~~.

(2) The license, when granted, shall be issued in the name of the applicant~~,~~ but the names of the plant breeder(s) must also be listed on the license.~~;~~.

(3) A copy of the employment contracts for the employees must be submitted as part of the application.~~;~~.

(4) The applicant shall maintain and demonstrate a successful breeding program for three years under the observation of the Director of the ~~Plant Industries Division~~State Plant Board, or ~~their~~its designee.~~;~~.

(5) If, at the end of the observation period, the methods used result in crop seed eligible for certification, the license shall be granted.~~;~~.

(d) (1) If one~~,~~ or more~~,~~ of the employed plant breeders hold~~s~~ a Master's or a Doctorate Degree, the license may be granted as soon as the breeding program is active. ~~;~~.

(2) The name of the plant breeders must be listed on the license.~~;~~.

(e) The certification covering a crop shall be revoked and removed from the license ~~I~~if the applicant's breeding program in ~~a~~that crop type ~~should be~~is discontinued ~~then the certification covering that crop shall be revoked.~~;

(f) Plant breeders who successfully pass the written examination and the field observations in a particular crop will not be required to retake the written examination~~.~~;

(g) Foundation seed shall be produced only by a person holding a license certification in that crop~~.~~ ;

(h) ~~-~~(1) Breeders of Foundation class or Registered class seed must own or control the land employed in the breeding and production of the crop~~.~~~~:~~~~.~~;

(2) If the licensee does not own the land~~,~~ they will be required to include copies of lease agreements, or contracts, declaring the actual owner of the land~~.~~~~:~~~~,~~.

(i) ~~-~~(1) Seed eligible for Foundation class that is registered in the department's certification program shall be owned by the licensee~~,~~ or their employed plant breeder~~.~~;

(2) A licensed plant breeder may obtain Breeder seed of a crop that they are certified in from one of the following and produce Foundation class seed:

(A) ~~a~~Another plant breeder licensed in that crop type,

(B) ~~t~~The Arkansas Agricultural Experiment Station, or

(C) ~~t~~The United States Department of Agriculture.

(j) In an emergency case, if no source of Foundation seed can be found of a particular variety still in demand, any licensed plant breeder of that crop type needed may be permitted to take the variety for purification, if necessary, and produce Foundation class seed~~.~~;

(k) Any licensed plant breeder may ~~have produced~~produce for him or her, under contract and under his or her direct supervision, his or her registered seed, provided that each unit under contract must ~~comply~~complies with the ~~rules specified hereafter under the~~ specific rules of the crop variety~~.~~;

(l) ~~No~~Any person who has been granted a certificate as a licensed plant breeder ~~shall be allowed to advertise the fact without designating in all such advertising material the crop or crops that their license is valid for.~~

must identify the crops in which they have a license in all advertising materials;

~~(2)~~**2 CAR § 34-104. Approval of new crop varieties**.

(~~A~~a) Those varieties ~~(~~and hybrids~~)~~ approved by the ~~State Plant Board~~department in cooperation with the Arkansas Agricultural Experiment Station ~~of the University of Arkansas will~~ shall be eligible for certification.

(~~B~~b) Approval shall be based on the following:

~~(i)~~*~~(a)~~*(1) The variety must possess superior germplasm.

~~(b)~~(2) ~~That is, the~~ The trial performance of the variety or hybrids in the Arkansas Agricultural Experiment Station~~,~~ or other suitable tests ~~(minimum of three (3) years) is such that it will~~shall compare favorably with the varieties of the crop group now recommended by the University of Arkansas for commercial production in the state~~;~~ , and

(3) The trial tests shall last for a minimum of (3) years.

~~(c))~~ ~~(ii)~~ Blends, varietal mixtures, and mass crosses are not acceptable;

~~(d)~~ ~~(iii)~~ Varieties produced under a recognized name outside of the state are not eligible for certification in the state under another name ~~(same germplasm used)~~if the same germplasm already present in the program is used;

(e) ~~(iv)~~ In addition to the above, the following conditions must be met:

(1) ~~*(a)*~~ If the variety is a pure line selection, the variety or material from which the selection was made must be indicated;

(2) ~~*(b)(1)*~~ If the variety resulted from hybridization, the application must state who made the cross~~;~~.

(3) ~~*(2)*~~ If the line originated from a source other than the applicant's breeding nursery, a copy of written approval for use of the material from the plant breeder from which the line was derived must accompany the application;

(4) ~~*(c)*~~ The name must be satisfactory;

(5) ~~*(d)*~~ The variety must be phenotypically different or possess ~~some~~ characteristics which will identify it from other known varieties such as:

(A) ~~plant~~ plant height,

(B) ~~grain~~ grain color, ~~or~~

(C) disease resistance, or

(D) other characteristics. ~~etc., which will identify it from known varieties; and~~

(6) ~~*(e)*~~ The variety must be uniform in simply inherited plant and seed characters.

~~(k) Any licensed plant breeder may have produced for him or her, under contract and under his or her direct supervision, his or her registered seed, provided that each unit under contract must comply with rules specified hereafter under specific rules of the various crops.~~

~~(l) No person who has been granted a certificate as a licensed plant breeder shall be allowed to advertise the fact without designating in all such advertising material the crop or crops that certificate is granted for.~~

Subpart 2. General Seed Certification Standards

2 CAR § 34-201. Applicability.

These general standards are applicable to all crops eligible for certification, and together with the specific standards for each crop will constitute the ~~Rules~~ rules for ~~Seed~~ seed ~~Certification~~certification.

2 CAR § 34-202. Type of certifying organization.

The ~~State Plant Board under Acts 1931, No. 73, of the General Assembly~~ department is the official seed certifying agent for Arkansas.

2 CAR § 34-203. Purpose of certification.

The purpose of certification shall be to maintain and make available to the public ~~,~~ ~~through seed certification,~~ high quality seeds and propagating materials of superior crop plant varieties~~s,~~ so grown and distributed as to ensure genetic identity and purity.

2 CAR § 34-204. Eligibility of crop varieties for certification.

(a)(1) Those varieties approved by the ~~State Plant Board~~department in cooperation with the Arkansas Agricultural Experiment Station ~~of the University of Arkansas will~~ shall be eligible for certification.

~~(2)~~ (2) Only one (1) variety of the same crop may be grown for certification on a farm~~,~~

~~(3)~~ except ~~on~~ with prior approval of the ~~certifying agency~~department.

(b) The ~~board~~ department shall require the originator, developer, ~~or~~ owner of the variety, or their agent ~~thereof~~, to make the following available when eligibility for certification is requested:

(1) The name of the variety;

(2) ~~A~~ a statement concerning the variety's origin~~;~~; ~~and~~

(3) the breeding procedures used in its development;

(34) A a detailed description of the morphological, physiological, and other characteristics of the plants and seed that distinguish it from other varieties to include; :

(A) morphology,

(B) physiology, and

(C) otherunique characteristics.'

(4) (D) Evidence supporting the identity of the variety, such as comparative yield data,

(E) insect resistance,

(F) and disease resistance, or

(G) other factors supporting the identity of the variety; .

(5) A statement delineating the geographic area, or areas, of adaptation of the variety;

(6) A statement of the plans and procedures for the maintenance of seed classes, including the number of generations through which the variety may be multiplied;

(7) A description of the manner in whichway the variety is constituted when a particular cycle of reproduction or multiplication is specified;

(8) Any additional restrictions on the variety, specified by the breeder, with respect to:

(A) geographic area of seed production,

(B) age of stand, or

(C) other factors affecting genetic purity; . and; and

(9) A sample of seed representative of the variety as marketed.

(c) Varieties may also be admitted into seed certification after favorable action by one (1) or more of the following agenciesentities:

(1) the National Certified Variety Review Board;,;

(2) the Plant Variety Protection Office provided the (must also include information listed in subdivisions (b)(5)—(9) of this section); is provided;

(3) a member of the Association of Official Seed CertifiyingAOSCAAOSCA member agency; ; and or

(4) Varieties varieties eligible for certification under OECD the Organization for Economic Cooperation and Development (OECD) seed schemes.

2 CAR § 34-205. Classes of certified seed — Definition of terms.

(a)(1) Four (4) classes of seed shall be recognized for seed certification.

(2) These classes shall meet the specific requirements approved for each crop.

(b) These classes are as follows:

(1) Breeder seed (a class reserved for licensed plant breeders).

(A) This class is reserved for licensed plant breeders.

(AB) Breeder seed shall be that seed that is

(i) directly controlled by the originator,

(ii) or in certain cases, the sponsoring plant breeder,

(iii) which is used in to developing develop and maintaining maintain a variety, and

(iiivii) is never available to the public for general use.

(BC) Breeder seed is used for the production ofto produce:

(i) foundationFoundation,

(ii) registeredRegistered, or

(iii) certified Certified seed.

(CD) If breeder seed is to be tagged, it must be tagged with a white tag labeled "breeder seed;";

(2) Foundation seed.

(A) Foundation seed shall be the progeny of breeder (or foundation) seed, or foundation seed, so handled as to most that nearly maintains the specific genetic identity and purity of the variety as described

(i) by the breeder in its approved release, and/or

(ii) as described in the registration of the variety as approved by the National Committee on Registration of Crop Varieties, and

(iii) meets the standards approved for this class.

(B) Foundation seed shall be produced only by or under the direct supervision of a licensed plant breeder.

(C) White tags shall be used to designate ~~this class~~the Foundation class~~;~~.

(3) Registered seed.

(A) Registered seed shall be the progeny of foundation seed that is ~~so~~ handled as to maintain the satisfactory genetic identity and purity for this class~~s~~ and meets the standards established ~~for this class~~ by the ~~certifying agency~~department.

(B) Purple tags shall be used to designate ~~this class~~the Registered class~~;~~.

(4) Certified ~~seed , also known as Blue Tag~~Blue Tag.**~~(blue tag).~~**

(A) Certified blue tag class seed shall be produced from either foundation or registered class seed that has been handled to ~~has been so handled that it~~ meet~~s~~ the standards established for this class.

(B) A blue tag, or blue label shall, be used to designate ~~this~~ the C~~c~~ertified blue tag class.

(C) ~~**Note.**~~ The department may permit ~~At the discretion of the certifying agency,~~ a grower ~~may be permitted~~ to continue production of seed for certification from lots of seed that were fully inspected but rejected because of factors which did not involve genetic identity and purity of germplasm~~; and~~.

~~(5) **Off-type.** "Off-type" means a plant or seed which deviates in one or more characteristics from the description filed with the certifying agency by the breeder as being usual for the that strain or variety.~~

2 CAR § 34-206. Limitation of generations for certified seed.

(a) The number of generations through which a variety may be multiplied shall be limited to that specified by the originating breeder, or owner, and shall not exceed two (2) generations beyond the foundation seed class with the following exceptions which may be made with the permission of the originating plant breeder, or sponsoring plant breeder, institution, or the their designee:

(1) Recertification of the certified class may be permitted when no foundation class is being maintained; and

(2)(A) The production of an additional generation of the certified class may be permitted on a one-year basis only, when an emergency is declared prior to the planting season by the State Plant Boarddepartment, stating that the foundation Foundation and registered Registered seed supplies are not adequate to plant the needed certified acreage of the variety.

(B) The This additional generation of certified seed to meet the emergency need is ineligible for recertification.

2 CAR § 34-207. Establishing the source of seed.

(a) Any personPersons applying for certification on a crop planted from seed other than his or her own production, must submit with his or hertheir application, ;

(1) a copy of the purchase invoice with identityidentifying the seed source, or

(2) other documentary evidence to provide the

(A) source,

(B) quantity, and

(C) and class of seed planted.

(b) If the application covers only seed of their own production, the applicant shall identify the:

(1) lot number,

(2) quantity, and

(3) class of seed being planted.

2 CAR § 34-208. Application.

(a) (1) The State Plant Boarddepartment will furnish the application blanks form(s) for certifying seed.;

(2)(b) The dates each year for filing applications on the various crops are as follows:

(1) April 1,: Small Grains; such as:

(A) oats,

(B) wheat,

(C) rye, and

(D) barley;

(2) April 20:

(A) Red Clover,

(B) White Clover, and

(C) Watermellons;

(3) May 1;

(A) Rapeseed, and

(B) Gamagrass;

(4) May 15;

(A) Fescue,

(B) Vetch, and

(C) Okra;

(5) June 1: — Corn;

(6) July 1;

(A) Rice,

(B) Cotton,

(C) Peanuts,

(D) Lespedeza, and

(E) Cowpeas;

(7) August 15: — Soybeans; and

(8) September 1: – Sorghum,

~~Small Grains (oats, wheat, rye, barley)~~	~~April 1~~
~~Red, white and crimson clover and watermelons~~	~~April 20~~
~~Rapeseed and Eastern Gamagrass~~	~~May 1~~
~~Fescue, vetch and okra~~	~~May 15~~
~~Corn~~	~~June 1~~
~~Rice, cotton, peanuts, lespedeza and cowpeas~~	~~July 1~~
~~Soybeans~~	~~August 15~~
~~Sorghum~~	~~September 1~~

~~(b~~c)(1) The ~~board~~ department ~~will~~ shall furnish application ~~blanks~~ forms for certifying vegetatively propagated turfgrass ~~applications.~~ ;

(2) The date for filing applications is March 1~~.~~;

~~(c~~d)(1) Applications should be ~~made~~ submitted on or before the above dates~~.~~ ;

~~(~~2) Late applications may be accepted provided they can be processed and the inspection made without jeopardizing the handling of those applications filed prior to the deadline date.

~~(~~3) The ~~fee~~ cost for late applications will be an additional fifty dollars ($50.00) for each variety ~~applied on~~.

~~(~~4) The applicant must have in force a valid seed labeler's license or certification permit~~, see 2 CAR § 33-105, Fees and services~~.

2 CAR § 34-209. ~~Fees~~Costs.

~~(a)(1) The application fee and the acreage inspection fee shall be paid at the time the application is filed for all crops except cotton.~~

~~(2)(A) The acreage inspection fee on cotton shall be paid prior to the time the field inspection is made.~~

~~(B)~~(a) ~~(~~1) The cost for application ~~fee~~ for ~~all~~ seed ~~crops~~ types ~~for each~~and variety ~~varieties~~ shall be twenty dollars ($20.00)~~, and~~ ;

(2) ~~the~~ The cost for acreage inspection ~~fee~~ shall be one dollar and fifty cents ($1.50) per acre ~~for all crops,~~;

(3) except for rice, which shall be two dollars and twenty-five cents ($2.25) per acre~~.~~;

~~——~~(b)(1) ~~An additional~~A cost of ~~-~~ten cents (10~~-~~¢) per acre shall be paid ~~in advance on~~ for each acre of certified seed ~~with~~ applied for~~.~~; ~~each application.~~

~~——~~(2) These ~~fees~~ sums shall be remitted through the Arkansas Seed Grower's Association and the Arkansas Seed Dealer's~~'~~ Association to the Arkansas Seed Council for the promotion and advertising ~~purposes for~~of Arkansas certified seed~~.~~;

~~——~~(3) The cost of ~~Promotion~~ promotional and advertising ~~fee~~ cost ~~-~~needs shall be reviewed annually by the ~~State Plant Board~~board and adjusted, if necessary, at the request of the Arkansas Seed Dealer's~~'~~ Association and the Arkansas Seed Grower's Association after a public hearing~~.~~;

~~——~~(c) Tags~~/labels.~~ and Labels~~.~~;

~~——~~(1)(A) Printed pressure-sensitive labels~~,~~ shall cost ten cents (10¢) each~~.~~;

~~————————~~(B) Printed pressure-sensitive labels for approved reusable bulk containers~~,~~ shall cost eight cents (8¢~~)~~/) per fifty (50) pounds ~~(50 lbs.)~~ of seed~~.~~;

~~——~~(C)(i) Unprinted tags and labels may be purchased at ~~one~~ half ~~(1/2)~~ the price of printed tags~~/~~ and labels when ordered in quantities of five thousand (5,000), or more~~.~~ ;

~~——~~(ii) No refunds will be made for unused tags~~/~~ and labels~~.~~;

~~——~~(2) Blue tag bags~~/ and,~~ approved new containers, or reusable containers~~.~~;

~~————————~~(A)(i) ~~Those a~~Applicants equipped and approved to label Blue Tag Class seed ~~on~~ in ~~the~~ containers shall report the amount in each lot ~~so~~ labeled~~.~~;

~~——~~(ii) Blue tag bags~~,~~ costs eight cents (8¢~~)~~/) per bag;

~~——~~(B)(i) Approved new or reusable containers~~.~~;

~~————————~~(ii) Rigid minibulk containers~~,~~ costs eight cents (8¢~~)~~/) per fifty (50) ~~-~~pounds of seed ~~(50 lbs.).~~;

(iii) Flexible minibulk containers, also called (superbags,), costs eight cents (8¢)) per bushel of seed.;

(3) Bulk certificates.;

(A) Those applicants selling crops eligible for bulk certification shall report on a form provided by the department the amount of each lot sold on in bulk certificates and pay eight cents (8¢)) per bushel.;

(B) Bulk certificate forms (that are used for all sales including a movement of the seed), are twenty-five cents (25¢) each.;

(d) Extra inspections. ;

(1)(A) When an extra inspection is necessaryThe costs of additional inspections, because ofbased on the findings of a previous inspection, the fees costs, are as follows:

(i) Seed treating equipment inspection only,cost is seven dollars and fifty cents ($7.50) for eachper trip;

(ii) Seed processing plant inspections, or other similar inspections,, isare fifteen dollars ($15.00) for eachper trip; and

(iii) Field Isolationisolation inspections, isare twenty-five dollars ($25.00) for each field/ per trip.;

(B) On inspections Inspections requiring more than two (2) hours, willshall cost ten dollars ($10.00) per hour will be charged for each additional hour.;

(2) Fields failing inspection. ;

(A) No more than two (2) reinspectionsreinspection's will shall be made. ;

(B)(i) The first reinspection will shall be charged one half (1/2) the original cost forof the acreage inspection fee for the each crop kind per acre reinspected per acre. ;

(ii) The second reinspection would shall be the same as the cost forof the original inspection acreage fee per acre for that crop.;

~~(c) Annual license fee. For a registered seed technologist to analyze seed of designated crops for certification in Arkansas, twenty-five dollars ($25.00).~~

(~~fee~~) ~~Fees~~ Costs for vegetatively propagated turfgrasses~~.~~;

(1) Application ~~fee~~cost shall be~~,~~ twenty dollars ($20.00) for each variety~~.~~;

(2) Preplant inspection~~s~~ ~~(~~to determine if the location meets land requirements~~)~~:

(A) Preplant inspection~~,~~ cost is twenty-five dollars ($25.00) per field~~,~~ per trip; and

(B) If the field fails the preplant inspection and a reinspection is necessary~~,~~ the reinspection ~~fees~~ cost shall be ~~are~~ fifty dollars ($50.00) per field~~,~~ per trip~~.~~;

(3)(A) ~~Acreage~~ Costs for acreage inspections ~~fees,~~are:

(i) five hundred dollars ($500) for the first ten (10) acres; and

(ii) ~~and~~ twelve dollars ($12.00) per acre for each additional acre~~.~~ ;

(B) This includes the cost of ~~the~~ three (3) required inspections and the official numbered certificates required for each shipment of certified:

(i) Sod;

(ii) Sprigs; or

(iii) Plugs~~.~~;

(~~gff~~) ~~Any reinspections~~ ReinspectionsReinspection's ~~necessary~~ required between regularly scheduled inspections ~~will~~ shall ~~be conducted at~~cost fifty dollars ($50.00) per field~~,~~ per trip~~.~~;

(g) In no case shall payment be submitted with the form or application. The department shall bill the party responsible by invoice.

2 CAR § 34-210. Production of seed.

(a) ~~**Maintenance of genetic purity and identity.**~~

(1) The applicant for certification shall be responsible for maintaining the genetic purity and identity of the seed at all stages of certification, including:

(A) seeding,

(B) harvesting,

(C) storage,

(D) processing, and

(E) labeling of the seed.~~.~~;

~~——~~(2) Failure of the applicant to maintain the genetic purity and identity of the seed at any stage of certification shall be cause for rejection of the crop for certification.~~.~~;

~~——~~(b) ~~**Unit of certification.**~~ The unit of certification shall be a clearly defined field or fields.

~~——~~(c) ~~**Roguing fields.**~~

~~——~~(1) Prior to the field inspection, applicants should rogue and remove from their fields:

~~——~~(A) Noxious weeds;

~~——~~(B) Off-type plants;

~~——~~(C) Varietal mixtures; and

~~——~~(D) ~~Any other~~ Other plants the seeds of which are inseparable from the crop being certified.~~.~~;

~~——~~(2) ~~Where~~ When extra inspections are requested, an additional charge will be made~~,~~ per ~~see~~ 2 CAR § 34-209.~~.~~;

~~——~~(d) ~~**Field inspections.**~~

~~——~~(1) One (1) or more field inspections ~~will~~ shall be made as ~~is deemed necessary~~required by the certifying agency.~~.~~;

~~——~~(2) Field inspections ~~will~~ shall be made during a period when genetic purity and identity can best be determined.~~.~~;

~~——~~(3) Fields ~~must~~ shall be inspected prior to any treatment used for drying or any action taken that would hinder a proper field inspection for variety and~~/or~~ weed identification.~~.~~;

~~——~~(4) ~~All fields~~ Fields ~~must~~ shall show signs of good management and be clean enough to permit inspectors to make a complete observation of the crop being certified.~~.~~;

(5) Applicants shall have someone available to show the inspector the fields that are to be ~~checked~~inspected.

2 CAR § 34-211. Cleaning equipment.

(a) ~~(a)~~ It is the applicant's responsibility to ~~make~~ ensure ~~sure~~ that all equipment is cleaned of other seeds to include:

(1) ~~seeders~~Seeders,

(2) ~~drills~~Drills,

(3) ~~wagons~~Wagons,

(4) ~~trucks~~Trucks,

(5) ~~harvesters~~Harvesters,

(6) ~~c~~Cleaners,

(7) ~~b~~Bins, and

(8) ~~o~~Other equipment or containers~~.;~~ ~~etc., are thoroughly cleaned of other seeds.~~

(b)(1) The applicant may~~,~~ request an inspection of seed equipment by the department prior to seed cleaning operations~~.;~~ ~~before starting to clean seed, secure the State Plant Board's approval of the cleaning equipment.~~

(2) See 2 CAR § 34-209 for the ~~cost or~~ costs of this optional service.

2 CAR § 34-212. Storage and storage inspection.

(a)(1) Seed must be stored in a dry~~,~~ well-ventilated waterproof building~~s~~ accessible for inspection~~.~~ ;

(2) If in bulk, it must be separated from any other bulk seed by tight walls ~~which~~ that will in no way permit mixing with other seeds~~.~~ ;

(3) This applies to different strains or classes of the same variety~~.~~;

(b) ~~At least o~~One (1) storage inspection~~,~~ ~~will~~ or more, shall be made by a representative of the ~~State Plant Board~~ department at such a time as is deemed most appropriate by the ~~certifying agency~~department.

2 CAR § 34-213. Processing of seed.

(a) The following requirements must be met by processors of all classes of certified seed:

(1) Facilities shall be available to perform processing without introducing the chance of ~~admixtures~~mixture with other seed types or varieties;

(2) Identity of the seed ~~must~~ shall be maintained at all times;

(3) Records of all operations relating to certification shall be complete and adequate to account for all incoming seed and the final disposition of the seed;

(4) Processors shall permit inspection by the ~~certifying agency~~department of all records pertaining to all classes of certified seed;

(5) Processors shall designate an individual who shall be responsible to the ~~certifying agency~~department for performing such duties ~~as may be required by the certifying agency~~;

(6)(A) Seed lots of the same variety and class may be blended and the class retained~~.~~;

(B) If lots of different classes are blended~~,~~ the lowest class shall be ~~app lied~~applied to the resultant blend~~.~~;

(C) Such blending can only be done when authorized by the ~~State Plant Board~~department~~;~~.

(7)(A) ~~All seed~~ Seed approved for certification ~~must~~ shall be packed in new containers or approved reusable containers as indicated below:

(i)*(a)* Foundation class~~.~~;

(b) New flexible minibulk~~,~~ ~~(~~superbag~~)~~ containers~~.~~;

(c) ~~**Note.** Lot~~ The lot size for foundation class crops packed in these containers is limited to one thousand five hundred (1,500) bushels per lot;

(ii)*(a)* Registered class~~.~~;

(b) New flexible minibulk superbags, ~~(superbags)~~ or rigid minibulk containers ~~(~~as approved by the ~~State Plant Board Seed Division~~department~~) for all crops.~~;

(c) ~~**Note.**~~ The lot~~Lot~~ size for registered class crops packed in these containers is limited to three thousand~~s~~ (3,000) bushels per lot; and

(iii)*(a)* Blue tag class approved reusable containers ~~are the following~~:

(b) Rigid minibulk containers ~~(~~as approved by the ~~State Plant Board Seed Division~~department~~),~~ for:

(1) Soybeans;

(2) Rice; or ~~or~~

(3) Wheat; ~~and~~

(c) Flexible minibulk containers ~~(superbugs~~, new or cleaned~~),~~ for:

(1) Soybeans;

(2) Rice; or

(3) Wheat~~.~~;

(B) Blue tag class wheat may be sold in bulk~~,~~ per ~~(see~~ 2 CAR § 34-217~~)~~; ~~and~~and

(8) New moisture tests are not required on lots after treatment ~~(~~with fungicides~~, etc.~~or similar treatments~~)~~ if the lot met the standards for moisture when sampled for complete analysis before treatment~~.~~;

(b) Bulk transfers~~.~~;

(1)~~(A)~~ Seed eligible for certification may be sold from one (1) seedsman to another while in bulk~~,~~ provided that the identity of the seed has been maintained ~~at all times~~ and that the appropriate documents ~~have accompanied~~accompany the shipment~~.~~ ;

(~~B~~2) Contact the ~~board~~ department for specific instructions~~.~~;

(~~C~~3) Inspectors shall make random checks to see that the seed is being properly handled~~.~~;

~~(2) **Note.** See 2 CAR § 34-402 fpr special requirements for processing cottonseed under rules for cotton.~~

~~2 CAR § 34-214. Sampling~~.

~~(~~a)(1) An official sample of each lot of seed to be certified shall be obtained by a representative of the ~~State Plant Board~~department at the request of the applicant~~.~~;

(2) ~~from those lots~~ Lots shall be ~~that are so~~ stored such that a complete representative sample may be drawn from all bags or bins~~.~~;

~~(~~23) ~~These samples~~ Samples will be drawn according to the rules of the ~~Association of Official Seed Analysts~~AOSA~~.~~;

~~(~~34) ~~These samples~~Samples~~, if used as a basis~~ for approving lots for certification~~,~~ shall only be taken ~~only~~ from lots that have been:

(A) cleaned,

(B) assigned a class,

(C) ~~and~~ packed in approved containers, and

(D) ~~each of which is~~ and printed, or stenciled, to show the lot number~~, .~~;

(5)~~5)~~ (A) ~~except that all classes of cottonseed~~ Cottonseed may be sampled in bulk~~,~~ ~~.~~; ~~and~~

(B) ~~blue~~ Blue tag class seed of all other crops may be sampled in bulk provided the seed has been cleaned and graded.

~~(~~b)(1)(A) ~~In order to~~ To secure a representative sample, equal portions shall be taken from evenly distributed parts of the ~~quantity of~~ seed lot to be sampled~~.~~;

~~(~~B) Access shall be ~~had~~ made possible to all parts of that ~~quantity~~lot~~.~~;

~~(~~2)(A) When more than one (1) trierful of seed ~~is~~ are drawn from a bag~~,~~ different paths into the bag shall be ~~followed~~utilized~~.~~;

~~(~~B) When more than one (1) handful is taken from a bag~~,~~ the handfuls shall be taken from well-separated points~~.~~;

~~(~~3) Sampling of seed for certification shall be accomplished by one (1) of the following approved sampling methods:

(A)(i) If the seed is sampled after the processing and closing of the bags, a probe or trier long enough to sample all portions should be used for free-flowing seed.;

(ii) Non-free-flowing seed, such as certain grasses, and other seeds difficult to sample with probe or trier, shall be sampled by thrusting the hand into the bag and withdrawing representative portions.;

(iii) When sampling closed bags in quantities of one (1) to six (6) bags, sample each bag and take a total of at least five (5) trierfuls or handfuls.;

(iv)*(a)* For lots of more than six (6) bags, sample five (5) bags plus at least ten percent (10%) of the number of bags in the lot.;

(b) Regardless of lot size, it is shall not be necessary to sample more than thirty (30) bags; oror

(B)(i)*(a)* If the seed is sampled in bulk, it shall be sampled by automatic sampler, turning the bin, or inserting a long probe or thrusting the hand into the bulk bag, as circumstances requirerequired,.;

*(b)*in atSample at least seven (7) uniformly distributed parts portions of the quantity being sampled.;

(ii) At leastSample at a minimum as many trierfuls or handfuls shall be taken as the minimum which as would be required for the same quantity of seed in bags of a size customarily used for each seed type.

2 CAR § 34-215. Laboratory analysis.

(a)(1) An official laboratory analysis will shall be made by the department's State Plant Board Laboratory Laboratory Services Seed Lab.;

(2)(A) Also,Only aA registered seed technologist, or equivalent certification, approved and licensed employed by the board department may run anoversees all official analysis on seed for the certification of designated crops only.;

————————(B) (i) These Certified seed analyses will be conducted according to the rules of the Association of Official Seed AnalystsAOSA,.; and will be made from

(ii) Certified seed samples shall be obtained by an authorized board department inspectorsemployee. ;

——(b) The sample on which theSamples analyzed for purity analysis and noxious weed seed examination is made will shall not be less than the minimum weights for a working samples sample required by the board's department's certification rules for the that grade and kind of seed type. ;

——(c)(1) Confirmation Confirmatory tests will shall be made conducted on samples by under the guidance of a state employed and approved the board department registered seed technologist, or equivalent certification, on samples tested by a licensed registered seed technologist and used as a basis for the labeling of seed for certification. ;

————(2) Such confirmation tests must shall show that the seed is truthfully labeled and meets the minimum standards for the class and kind of seed type.

——2 CAR § 34-216. Tags and labels for approved containers.

——(a)(1) All classes of certified seed, when offered for sale, shall have an official certification label affixed to each container, clearly identifying the:

——(A) Certifying agencyagent;

——(B) Reference Lot number;

——(C) Kind and variety name; and

——(D) Class of seed. ;

————(2) Chemically treated seed shall be labeled to comply with all the seedstate and federal laws;.

——(b) **Traditional containers**. Each container Containers of certified seed, when sold or offered for sale, shall bear a certification label obtained from the State Plant Boarddepartment or other certifying agent, or an approved label, carrying a complete analysis of the seed and all required labeling.;

(c)(1) Minibulk During conditioning, each minibulk container s such as the flexible or rigid containers containers as listed in 2 CAR § 34-213(a)(7).

(1) During conditioning, each bag willSshall be labeled with:

(A) Kind;

(B) Variety; and

(C) Lot number.;

(2) When offered for sale or sold, each container shall bear a certification label with all required labeling.;

(3)(A) The weight may be left blank when labels are printed and written in ink on each label.;

(B) Seedsmen who have equipment allowing the dispensing of equal weight in each bag of a lot, may use labels with the weight preprinted in.;

(d)(1)(A) Blue-tag bags with/ ppreprinted labels may be imprinted directly on the container in lieu of using tags;.

(1)(A) Labeling for blue tag class seed may be imprinted directly on the container in lieu of using tags.

(B) In this case, the In this case, theThe blue tag class certification label may be printed on the container at the factory.;

(C) Orders for containers Containers printed in this manner shall be require preapproval by the department;filed with the board department for prior approval before being printed.

(D) Each applicant Applicants is are responsible for seeing ensuring that his or hertheir certified seed is correctly bagged and labeled.;

(E) Tags will be issued and orders for labels on preprinted containers will shall only be approved on andon orders orderedorders made from by the applicant only.;

(2)(A) An applicant has the option ofto;

(i) having have the board department print the complete analysis on the certification tag,;

(ii) ~~or he or she may~~ have the tags issued showing ~~his or her~~their permit number or other identification numbers only; or

(iii)~~,~~ ~~if equipped and approved,~~ may ~~themselves~~ themselves label the containers for blue tag class seed in lieu of using tags~~.~~;

~~————~~(B) In cases where the applicant ~~completely~~ prints ~~his or her~~their own tags or labels~~,~~ ~~he or she~~they shall furnish the ~~board~~ department a true copy of a specimen tag or label for each lot ~~so labeled~~ and when the lot was labeled~~.~~;

~~————~~(C) In no case ~~can~~ shall the analysis used for labeling be below the minimum standards established for the class and crop being certified~~.~~;

~~————~~(3) The ~~board~~ department ~~will~~ shall make periodic checks ~~and/or~~or audits to verify the correct use and disposition of:

~~——~~(A) Certified tags;

~~——~~(B) Preprinted containers; and

~~——~~(C) Other labeling devices used~~.~~;

~~——~~(e) ~~(1) **Labeling seed for contract producers.** When an applicant~~ If ~~Applicants~~applicants for certification ~~has who~~ have contract producers under his or her own application, and

~~————~~

~~(2)~~ (2) the seed furnished to these contract producers was grown by the applicant or

~~(3)~~ furnished from any other source, then such seed shall be:

~~——~~(~~1~~A) Identified with a lot number on each container, if bagged; and

~~————~~~~——~~(~~2~~B) Truly represented as to purity and germination with a complete analysis affixed to each container or to the delivery ticket~~.~~;

~~——~~(f) ~~**Securing labels.**~~

~~————~~(1) Certification labels other than those printed on the containers shall be attached to containers in a manner ~~which~~ that prevents easy removal and reattachment~~.~~;

(2) With When using fabric bags or open top paper bags, it is recommended that the tag be sewn on, or sewn in, the top of the bag.;

(3) With When using valve filled paper bags, and plastic bags, or containers, to include metal containers(including metal), it is recommended that the label be glued to the container with an adhesive which prevents removal without destroying the label.;

(4)(A) When Closing closing a of paper, plastic, and or metal container, s will vary.

(B) The the most satisfactory method is that of cementing the closure with an adhesive (glue, pressure sensitive thermoplastic, etc.) , whichthat prevents entry to the container without leaving noticeable evidence of such tampering. ;

(CB) Cementing the certification label over the enclosure is recommended where practical.;

(5)(A) Special stapling devices may be used to seal the package and attach the certification label. ;

(B) Any suchThe staple used should be unique to certification, with a distinctive design or lettering. ;

(C) Ordinary stapling devices are not recommended, but may be used.;

(6) "Valve filled" paper bags shall be considered adequately closed and sufficiently tamper-proof.;

(7)(A) Minibulk containers, such as the flexible or rigid, containers as listed in 2 CAR § 34-213(a)(7).

(B) After after being filled and sampled for class, the bag shall be sealed with a seal. ;

(CB) Before shipping and after approval for class, the The label will shall be attached and sealed to prevent removal before shipping and after approval for class.

2 CAR § 34-217. Certification of seed in bulk seed.

(a)(1)(A) Seed eligible for bulk certification shall meet ~~all~~ all field and clean seed standards for certified seed as specified in this part~~.~~;

(B) ~~All rules~~ Rules for production, conditioning, and testing of certified seed shall apply, except that seed does not have to be in bags~~.~~;

(2) Limitations:

(A) Only the seed of wheat may be certified in bulk;

(B) Certification of seed in ~~the~~ bulk shall be limited to the certified ~~(BT) Blue Tag~~blue tag class;

(C) Lots are limited to the size of the bin;

(D) Seed certified in ~~the~~ bulk and sold in ~~the~~ bulk shall not be eligible for recertification;

(E)(i) If the ~~any~~ seed is bagged ~~out of~~from a dedicated bulk bin after the conditioning and sampling for the blue tag certified class ~~of the bulk lot~~ is completed ~~,~~ a voided bulk certificate for the amount bagged ~~must~~ shall be sent to the department~~certification office.~~ ;

(ii) **~~Reminder.~~** Certified labels on bagged seed ~~must have~~shall include the ~~originating~~ original certified grower's certification number~~; and.~~; and

(F)(i) Bulk sales shall be limited to a maximum of two (2) movements:

(a) From the applicant producer to an approved retailer or consumer; and

(b) From the approved retailer directly to the consumer who will plant the seed~~.~~;

(ii) ~~Form 24 bulk~~ Bulk transfers of seed between certified growers~~,~~/ or seedsmen, are unlimited~~;~~.

(b) **~~Application for bulk certification.~~**

(1)(A) ~~In order for a seedsman/, producer~~ Producers ~~,~~ and ~~or retail facility~~ retail facilities who ~~to~~ sell bulk-certified ~~seed~~wheatwheat seed~~,~~ must file an application for bulk certification~~;~~ and

(B) an order ~~an~~ for bulk certificates ~~must be made to~~must be requested from the ~~State Plant Board Seed Certification Office~~department~~,~~ no later than December 15 ~~for wheat.~~;

~~(B~~C)(i) Retail seed facilities that are not certified producers~~/~~ or dealers must secure approval from the ~~State Plant Board~~department~~.~~ ;

~~(~~ii) ~~Application~~ The application for a retail facility to sell bulk-certified seed from their facility ~~will~~ shall be approved after the applicant's storage facility has been inspected and the acceptable procedures for maintaining the identity of the certified seed have been demonstrated, to include:

(*a*) ~~receiving~~Receiving,

(*b*) ~~(*b*)s~~Storing,

(*c*) ~~dispensing~~Dispensing, and

(*d*) ~~record~~ Record keeping ~~for maintaining identity of the seed have been demonstrated.~~;

~~(~~2)(A)(i) ~~Each seedsman and/or retail~~ Retail seed ~~facility~~ facilities ~~must~~ shall have in force a current Arkansas bulk certification permit for each location where bulk seed ~~will~~ is~~be~~ sold~~.~~ ;

~~(~~ii) ~~Each facility~~ The facility ~~will~~ shall be subject to inspection by the ~~board~~ department to ensure acceptable procedures are being used in the handling, storing, dispensing, and record keeping for maintaining the identity of bulk-certified seed~~.~~ ;

~~(~~B) The cost for the bulk certification permit ~~fee~~ is ten dollars ($10.00) ~~for each~~per retail location~~.~~;

~~(~~3) Justified complaints from inspectors ~~and/or~~or consumers of bulk certified seed ~~will~~ shall be handled through the civil penalty enforcement process ~~and/~~or seed arbitration~~.~~;

~~(~~c) ~~**Storage requirements**~~.

(1)(A) A separate storage bin must be available for each variety that will be sold in bulk.;

(B) Lots purchased from other certified dealer/ dealers or producers must be maintained as separate lots.;

(2)(A) All bins Bins must be clearly and prominently marked to show crop type and variety.;

(B) The identity of all bulk lots, (by the use of bin designations and lot numbers,) must shall be maintained until the entire lot is disposed of.;

(3)(A) Storage conditions must shall be such that genetic purity and identity can beare maintained.;

(B) All bins Bins must shall be constructed so such that bin openings can be kept closed to prevent contamination.;

(d) **Records — Bulk certificate fees.**

(1)(A) The A serially numbered bulk certified seed certificate takes the place ofreplaces the certified seed tag.;

(i) The buyer must shall receive a certificate for each load of bulk-certified seed.;

(ii) The required labeling information of the seed sold willshall be preprinted on the certificates, or written in ink, on the bulk certificate at the time of the sale.;

(iii) A copy of the certificate and any voided certificatescertificates voided must be returned to the seed certification officedepartment at the end of the season.;

(B) Bulk certificates (used for all the sales including aor the movement of the seed) from a certified dealer/ or producer to a bulk retail facility or farmer will shall cost twenty-five cents (25¢) each.;

(C)) (i) Copies of each bulk certificates and a fee sum cost of eight cents (8¢) per bushel for the total amount sold as bulk certified shall be returned to the certification officedepartment at the end of each crop season.;

(ii) The deadline is ~~(~~January 15 for wheat~~).~~;

(2)(A) The following records must be maintained:

(i) The amount of seed grown, conditioned, or purchased for bulk sale;

(ii) The amount of bulk seed sold by variety and lot number; and

(iii) Current inventory of seed available for sale of each variety~~.~~;

(B)(i) ~~(*a*) At the end of each crop season (January 15 for wheat), a~~ A bulk~~-~~ certified sales summary for each variety and lot number shall be sent to the ~~certification office~~department regarding all sales of bulk~~-~~ certified seed at the end of each crop season~~.~~;

~~(*b*) The deadline for wheat is January 15.~~

(ii) Copies of retail certificates used, as well as all unused certificates, shall be returned to the department at this time~~.~~;

(e) ~~**Sampling.**~~

(1) Official samples for a complete test ~~must~~ shall be drawn from the cleaned seed after conditioning ~~and/~~or treating~~.~~;

(2) ~~After the official sample is taken, no~~ No additional seed may be added to the lot after the official sample is taken.

2 CAR § 34-218. Sale of seed.

Certified seed of any crop cannot be sold as ~~such~~certified~~-~~, under any class, until the seed has been properly cleaned, assigned a class, packed in approved containers with tags~~/~~ or labels, or, if allowed, in bulk, ~~(for seed allowed to be sold in bulk)~~ accompanied ~~with~~ by a bulk certificate.

2 CAR § 34-219. Substandard seed in emergencies.

(a) ~~It is recognized that in~~During an emergency, such as unfavorable weather conditions, ~~much~~ seed necessary for the advancement of crop improvement ~~would~~ may be lost if regular certification standards are adhered to~~.~~;

——(b) ~~Therefore, under~~ Under such circumstances, seed failing to meet certification standards other than those reasons affecting genetic purity may be certified, provided there is no injury to the reputation of certified seed~~.~~;

——(c) (1) Seed not meeting certification standards may not be distributed without the permission of the department~~.~~;

(2) The department shall contact the seed breeder of the variety for permission; and~~;~~

(3) verify a valid seed shortage of the variety by

(A) contacting the ~~Association of Seed Certifying Agencies~~AOSCA; or

(B) ~~or~~ other pertinent agencies.

——2 CAR § 34-220. Interagency certifications.

——(a) Interagency certification may be accomplished by the participation of more than one (1) official certifying agency ~~in performing the services required to certify a lot of seed.~~;

——(b)(1) Arkansas certification standards, or comparable standards of other official seed-certifying agencies ~~must~~ shall be met if the ~~State Plant Board~~department is to issue interagency certification tags~~.~~;

————(2) This includes the requirement that all certified seed ~~to be~~ tagged by the ~~board~~ department ~~must~~ shall be analyzed by the ~~board's~~ department's seed laboratory~~.~~;

——(c) Seed to be recognized for interagency certification must be received in containers carrying official certification labels or, if shipped for processing, evidence of its eligibility from another official certifying agency, together with the following information:

——(1) Variety~~,~~ ~~(~~if certified as to variety~~),~~ and kind;

——(2) Quantity of seed ~~(~~in pounds or bushels~~)~~;

——(3) Class of certified seed; and

————(4) Inspection or lot number traceable to the previous certifying agency's records~~.~~;

(d) ~~Each label~~ Labels used in interagency certification shall be serially numbered or carry the certification identity number~~,~~ and clearly identify the certifying agencies involved and the variety~~, (~~if certified as to variety~~)~~, kind, and class of certified seed.

~~2 CAR § 34-221. Responsibilities.~~

(a) Responsibility for any obligations, other than those concerned with certification, arising from the sale or shipment of seed ~~which~~ that has been certified rests with the grower or subsequent handler making the sale or shipment~~.~~;

(b) Performance of the applicant's seed must ~~closely approach~~meet any advertised claims~~.~~;

(c)~~(1) If the applicant cannot give~~ maintain personal supervision to over all ~~operations, a competent and careful person should be put in charge who thoroughly understands the requirements for certified seed production.~~

~~(2)~~ No exceptions ~~can will~~shall be made for the failure of the applicant~~s~~ to follow rules either through neglect or of the failure to understand ~~them~~the rules.

~~2 CAR § 34-222. Special crops.~~

Those crops, if accepted for certification, for which no standards appear in this part, ~~will~~ shall be certified ~~on the basis of~~according to the minimum standards established by the ~~Association of Official Seed Certifying Agencies~~AOSCA.

Subpart 3. Standards for the Certification of Crimson Clover

~~2 CAR § 34-301. Rules for certification.~~

(a) The general seed certification standards are basic, and together with the following specific standards, shall constitute the rules for the certification of crimson clover~~.~~;

(b) Reseeding types of crimson clover, before ~~being certified~~certification, ~~will~~ shall ~~have to~~ be proven to reseed ~~to reseed~~ under Arkansas conditions.

2 CAR § 34-302. Land requirements.

(a) A crop of the same kind must shall not have been grown or planted on the land prior to stand establishment for:

(1) fFive (5) years for Foundation class,

(2) tThree (3) years for Registered class, and

(3) tTwo (2) years for Certified Blue Tag class; prior to stand establishment for producing the foundation, registered, and certified seed classes, respectively.

(b)(1) (A) The land must be free of volunteer plants during the year immediately prior to establishment, however, ;

(B) reseeding Reseeding varieties of crimson clover may be allowed to volunteer back year after year on the same ground. ;

(2) When a new reseeding variety is being planted where another variety once grew, the field history requirements shall apply. ;

(c) No manure or other contaminating material shall be applied the year previousprevious to seeding or during the establishment and productive life of the landstand. .

2 CAR § 34-303. Field standards.

(a) (1) **Isolation.** All fields One rod is equivalent to 16.5 feet.

(a) (2)Fields used for the production ofto produce certified seed must have meet the the following minimum isolation distance from fields of any other variety, or fields of the same variety that do not meet the varietal purity requirements for certification, as given in the table below:

(1) Fields less than five (5) acres:

(A) Sixteen hundred fifty (1,650) feet in the Foundation class;

(B) Nine hundred ninety (990) feet in the Registered class, and

(C) Five hundred (500) feet in the Certified Blue Tag class;

(2) Fields five (5) acres or more;

(A) Nine hundred ninety (990) feet in the Foundation class;

(B) Five hundred (500) feet in the Registered class; and

(C) Three hundred thirty (330) feet in the Certified Blue Tag class;

~~Isolation For~~	~~Foundation~~	~~Registered~~	~~Certified Blue Tag~~
~~Fields of less than 5 acres~~	~~100 rods~~	~~60 rods~~	~~30 rods~~
~~Fields of more than 5 acres~~	~~60 rods~~	~~30 rods~~	~~20 rods~~

Isolation For	Foundation	Registered	Certified Blue Tag
Fields of less than 5 acres	1650 feet	990 feet	495 feet
Fields 5 acres or more	990 feet	495 feet	330 feet

(b) ~~Field inspection~~Inspected fields must be clean of weeds and other varieties to the following minimum standards:~~.~~

(1) The maximum number of other varieties that can be distinguished from the desired variety allowed shall be:

(A) None in the Foundation class;

(B) One (1) plant in five thousand (5000) or zero point zero two percent (0.02%) in the Registered class, and

(C) One (1) plant in two thousand (2000) or zero point zero five percent (0.05%) in the Certified Blue Tag class;

(2)(A) None in any class

	~~MAXIMUM PERMITTED IN EACH CLASS~~		
~~Factor~~		~~Registered~~	~~Certified Blue Tag~~
~~Other Varieties (1)~~	~~None~~	~~.02%~~ ~~(1 in 5,000)~~	~~.05%~~ ~~(1 in 2,000)~~

~~Objectionable Noxious Weeds (2)~~	~~None~~	~~None~~	~~None~~

	MAXIMUM PERMITTED IN EACH CLASS		
Factor	**Foundation**	**Registered**	**Certified Blue Tag**
Other Varieties (1)	None	< 0.02%	< 0.05%
		(1 in 5,000)	(1 in 2,000)
Objectionable Noxious Weeds (2)	None	None	None

~~(1) Other varieties shall be those plants that can be differentiated from the variety being inspected.~~

~~(2)~~ (B) Objectionable noxious weeds shall ~~shall~~ include:

(~~A~~1) Field bindweed;

(~~B~~2) Nutgrass;

(~~C~~3) Dodder;

(~~D~~4) Wild onion or wild garlic;

(~~E~~5) Johnson grass;

(~~F~~6) Balloon vine;

(~~G~~7) Serrated tussock;

(~~H~~8) Itchgrass; and

(~~I~~9) Tropical soda apple~~.~~;

~~**2 CAR § 34-304. Standards for cleaned seed.**~~

	~~**STANDARDS FOR EACH CLASS**~~		
~~**Factor**~~	~~**Foundation**~~	~~**Registered**~~	~~**Certified Blue Tag**~~
~~Pure Seed (minimum)~~	~~98%~~	~~98%~~	~~98%~~
~~Other Varieties or Other Crop (maximum)~~	~~18 per lb.~~	~~18 per lb.~~	~~27 per lb.~~

~~Other Noxious Weeds & Crops (b)~~	~~None~~	~~None~~	~~None~~
~~Objectionable Weeds (a)~~	~~None~~	~~18 per lb.~~	~~27 per lb.~~
~~Total Weed Seed (maximum)~~	~~.25%~~	~~.25%~~	~~.5%~~
~~Inert Matter (maximum)~~	~~2%~~	~~2%~~	~~2%~~
~~Germination, Including Hard Seed (minimum)~~	~~85%~~	~~85%~~	~~85%~~

(c) Cleaned seed must meet the following standards:

(1) Minimum allowed pure seed shall be ninety-eight (98) percent in all classes;

(2) Maximum allowed other varieties or other crops shall be;

(A) Eighteen (18) per pound for Foundation and Registered classes;

(B) Twenty-seven (27) per pound for Certified Blue Tag class;

(3)(A) Other Noxious Weeds of Arkansas and Other Crops have zero tolerance in all classes;

(B) In addition to the listed objectionable weeds, seed of any class shall be free of the seeds and bulbs of:

(1) Mustards;

(2) Rapes; and

(3) Turnips;

(4)(A) The maximum allowed amount of objectionable weed seeds are:

(1) None in Foundation class;

(2) Eighteen (18) per pound in Registered class; and

(3) Twenty-seven (27) per pound in Certified Blue Tag class.

~~(a)~~ (B) Objectionable ~~weeds~~ weed seeds shall include:

(1) Perennial wild geranium (*Geranium maculatum*);

(2) Cleavers (*Galium aparine*);

(3) Darnel;

(4) Corncockle; and

(5) Buckhorn plantain.

~~(b) Crimson clover certified for any class shall be free of seeds and/or bulbs of all the other noxious weeds of Arkansas not listed above, and also:~~

(C) The total weed seed maximum shall be:

(1) zero point two five percent (0.25%) in foundation and registered classes; and

(2) zero point five zero percent (0.50%) in the certified blue tag class;

(D) The maximum inter matter allowed shall be two percent (2%) in all classes; and

(E) The minimum germination rate including hard seed shall be eighty-five percent (85%) in all classes.

~~(1) Mustards;~~

~~(2) Rapes;~~

~~(3) Turnips;~~

~~(4) Balloon vine;~~

~~(5) Serrated tussock;~~

~~(6) Itchgrass; and~~

~~(7) Tropical soda apple.~~

Subpart 4. Standards for the Certification of Cottonseed

2 CAR § 34-401. Cottonseed rules for certification.

The general seed certification standards are basic, and together with the following specific standards, shall constitute the rules for the certification of cotton.

2 CAR § 34-402. Licensed cotton breeders.

(a) A licensed cotton breeder producing foundation ~~and~~ or registered seed shall maintain a complete cotton breeding unit consisting of single stalk selections, inbred

lines, or hybrids planted in "plant-to-row, or mass selection plots" and first-, second-, and third-year multiplication plots and producing fields, all of which shall be well marked so that their identity in the field is maintained~~.~~;

~~——~~(b) Complete records shall be kept showing the planting scheme~~,~~ giving comparative data on the characteristics of the ~~above work~~crops for at least three (3) years~~.~~;

~~——~~(c)(1) ~~He or she~~They shall have available for use such small gins, scales, and other equipment ~~that is~~ necessary to efficiently process the breeding plots~~.~~;

~~——~~(2) ~~Said equipment~~ Equipment and records shall be available for inspection by the ~~State Plant Board representatives~~department at all times.

~~——~~2 CAR § 34-403. Application and classes.

~~——~~(a)(1) ~~Application~~ Applications ~~for the production of~~to produce foundation, registered, or certified blue tag ~~certified~~ seed ~~must~~ shall cover the entire cotton acreage of the applicant, including the entire acreage of tenants and contract growers~~.~~;

~~————~~(2) ~~(~~A) Contract growers for a licensed plant breeder ~~may~~ shall ~~only~~ produce one (1) variety on any farm unit~~;~~ ~~or as~~

(B) ~~per or per specifications of~~unless authorized differently by the originating breeder ~~and/~~or institution~~,~~ ~~and approved~~with prior approval ~~of by~~ the ~~State Plant Board~~department~~.~~;

~~————~~(3) ~~(~~A) Applicants producing certified seed shall produce only one (1) variety~~,~~ ~~.~~

(B)(i) ~~except that if~~ unless the applicant or ~~his or her~~their tenants or contract growers have other farms which are operated as separate units as to labor and equipment~~,~~;

(ii) ~~these~~ These units may be planted either with noncertified cotton or with certified cotton of another variety or class~~.~~;

~~——~~(b) Applications ~~must~~ shall be filed with the ~~board~~ department by July 1, so ~~an inspector~~the department may ~~check~~ inspect and sample the seed to be planted.

2 CAR § 34-404. Field standards.

(a)(1) The isolation distances required for the various classes is are shown in the table belowshall be:

(1) Fifteen (15) feet from cottons of similar staple length and plant characteristics in all classes;

(2) From cottons of widely different staple length and plant characteristics:

(A) Three hundred (300) feet in Foundation and Registered class; and

(B) One hundred (100) feet in Certified Blue Tag class;

Class	Cottons of similar staple length and plant characters:	Cottons of widely different staple length and plant
Foundation	15 ft.	300 ft.
Registered	15 ft.	300 ft.
Blue Tag Certified	15 ft.	100 ft.

(23) **Notes.** The isolation required from cottons cotton varieties, such as red or sea island, shall be one-fourth (1/4) mile.;

(b)(1)(A)(4) Cotton To avoid disqualification, cCotton plants existing in adjoining fields, if within the applicable distances shown in the table above, must shall be destroyed by disking or shredding. ;

(b) (B) Otherwise, the field will be disqualified.

(21) Cutting back, or destroying cotton plants by disking or shredding, is the only acceptable method of removing unacceptable cotton types or varieties.; Marking off the too-near strip, picking and ginning it separately, or furnishing certified seed to be planted in the too-near strip is not permissible in lieu of cutting back, nor is the use of barrier rows of corn or sorghum in place of these distances.

(32) If a field is cut back and destroyed by disking or shredding, this must be verified by a State Plant Board inspectordepartment inspector before the field is picked.;

(c) If a field is disqualified, this will also disqualify all other cotton which that is produced with the same labor and equipment unless arrangements can beare made, satisfactory to the boarddepartment, for the separate harvesting and ginning of the disqualified field. ;

Example:

If one (1) of a contract grower's fields is disqualified because of varietal mixture, or nearness to other cotton, all other fields of this contract grower, which are farmed with the same labor and equipment, would be thrown out unless satisfactory arrangements can be made to harvest and gin the disqualified field separately.

(d) Fields for certification shall meet the following standards shown in the table below at the time the field fields inspection is madeis inspected:

(1) The maximum number of definite other varieties, including off-type plants allowed are:

(A) None in Foundation class;

(B) One (1) plant per acre in Registered class; and

(C) Five (5) plants per acre in Certified Blue Tag class;

(2) The following weeds shall have zero tolerance in any class:

(A) Balloon vine;

(B) Serrated Tussock; and

(C) Itchgrass.

	MAXIMUM PERMITTED IN EACH CLASS		
Factor	**Foundation**	**Registered**	**Certified Blue Tag**
Other varieties- definite including off-type plants	None	1 plant per acre	5 plants per acre

~~Balloon vine, Serrated Tussock and Itchgrass~~	~~None~~	~~None~~	~~None~~

2 CAR § 34-405. Ginning and storage.

(a)(1)(A) A licensed plant breeder shall show that ~~he or she has~~they have complete control of a gin upon which no other cotton shall be ginned for the season except that cotton being grown under ~~his or her~~their own application.

(B) If the breeder does not own the gin~~, then~~ a copy of the contract with the owner showing sole use of the gin by the breeder must be supplied to the ~~State Plant Board~~department~~.~~ ;.

(C) If a licensed plant breeder can fulfill all other rules ~~herein~~ but has insufficient acreage to enable ~~him or her~~them to ~~get~~ control ~~of~~ a separate gin ~~, this fact may be made known to the Director of the State Plant Board, and if it shall appear practical,~~ the ~~director~~ department may grant special permission for such cotton to be ginned on a custom gin, provided, before doing so, the applicant ~~will furnish~~furnishes a copy of the ginning contract, showing permission for dropping the rolls and ~~otherwise~~ thoroughly cleaning the gin according to the ~~board~~ department's seed certification gin clean-up procedures:

(i)*(a)* The ~~State Plant Board Seed Certification Office~~department ~~will~~ shall be notified in advance of the scheduled ginning of certified cotton~~.~~ ;

(b) Notification will be repeated ~~,~~ when changing varieties~~,~~ and before ginning ~~the~~ a new variety;

(ii)*(a)* The gin must be thoroughly cleaned ~~just~~ prior to ginning any foundation or registered class cotton~~.~~ ;

(b) This includes dropping the rolls and ~~making sure~~ensuring all conveyers and seed handling systems are cleaned~~.~~ ;

(c) Floors ~~should~~ shall be swept or blown free of all seed cotton~~.~~;

(d) This ~~should~~ shall be followed by a minimum five-minute ~~or more,~~ dry run of the gin ~~until all~~to ~~loose~~ loosen and eliminate seed ~~is eliminated~~ from the system;

(iii) After start-up, the gin operator shall gin three (3) bales per stand and divert them to an alternate location before saving any planting seed;

(iv) Seed company representatives ~~will~~ shall~~;~~:

(a) supervise the clean-ups~~,~~;

(b) complete and sign the Gin Inspection Form~~;~~; and

(c) ~~sending~~ submit the original to the ~~Arkansas State Plant Board Seed Certification Office~~department~~.~~;~~.~~; ~~and~~

(v) The ~~board~~ department may audit the above procedures as deemed necessary~~.~~;

(2) ~~All ginning~~ Ginning records ~~must~~ shall be ~~kept available~~maintained for audit by~~ to~~ the ~~director~~ departmentand ~~his or her deputies~~ on request~~.~~;

(3) The ~~director~~ Director of the ~~Plant Industries Division~~State Plant Board is empowered to ~~lay down~~create special rules of ginning for applicants in individual cases~~.~~;

(4) Foundation or registered seed ginned on a custom gin ~~must~~ shall be stored in a building or room ~~which~~ that has no direct connection with the gin~~,~~ such as pipes or augers~~.~~;

(b)(1) Blue tag certified cotton and registered class cotton grown by ~~anyone other than~~ a licensed plant breeder, or under his or her contract, shall be ginned on a certified one-variety gin~~, that is, one which, after being thoroughly cleaned,~~that has been ~~is~~ inspected and certified by the ~~board~~ department as capable of maintaining a seed purity equal to or better than that required by the standards set for certified seed of the variety and class being produced~~.~~;

(2) It shall then become and remain a one-variety gin for as long as it subsequently gins the one (1) variety, strain, or class for which it has been certified and complies with all other board certification rules.;

(c)(1) The gin, methods of handling the seed, and the seed storage must shall be inspected and approved in advance of the ginning season by as many inspections, as deemed necessary by the certifying agencydepartment.; ,

(2) Inspections shall also be made during the ginning and processing season.;

(23) The inspector department will shall examine gin records, check methods of handling seed, condition of storage, and thoroughness of cleaning seed, to see that all rules have been met.

2 CAR § 34-406. Processing seed.

(a)(1) If seed is processed at an applicant's own plant, both the storage at the processing plant and all handling and processing machinery shall be thoroughly cleaned, then inspected, and approved before the seed is processed.;

(2)(A) A licensed plant breeder shall may be permitted to process his or her Arkansas-grown seed in his or her own plant outside the state subject to prior approval.;

(B) However, the plant must be within a reasonable distance of the state border so that it can be properly supervised by the State Plant Boarddepartment, otherwise all other cottonseed for certification shall be processed on a plant within the state borders.;

(b) If cottonseed for certification is to be processed on a custom plant, the following conditions shall be met:

(1)(A) All storageStorage, processing, and handling equipment shall be completely cleaned of other seeds, then inspected and approved by a board department representative prior to processing the seed.;

(B) No inspection shall be necessary when changing from one (1) applicant's seed to another's applicant's seed of the same variety, and the same or lower class;

(2) If the seed is delivered to the processing plant in bulk~~,~~ it shall be in the applicant's own cleaned truck~~,~~ unless otherwise authorized by the department;

(3) The seed shall be bagged as it is processed in containers that are printed, stenciled, or tagged in some way to identify the:

(A) Applicant;

(B) Lot number; and

(C) Variety~~; and~~;.

(4) The processor shall keep a daily record of all seed processed, both certified and non-certified, which shall be made available for inspection at any time.

2 CAR § 34-407. Cleaned Seed standards.

Cleaned seed must meet the following standards for the class indicated.

(a) There is no tolerance for the seeds of other crops in any class;

(b) The maximum number of Cocklebur seeds allowed are:

(1) None in the Foundation class;

(2) One (1) in four (4) pounds in the Registered class; and

(3) One (1) in two (2) pounds in the Certified Blue Tag class;

(c) There is no tolerance for other noxious weeds in any class;

(d) The maximum number of total weed seed allowed is:

(1) None in the Foundation class;

(2) Zero point zero one percent (0.01%) in the Registered class; and

(3) Zero point zero two percent (0.02%) in the Certified Blue Tag class;

(e) The maximum amount of inert matter allowed is one (1) percent in all classes;

(f) The maximum amount of moisture allowed is twelve (12) percent in all classes;

(g) The minimum germination rate allowed is eighty (80) percent in all classes.

	~~STANDARDS FOR EACH CLASS~~		
~~Factor~~	~~Foundation~~	~~Registered~~	~~Certified Blue~~

~~Other crop~~	~~None~~	~~None~~	~~None~~
~~Cocklebur (maximum)~~	~~None~~	~~1 seed in 4 lbs~~	~~1 seed in 2 lbs~~
~~Other Noxious Weeds including~~	~~None~~	~~None~~	~~None~~
~~Total Weed Seed (maximum)~~	~~.0%~~	~~.01%~~	~~.02%~~
~~Inert Matter (maximum)~~	~~1%~~	~~1%~~	~~1%~~
~~Moisture (maximum)~~	~~12%~~	~~12%~~	~~12%~~
~~Germination (minimum)~~	~~80%~~	~~80%~~	~~80%~~

Subpart 5. Standards for the Certification of Cowpeas

~~2 CAR~~ § 34-501. Cowpeas certification rules.

~~The~~ general seed certification standards are basic, and together with the following specific standards, shall constitute the rules for the certification of cowpeas.

~~2 CAR~~ § 34-502. Land requirements.

~~A~~ crop ~~will~~ shall not be eligible for certification if planted on land where cowpeas, other than a certified crop of the same variety, were grown in the previous two (2) years.

~~2 CAR~~ § 34-503. Isolation.

~~(a)~~ A field ~~for certification must~~ shall be isolated from other cowpeas by at least thirty feet (30’~~).)~~;.

~~(b)~~ No isolation shall be required ~~I~~if the adjoining field is of the same variety and is also being certified~~, then. no isolation would be required.~~

~~2 CAR~~ § 34-504. Field standards.

Fields must meet the following standards at the time of inspection.

(a) The maximum number of other definite varieties is:

(1) None in the Foundation class;

(2) Two (2) plants per acre in the Registered class; and

(3) Four (4) plants per acre in the Certified Blue Tag class;

(b) The following weeds shall have zero tolerance in any class:

(1) Field Bindweed;

(2) Balloon Vine;

(3) Serrated Tussock; and

(4) Itchgrass;

(c) A small amount of Johnson grass may be accepted in all classes.

	~~STANDARDS FOR EACH CLASS~~		
~~Factor~~	~~Foundation~~	~~Registered~~	~~Certified Blue Tag~~
~~Other Varieties (definite)~~	~~None~~	~~2 plants per acre~~	~~4 plants per acre~~
~~Field Bindweed, Balloon vine~~Vine, ~~Serrated Tussock, Itchgrass~~	~~None~~	~~None~~	~~None~~

~~Note. Only a~~ A ~~small amount of Johnson grass in the field will be accepted.~~

2 CAR § 34-505. Standards for cleaned seed.

Cleaned seed shall meet the following standards.

(a) The minimum pure seed allowed shall be ninety-eight (98) percent in all classes;

(b) The maximum number of other varieties allowed shall be:

(1) None in the Foundation class;

(2) One (1) seed in four (4) pounds in the Registered class; and

(3) One (1) seed in two (2) pounds in the Certified Blue Tag class;

(c) The maximum amount of inert matter allowed is two (2) percent in all classes;

(d)(1) There is no tolerance for objectionable noxious weeds in any class;

(2) The objectionable noxious weeds shall include:

(A) Field bindweed;

(B) Wild onion;

(C) Wild garlic;

(D) Johnson grass;

(E) Nutgrass;

(F) Bermudagrass;

(G) Crotalaria;

(H) Balloon vine;

(I) Serrated tussock;

(J) Itchgrass; and

(K) Tropical soda apple;

(e) The maximum allowed amount of seeds of other noxious weeds or other crops shall be:

(1) One (1) seed in four (4) pounds in the Foundation and Registered classes; and

(2) One (1) seed in two (2) pounds in the Certified Blue Tag class;

(f) The minimum allowed germination rate in all classes shall be eighty (80) percent.

	~~STANDARDS FOR EACH CLASS~~		
~~Factor~~	~~Foundation~~	~~Registered~~	~~Certified Blue~~
~~Pure Seed (minimum)~~	~~98%~~	~~98%~~	~~98%~~
~~Other Varieties (maximum)~~	~~None~~	~~1 in 4 lbs.~~	~~1 in 2 lbs.~~
~~Inert (maximum)~~	~~2%~~	~~2%~~	~~2%~~
~~Objectionable Noxious Weeds~~	~~None~~	~~None~~	~~None~~
~~Other Noxious Weeds or Other Crop (maximum)~~	~~1 in 4 lbs.~~	~~1 in 4 lbs.~~	~~1 in 2 lbs.~~
~~Germination (minimum)~~	~~80%~~	~~80%~~	~~80%~~

~~Objectionable noxious weeds shall include:~~

~~(1) Field bindweed;~~

~~(2) Wild onion;~~

~~(3) or wild~~ Wild garlic~~;~~

~~(3~~4) ~~Johnson grass;~~

~~(4~~5) ~~Nutgrass;~~

~~(56) Bermuda grass~~Bermudagrass~~;~~

~~(67) Crotalaria;~~

~~(78) Balloon vine;~~

~~(89) Serrated tussock;~~

~~(910) Itchgrass; and~~

~~(1011) Tropical soda apple.~~

Subpart 6. Standards for the Certification of Tall Fescue

~~2 CAR~~ § 34-601. Tall fescue certification rules.

~~The~~ general seed certification standards are basic, and together with the following specific standards~~,~~ shall constitute the rules for the certification of fescue.

~~2 CAR~~ § 34-602. Land requirements.

~~(~~a) The production of foundation class seed shall be on land that has not grown or been seeded to the same species during the previous five (5) crop years~~.~~;

~~(~~b) The production of ~~the~~ registered or certified blue tag classes shall be on land that has not grown or been seeded to the same species during the previous crop year ~~,~~ ~~except~~ it was a certified class of the same variety equal or superior to that of the crop seeded.

~~2 CAR~~ § 34-603. Field standards.

Fields shall meet the following standards:

(a) The maximum number of other definite varieties allowed are:

(1) None in the Foundation class;

(2) One (1) plant in five thousand (5000) or zero point zero two percent (0.02%) in the Registered class; and

(3) One (1) plant in two thousand (2000) or zero point zero five percent (0.05%) in the Blue Tag Certified class;

(b)(1) There is zero tolerance for objectionable noxious weeds in any class;

(2) Objectionable noxious weeds shall include:

(A) Field bindweed;

(B) Johnson grass;

(C) Wild onion

(D) wild garlic;

(E) Balloon vine;

(F) Serrated tussock;

(G) Itchgrass; and

(H) Tropical soda apple;

(c) Isolation of the field from other varieties or strains of the same species in bloom at the same time shall be:

(1) Thirteen hundred and twenty (1320) feet in the Foundation class;

(2) Six hundred and sixty (660) feet in the Registered class; and

(3) Three hundred and thirty (330) feet in the Blue Tag Certified class.

	~~STANDARDS FOR EACH CLASS~~		
~~Factor~~	~~Foundation~~	~~Registered~~	~~Certified Blue~~
~~Other Varieties (definite)~~	~~None~~	~~.02% (1 in 5,000)~~	~~.05% (1 in 2,000)~~
~~Objectionable Noxious Weeds (a)~~	~~None~~	~~None~~	~~None~~
~~Isolation (b)~~	~~80 rods~~	~~40 rods~~	~~20 rods~~

~~(a) Objectionable noxious weeds shall include:~~

~~(1) Field bindweed;~~

~~(2) Johnson grass;~~

~~(3) Wild onion or~~

~~(4) wild garlic;~~

~~(45) Balloon vine;~~

~~(56) Serrated tussock;~~

~~(67) Itchgrass; and~~

~~(78) Tropical soda apple.~~

~~(b) This isolation is required from other varieties or strains of the same species in bloom at the same time.~~

2 CAR § 34-604. Standards for cleaned seed.

Cleaned seed shall meet the following standards.

(a) The minimum pure seed allowed shall be ninety-eight (98) percent in all classes;

(b) The maximum allowed number of seeds of other varieties shall be:

(1) Nine (9) per pound in the Foundation class;

(2) Eighteen (18) per pound in the Registered class; and

(3) Forty-five (45) per pound in the Blue Tag Certified class;

(c)(1) There is no tolerance for the seeds of objectionable noxious weeds in any class;

(2) Objectionable noxious weeds shall include:

(A) Field bindweed;

(B) Wild onion;

(C) wild garlic;

(D) Johnson grass;

(E) Nut grass;

(F) Bermudagrass;

(G) Crotalaria;

(H) Balloon vine;

(I) Serrated tussock;

(J) Itchgrass; and

(K) Tropical soda apple;

(d) The maximum allowed number of seeds of other noxious weeds or other crops shall be:

(1) Eighteen (18) per pound in the Foundation class;

(2) Twenty-seven (27) per pound in the Registered class; and

(3) Forty-five (45) per pound in the Certified Blue Tag class;

(e) The maximum allowed amount of total weed seed shall be:

(1) Zero point three percent (0.3%) in Foundation and Registered classes; and

(2) Zero point five percent (0.5%) in Certified Blue Tag class;

(f) The minimum allowed germination rate shall be eighty (80) percent in all classes.

	STANDARDS FOR EACH CLASS		
Factor	Foundation	Registered	Certified Blue Tag
Pure Seed (minimum)	98%	98%	98%
Other varieties	9 per lb.	18 per lb.	45 per lb.
Objectionable Noxious Weeds (a)	None	None	None
Other Noxious Weeds or Other Crop	18 per lb.	27 per lb.	45 per lb.
Total Weed Seed (maximum)	.3%	.3%	.5%
Inert Matter (maximum)	2%	2%	2%
Germination (minimum)	80%	80%	80%

(a) Objectionable noxious weeds shall include:

(1) Field bindweed;

(2) Wild onion; or

(3) wild garlic;

(34) Johnson grass;

(45) Nut grass;

(56) Bermuda grassBermudagrass;

(67) Crotalaria;

(78) Balloon vine;

(89) Serrated tussock;

(910) Itchgrass; and

~~(1011) Tropical soda apple.~~

Subpart 7. Standards for the Certification of Lespedeza

2 CAR § 34-701. Lespedeza certification rules.

(a) The general seed certification standards are basic~~,~~ and together with the following specific standards~~,~~ shall constitute the ~~regulations~~ rules for the certification of lespedeza~~.~~;

(b) The Marion variety of Striate lespedeza is allowed to be certified if it meets the ~~Association of Official Seed Certifying Agencies (AOSCA)~~AOSCA ~~-~~standards for lespedeza.

2 CAR § 34-702. Land requirements.

(a) A crop of the same kind ~~must~~ shall not have been grown or planted on the land prior to stand development for:

(1) ~~f~~Five (5) years for Foundation class;

(2) ~~, t~~Three (3) years for Registered class~~, ~~; and

(3) ~~t~~Two (2) years ~~prior to stand establishment for producing the foundation, registered, and certified seed classes, respectively.~~for Certified Blue Tag class;

(b)(1) During the year ~~immediately~~ prior to the seeding of any ~~class of~~ seed class~~,~~ the land shall be free from volunteer plants~~. ~~;

(2) No manure or other contaminating material shall be applied the previous year ~~previous~~ to seeding or during the establishment and productive life of the stand.

2 CAR § 34-703. ~~Field standards. Isolation~~Field Standards

(a) **Isolation.**

~~(a) **Isolation**.~~ (1)

~~(1)~~ Lespedeza for certification ~~must~~ shall be isolated from any other field not being certified of the same or another variety~~,~~ or a ~~certified~~ field of another certified variety by at least fifteen feet (15’~~). ~~);

~~(2)~~(~~b~~2) If the adjoining field has been sown broadcast~~,~~ ~~this~~ the distance of separation must be at least thirty feet (30').

(b) **Field Inspections.**

Fields inspections must meet the following standards.

(1) The maximum number of other varieties allowed shall be:

(A) One (1) plant in five thousand (5000) or zero point zero two percent (0.02%) in the Foundation class;

(B) Three (3) plants in ten thousand (10000) or zero point zero three percent (0.03%) in the Registered class; and

(C) One (1) plant in two thousand (2000) or zero point zero five percent (0.05%) in the Blue Tag Certified class.

(2) There shall be no tolerance for objectionable noxious weeds in any class;

(A) Objectionable noxious weeds shall include:

(i) Field bindweed;

(ii) Wild onion;

(iii) Dodder;

(iv) Johnson grass;

(v) Balloon vine;

(vi) Serrated tussock;

(vii) Itchgrass; and

(viii) Tropical soda apple;

(3) Fields shall be inspected each year a crop of seed for certification is harvested whether lespedeza was seeded the same year or was a volunteer stand.

CAR § 34-704. Standards for cleaned seed.

Cleaned seed shall meet the following standards.

(a) The minimum pure seed allowed shall be ninety-eight (98) percent in all classes;

(b) The maximum number of seeds of other varieties or other crops allowed shall be:

(1) Twenty-seven (27) per pound in the Foundation class; and

(2) Forty-five (45) per pound in the Registered and Certified Blue Tag classes;

(c)(1) There is no tolerance for the seeds of objectionable noxious weeds in any class;

(2) Objectionable noxious weeds shall include:

(A) Field bindweed;

(B) Wild onion;

(C) Wild garlic;

(D) Johnson grass;

(E) Nut grass;

(F) Bermudagrass;

(G) Crotalaria;

(H) Balloon vine;

(I) Serrated tussock;

(J) Itchgrass; and

(K) Tropical soda apple;

(d) The maximum number of seeds of other noxious weeds or other crops allowed shall be:

(1) Twenty-seven (27) per pound in the Foundation class; and

(2) Forty-five (45) per pound in the Registered and Certified Blue Tag classes;

(e) The maximum amount of inert matter allowed shall be two (2) percent in all classes;

(f) The maximum allowed amount of total weed seeds allowed shall be:

(1) Zero point five (0.5) percent in the Foundation class; and

(2) One (1) percent in the Registered and the Certified Blue Tag classes;

(g) The minimum germination rate including hard seeds allowed shall be eighty (80) percent in all classes.

~~(b) **Field inspection.**~~

~~**2 CAR § 34-705. Field Standards**~~

	~~**STANDARDS FOR EACH CLASS**~~		
~~**Factor**~~	~~**Foundation**~~	~~**Registered**~~	~~**Certified Blue Tag**~~

Other Varieties, minimum	.02% (1 in 5,000)	.03% (3 in 10,000)	.05% (1 in 2,000)
Objectionable Noxious Weeds (1)	None	None	None

(1) Objectionable noxious weeds shall include:

(A) Field bindweed;

(B) Wild onion;

(C) Dodder;

(D) Johnson grass;

(E) Balloon vine;

(F) Serrated tussock;

(G) Itchgrass; and

(H) Tropical soda apple.

(2) **Note.** Field must be inspected each year a crop of seed for certification is harvested whether lespedeza was seeded the same year or was a volunteer stand.

2 CAR § 34-7042 CAR § 34-706. Standards for cleaned seed.

	STANDARDS FOR EACH CLASS		
Factor	**Foundation**	**Registered**	**Certified Blue Tag**
Pure Seed (minimum)	98%	98%	98%
Other Varieties or Other Crop (maximum)	27 per lb.	45 per lb.	45 per lb.
Objectionable Noxious Weeds	None	None	None
Other Noxious Weeds (maximum)	27 per lb.	45 per lb.	45 per lb.
Inert Matter (maximum)	2%	2%	2%
Weed Seeds (maximum)	.5%	1%	1%
Germination including Hard Seed	80%	80%	80%

~~Objectionable noxious weeds shall include:~~

~~(1) Field bindweed;~~

~~(2) Wild onion;~~

~~(3) Dodder;~~

~~(4) Johnson grass;~~

~~(5) Nut grass;~~

~~(6) Bermuda grass~~Bermudagrass~~;~~

~~(7) Crotalaria;~~

~~(8) Balloon vine;~~

~~(9) Serrated tussock;~~

~~(10) Itchgrass; and~~

~~(11) Tropical soda apple.~~

Subpart 8. Standards for the Certification of Okra Seed

~~2 CAR~~ § 34-801. Okra seed certification rules.

The general seed certification standards are basic~~,~~ and together with the following specific standards~~,~~ shall constitute the rules for the certification of okra seed.

~~2 CAR~~ § 34-802. Land requirements.

(a) The crop to be certified must not be sown on land ~~which~~ that has within the last three (3) years produced~~;~~:

(1) a crop of another variety of okra; or

(2) an uncertified crop of the same variety.~~.~~ ;

(b) It is suggested that the land used be as ~~nearly~~ free of nematodes as possible.

~~2 CAR~~ § 34-803. Handling the crop prior to field inspection.

(a) The grower ~~will~~ shall be responsible for the roguing of fields on which certification is requested~~.~~ ;

(b) The following program is suggested:

(1) Check the field just before the first blossoms open and remove all volunteer okra plants; and

(2) When the young plants and pods have assumed definite varietal characteristics, inspect the field and remove all off-type plants.

2 CAR § 34-804. Field standards.

(a) **Isolation.** The field to be certified must shall be isolated from noncertified okra or certified okra of another variety by at least one-fourth (1/4) mile.;

(b) **Field inspection.**

(1) Two (2) field inspections will shall be made. :

(2)(1) The first inspection shall occur, as soon as the first blossoms are open; and;

(2) the The second, inspection shall occur when the first pods are ready for harvest.;

(c) The maximum number of other definite varieties allowed shall be:

(1) None in the Foundation class;

(2) One (1) plant in two thousand five hundred (2,500) in the Registered class; and

(3) One (1) plant in one thousand two hundred and fifty (1,250) in the Certified Blue Tag class;

(d) The maximum number of other doubtful varieties allowed shall be:

(1) None in the Foundation class;

(2) One (1) plant in seven hundred and fifty (750) in the Registered class; and

(3) One (1) plant in five hundred (500) in the Certified Blue Tag class.

	MAXIMUM PERMITTED – RATIO OF PLANTS		
Factor	**Foundation**	**Registered**	**Certified Blue Tag**
Other Varieties (definite)	None	1:2,500	1:1,250
Other Varieties (doubtful)	None	1:750	1:500

2 CAR § 34-805. Standards for clean seed.

The standards for cleaned seed shall be:

(a) The minimum amount of pure seed allowed shall be ninety-eight (98) percent in all classes;

(b) The maximum amount of inert matter allowed shall be two (2) percent in all classes;

(c) The maximum amount weed seeds allowed shall be:

(1) Zero point zero five (0.05) percent in the Foundation and Registered classes; and

(2) Zero point one zero (0.10) percent in the Certified Blue Tag class;

(d)(1) The maximum number of objectionable weed seeds or noxious weed seeds allowed shall be none in all classes;

(2) Objectionable noxious weeds shall include:

(A) Field bindweed;

(B) Johnson grass;

(C) Nut grass;

(D) Crotalaria;

(E) Balloon vine;

(F) Serrated tussock;

(G) Itchgrass; and

(H) Tropical soda apple.

(e) The maximum number of seeds from other crops allowed shall be:

(1) None in the Foundation class;

(2) Zero point zero two (0.02) percent in the Registered class; and

(3) Zero point zero seven (0.07) percent in the Certified Blue Tag class;

(f) The maximum number of seeds from other varieties allowed shall be:

(1) None in the Foundation class;

(2) Zero point zero one (0.01) percent in the Registered class; and

(3) Zero point zero five (0.05) percent in the Certified Blue Tag class;

(g) The maximum number of seeds from other kinds allowed shall be:

(1) None in the Foundation class;

(2) Zero point zero one (0.01) percent in the Registered class; and

(3) Zero point zero two (0.02) percent in the Certified Blue Tag class;

(h) The minimum germination rate allowed shall be seventy (70) percent in all classes.

	~~STANDARDS FOR EACH CLASS~~		
~~Factor~~	~~Foundation~~	~~Registered~~	~~Certified Blue Tag~~
~~Pure Seed (minimum)~~	~~N.S.*~~	~~98.00%~~	~~98.00%~~
~~Inert Matter (maximum)~~	~~N.S.*~~	~~2.00%~~	~~2.00%~~
~~Weed Seeds (maximum)~~	~~0.05%~~	~~0.05%~~	~~0.10%~~
~~Objectionable or Noxious Weed Seeds (maximum)~~	~~None~~	~~None~~	~~None~~
~~Total Other Crop Seeds (maximum)~~	~~None~~	~~0.02%~~	~~0.07%~~
~~Other Varieties (maximum)~~	~~None~~	~~0.01%~~	~~0.05%~~
~~Other Kinds (maximum)~~	~~None~~	~~0.01%~~	~~0.02%~~
~~Germination & Hard Seed (minimum)~~	~~N.S.*~~	~~70.00%~~	~~70.00%~~

~~*No standards stated.~~

~~Objectionable noxious weeds shall include:~~

~~(1) Field bindweed;~~

~~(2) Johnson grass;~~

~~(3) Nut grass;~~

~~(4) Crotalaria;~~

~~(5) Balloon vine;~~

~~(6) Serrated tussock;~~

~~(7) Itchgrass; and~~

~~(8) Tropical soda apple.~~

Subpart 9. Standards for the Certification of Peanuts

2 CAR § 34-901. Peanut certification rules.

The general seed certification standards are basic~~,~~ and together with the following specific standards~~,~~ shall constitute the rules for the certification of peanuts.

2 CAR § 34-902. Land requirements.

(a) A crop ~~will~~ shall not be eligible for certification if planted on land where peanuts, other than a certified crop of the same variety, were grown in the previous two (2) years~~.~~ ;

(b) A field shall not be eligible for certification which includes an area where:

(1) ~~p~~Peanuts were threshed,

(2) P~~or where p~~eanut refuse of another variety was spread during the preceding year, or

(3) ~~peanut~~ Peanut refuse of the same uncertified variety of peanut was spread during the previous year~~, shall not be eligible for certification~~.

2 CAR § 34-903. Isolation.

(a)(1) A field for certification ~~must~~ shall be isolated from other peanut varieties by at least ten feet (10'~~).~~);

(2) If an adjoining field on the same farm is of the same variety and both fields are being certified~~,~~ then no isolation ~~would~~ shall be required~~.~~ ;

(b) Prior to harvest ~~At least~~no less than one (1) field inspection ~~will~~ shall be made during the growing season at a time when the varietal purity can best be determined~~,~~ ~~prior to harvest~~.

2 CAR § 34-904. Field standards.

Field inspections shall meet the following minimum standards.

(a) The maximum allowed number of other varieties, including other types like the Spanish type contained in the Runner type are:

(1) One (1) plant in five thousand (5,000) or zero point zero two (0.02) percent in the Foundation class;

(2) One (1) plant in five hundred (500) or zero point two zero (0.20) percent in the Registered class; and

(3) One (1) plant in two hundred (200) or zero point five (0.5) percent in the Certified Blue Tag class;

(b) There shall be no tolerance for plants infected with Stunt Virus or Stripe Virus in any class;

(c) Weedy fields may be rejected for certification.

	~~STANDARDS FOR EACH CLASS~~		
~~Factor~~	~~Foundation~~	~~Registered~~	~~Certified Blue~~
~~Other Varieties*~~	~~0.02%~~ ~~(1 : 5,000)~~	~~0.2%~~ ~~(1 : 500)~~	~~0.5%~~ ~~(1 : 200)~~
~~Stunt Virus, or Stripe Virus~~	~~None~~	~~None~~	~~None~~

~~*Including other types (i.e., Spanish type contained in Runner type)~~

~~**Note.** Extremely weedy fields may result in the field being rejected for certification.~~

2 CAR § 34-905. Instructions and procedures.

(a) Buying points~~. Any facility~~ handling more than one (1) variety of peanuts, certified seed, and commodity production, ~~must~~ shall have a documented plan to maintain varietal purity and identity~~;~~ ~~and~~

(b) ~~a~~An representative ~~individual~~ shall be appointed ~~as the~~who is ~~representative~~ responsible for maintaining varietal purity and varietal identity~~,~~ as described in the general seed certification standards~~.~~;

~~(b) **Size of lots.** For the purpose of issuing certification labels, the~~ The standard lot size for peanuts shall be a maximum of fifty-five thousand (55,000) pounds ~~(55,000 lbs.)~~for the purpose of issuing certification labels.

Subpart 10. Standards for the Certification of Rapeseed

2 CAR § 34-1001. Rapeseed certification rules.

(a) The general seed certification standards are basic and together with the following standards shall constitute the rules for the certification of rapeseed~~.~~;

(b) ~~All certified~~Certified rapeseed ~~being~~ grown in Arkansas ~~must~~ shall be treated with benomyl~~,~~ or iprodione~~,~~ when approved, or another ~~other~~ registered and approved chemical recognized to be equal to or greater than benomyl or iprodione for the effective control of seed-borne blackleg, when used according to label directions~~.~~;

(c)(1) ~~All certified~~Certified rapeseed ~~being~~ grown in Arkansas ~~must~~ shall be field inspected for the presence of blackleg~~.~~;

(2) If blackleg infection is suspected~~, then~~ it must be laboratory tested for confirmation of the virulent strain.

2 CAR § 34-1002. Land requirements.

(a) Foundation and ~~registered~~ Registered seed of rapeseed ~~must~~ shall be planted on land which did not produce rapeseed during the previous four (4) years~~.~~;

(b) Certified ~~(blue~~ Blue ~~tag~~Tag~~)~~ seed of rapeseed ~~must~~ shall be planted on land which did not produce rapeseed during the previous three (3) years.

2 CAR § 34-1003. Isolation.

(a) A field producing any class of certified rapeseed ~~must~~ shall have ~~the~~ a minimum isolation distance from fields of any other variety of the same kind or from noncertified crops of the same variety as follows:

(1) ~~Producing~~ Fields producing ~~foundation~~ Foundation or ~~registered~~ Registered ~~rape seed~~rapeseed:

(A) ~~Cross-pollinated, one~~One ~~-~~thousand three hundred twenty feet (1,320') if cross-pollinated; and

~~-~~(B) ~~Self-pollinated, six~~ Six hundred sixty feet (660') if self-pollinated; ~~and~~

~~-~~(2) ~~Producing~~ Fields producing ~~certified~~ Certified ~~(blue tag~~Blue Tag~~)~~ rapeseed:

(A) ~~Cross-pollinated, three~~ Three hundred thirty feet (330') if cross-pollinated; and

~~-~~(B) ~~Self-pollinated, three~~ Three hundred thirty feet (330') if self-pollinated~~.~~ ;

~~-~~(b) ~~Required~~ The required isolation distance between classes ~~(grades)~~ of the same variety is ten feet (10').

~~-~~2 CAR § 34-1004. Field standards.

The maximum allowed number of other varieties are as follows:

(a) One (1) plant in two thousand (2,000) in the Foundation class;

(b) One (1) plant in one thousand (1,000) in the Registered class; and

(c) One (1) plant in five hundred (500) in the Certified Blue Tag class.

	~~STANDARDS FOR EACH CLASS~~		
~~Factor~~	~~Foundation~~	~~Registered~~	~~Blue Tag~~
~~Other Varieties~~	~~1 in 2,000 plants~~	~~1 in 1,000 plants~~	~~1 in 500 plants~~

~~-~~2 CAR § 34-1005. Standards for cleaned seed.

Cleaned seed shall meet the following minimum standards.

(a) The minimum allowed amount of pure seed shall be ninety-nine (99) percent in all classes;

(b) The maximum allowed amount of inert matter shall be one (1) percent in all classes;

(c) The weed seeds of the Brassica species and Raphanus species shall not exceed:

(1) One (1) per pound in the Foundation class;

(2) Three (3) per pound in the Registered class; and

(3) Five (5) per pound in the Certified Blue Tag class;

(d) There shall be no tolerance for prohibited noxious weeds in any class;

(e) The maximum allowed number of Buckthorn plantain, Dock, Wild Onion, and Wild Garlic shall be:

(1) One (1) per pound in the Foundation class;

(2) Three (3) per pound in the Registered class; and

(3) Five (5) per pound in the Certified Blue Tag class;

(f) The maximum allowed number of other weed seeds shall be:

(1) Five (5) per pound in the Foundation class;

(2) Ten (10) per pound in the Registered class; and

(3) Fifteen (15) per pound in the Certified Blue Tag class;

(g) The maximum allowed number of other crop seeds shall be:

(1) Zero point zero five (0.05) percent in the Foundation class;

(2) Zero point one zero (0.10) percent in the Registered class; and

(3) Zero point two five (0.25) percent in the Certified Blue Tag class;

(h) The maximum allowed number of other variety seeds shall be:

(1) Zero point zero five (0.05) percent in the Foundation class;

(2) Zero point one zero (0.10) percent in the Registered class; and

(3) Zero point two five (0.25) percent in the Certified Blue Tag class;

(j)(1) The maximum allowed number of other kind seeds shall not exceed zero point zero one (0.01) percent in any class; and

(2) Shall not exceed:

(A) One (1) seed per pound in the Foundation class;

(B) Two (2) seeds per pound in the Registered class; and

(C) Five (5) seeds per pound in the Certified Blue Tag class;

(k) The minimum allowed germination rate shall be eighty-five (85) percent in all classes;

(l) The maximum allowed moisture shall be ten (10) percent in all classes.

	STANDARDS FOR EACH CLASS		
Factor	**Foundation**	**Registered**	**Blue Tag**
Pure Seed (minimum)	99%	99%	99%
Inert Matter (maximum)	1.00%	1.00%	1.00%
Weed Seeds of Brassica spp. & Raphanus	1 per lb.	3 per lb.	5 per lb.
Prohibited Noxious	None	None	None
Buckhorn plantain, Dock, & Wild Onion/Garlic	1 per lb.	3 per lb.	5 per lb.
Other Weeds	5 per lb.	10 per lb.	15 per lb.
Total Other Crop Seeds (maximum)	0.05%	0.10%	0.25%
Other Varieties (maximum)	0.05%	0.10%	0.25%
Other Kinds (maximum) *	0.01%	0.01%	0.01%
Germination (minimum)	85%	85%	85%
Moisture (maximum)	10%	10%	10%

*Shall not exceed one (1) per pound for foundation, two (2) per pound for registered, and five (5) per pound for certified (blue tag).

Subpart 11. Standards for the Certification of Rice

2 CAR § 34-1101. Rice certification rules.

The general seed certification standards are basic and, together with the following specific standards, shall constitute the rules for the certification of rice.

2 CAR § 34-1102. Land requirements.

The crop to be certified must not be sown on land which has within the last two (2) years produced a crop of another variety or an uncertified crop of the same variety.

2 CAR § 34-1103. Field standards.

(a) **~~Isolation.~~** ~~In order to~~To prevent mechanical mixtures in planting, harvesting, running of drain furrows, levees, ~~etc.~~and other processes, rice fields for certification shall be separated from noncertified rice fields~~,~~ and from certified rice fields of another variety~~,~~ by the following distances:

(1) If the nearby field is ~~drill~~ drill~~-~~seeded~~,~~ the distance shall be fifteen feet (15');

(2) If the nearby field is ground ~~ground~~ broadcast ~~seeded,~~ the distance shall be fifty feet (50'); and

(3) If the nearby field is aerial seeded~~,~~ the distance shall be one hundred feet (100').

(b) **~~Field inspection standards.~~** Field inspections shall meet the following minimum standards:

(A) The minimum allowed number of plants of other varieties shall be:

(i) None in the Foundation class;

(ii) One (1) plant in one thousand three hundred sixty (1,360) square feet in the Registered class; and

(iii) One (1) plant in two hundred seventy-five (275) square feet in the Certified Blue Tag class;

(iv) Other varieties shall not include variations which are characteristic of the intended variety;

(B) The following weed seeds shall have zero tolerance in any class:

(i) Curly Indigo;

(ii) Coffee Bean;

(iii) Itchgrass;

(iv) Field Bindweed;

(v) Balloon Vine; and

(vi) Serrated Tussock;

(C)(i) Red Rice shall not be tolerated in the Foundation or Registered classes; and

(ii) Shall not exceed One (1) plant per acre in the Certified Blue Tag class;

(D) Diseases that cannot be controlled with seed treatment shall not be tolerated in any class;

(E) Inspectors shall at the time the field inspection is made:

(i) Report the amount of other noxious weeds;

(ii) Give the general condition of the field; and

(iii) Note the presence of any disease which might seriously affect the quality of the crop.

	~~STANDARDS FOR EACH CLASS~~		
~~Factor~~	~~Foundation~~	~~Registered~~	~~Certified~~
~~Other Varieties (1)~~	~~None~~	~~1 per 5 sq. rds.~~	~~1 per sq. rd.~~
~~Curly Indigo, Coffee Bean, Itchgrass, Field Bindweed, Balloon~~	~~None~~	~~None~~	~~None~~
~~Red Rice~~	~~None~~	~~None~~	~~1 plant per~~
~~Disease (that cannot be controlled with seed~~	~~None~~	~~None~~	~~None~~

~~(1) Other varieties shall not include variations which are characteristic of the variety.~~

~~(2) Inspectors will, at the time the field inspection is made:~~

~~(A) Report the amount of other noxious weeds present;~~

~~(B) Give the general condition of the field; and~~

~~(C) Note the presence of any disease which might seriously affect the quality of the seed.~~

2 CAR § 34-1104. Standards for cleaned seed.

Cleaned seed shall meet the following minimum standards.

(a) The allowed minimum pure seed shall be ninety-eight (98) percent in all classes;

(b) The maximum allowed number of seeds from other varieties shall be:

(1) None in the Foundation and Registered classes; and

(2) Two (2) per pound in the Certified Blue Tag class;

(3) Other varieties shall not include variations which are characteristics of the intended variety;

(c) The maximum allowed number of seeds from other crops shall be:

(1) None in the Foundation and Registered classes; and

(2) Two (2) per pound in the Certified Blue Tag class;

(d)(1) The maximum allowed number of noxious weed seeds shall be none in all classes; and

(2) Four (4) pounds shall be hulled from each lot to determine the noxious weed content to include red rice.

	~~STANDARDS FOR EACH CLASS~~		
~~Factor~~	~~Foundation~~	~~Registered~~	~~Certified Blue Tag~~
~~Pure Seed (minimum)~~	~~98%~~	~~98%~~	~~98%~~
~~Other Varieties*~~	~~None~~	~~None~~	~~2 per lb.~~
~~Other Crop Seeds (maximum)~~	~~None~~	~~None~~	~~2 per lb.~~
~~All Noxious Weeds~~	~~None~~	~~None~~	~~None **~~
~~Total Weed Seed (maximum)~~	~~.03%~~	~~.03%~~	~~.08%~~
~~Inert (maximum)~~	~~2%~~	~~2%~~	~~2%~~
~~Germination (minimum)~~	~~80%~~	~~80%~~	~~80%~~
~~Moisture (maximum)~~	~~14%~~	~~14%~~	~~14%~~

~~*Other varieties shall not include variations which are characteristics of the variety.~~

~~**Four pounds (4 lbs.) shall be hulled from each lot to determine the noxious weed content, including red rice.~~

Subpart 12. Standards for the Certification of Small Grains. ~~(Oats, Wheat, Rye and Barley)~~

2 CAR § 34-1201. Small grains certification rules.

(a) The general seed certification standards are basic, and together with the following specific standards, shall constitute the rules for certification of small grains.;

(b) Small grains are identified as:

(1) Oats,

(2) Wheat,

(3) Rye, and

(4) Barley.

2 CAR § 34-1202. Land requirements.

(a) A small grain crop may only be planted on land on which any small grain planted in the previous two (2) years was of another crop kind or was planted with a class of certified seed of the same variety.;

(b) **Point of clarification.** Land requirements are also met if cultivated crops were grown on the land during the previous two (2) summers and the land was winter fallowed the previous winter.

2 CAR § 34-1203. Field standards.

(a) **Isolations.** Field isolation standards are as follows:

(1) Rye for certification shall be isolated from another variety or from a noncertified rye of the same variety by at least one-fourth (1/4) mile. ;

(2)(A) Wheat, barley, or oats for certification shall be isolated from other crops by fifteen feet (15'), and

(B) if If the adjoining field to the one being certified has been sown broadcast, then the isolation required is thirty feet (30').

(BC) No isolation would beis required if the adjoining field is the same variety and is certified.;

(b) **Field inspection.** Field inspections shall meet the following minimum standards:

(1) The maximum number of definite other varieties allowed is:

(A) None in the Foundation class;

(B) One (1) plant in five thousand (5,000) or zero point zero two (0.02) percent in the Registered class; and

(C) One (1) plant in twenty-five hundred (2,500) or zero point zero four (0.04) percent in the Certified Blue Tag class;

(2) The maximum allowed number of other crops shall be:

(A) None in the Foundation class;

(B) One (1) plant in ten thousand (10,000) or zero point zero one (0.01) percent in the Registered class; and

(C) One (1) in twenty-five hundred (2,500) or zero point zero four (0.04) percent in the Certified Blue Tag class;

(D) Other crops shall mean those crops that would be difficult to separate from the intended crop by the usual cleaning methods;

(3)(A) There shall be no tolerance for objectionable noxious weeds in any class;

(B) Objectionable noxious weeds shall include:

(i) Field bindweed;

(ii) Serrated tussock;

(iii) Itchgrass;

(iv) Tropical soda apple;

(v) Wild onion;

(vi) Wild garlic;

(vii) Balloon vine; and

(viii)(*a*) Johnson grass;

(*b*) Johnson grass shall be permitted at the time of field inspection in wheat.

	~~STANDARDS FOR EACH CLASS~~

Factor	Foundation	Registered	Certified Blue
Other Varieties definite	None	.02% (1 in 5,000)	.04% (1 in 2,500)
Other Crop (1)	None	.01% (1 in 10,000)	.04% (1 in 2,500)
Objectionable Noxious Weeds (2)	None	None	None
Diseased Plants (smut)	.02% (1 in 5,000)	.05% (1 in 2,000)	.1% (1 in 1,000)

(1) Other crops shall mean those crops that would be difficult to separate from the crop being certified by the usual cleaning methods.

(2) Objectionable noxious weeds shall include:

(A) Field bindweed;

(B) Serrated tussock;

(C) Itchgrass;

(D) Tropical soda apple;

(E) Wild onion;

(F) or wild garlic;

(FG) Balloon vine; and

(GH) (i) Johnson grass,

(ii)except that Johnson grass will be permitted at the time of field inspection in wheat only.

2 CAR § 34-1204. Standards for clean seed.

Cleaned seed shall meet the following minimum standards.

(a)(1) The minimum allowed amount of pure seed for oats, wheat, and barley shall be ninety-eight (98) percent in all classes;

(2) The minimum allowed amount of pure seed for rye shall be ninety-six (96) percent in all classes;

(b) The maximum allowed number of other variety seeds shall be:

(1) None in the Foundation class;

(2) One (1) per pound in the Registered class; and

(3) Four (4) per pound in the Certified Blue Tag class;

(c) The maximum allowed number of other crop seeds shall be:

(1) One (1) per pound in the Foundation class;

(2) Two (2) per pound in the Registered class; and

(3) Four (4) per pound in the Certified Blue Tag class;

(d) There shall be no tolerance for noxious weed seeds in wheat in any class;

(e)(1) There shall be no tolerance for objectionable weed seeds in any class;

(2) Objectionable noxious weeds shall include:

(A) Field bindweed;

(B) Wild onion;

(C) Wild garlic;

(D) Johnson grass;

(E) Nutgrass;

(F) Bermudagrass;

(G) Crotalaria;

(H) Balloon vine;

(I) Serrated tussock;

(J) Itchgrass; and

(K) Tropical soda apple.

(f) The maximum allowed number of other noxious weed seeds in oats, rye, and barley shall be:

(1) One (1) per pound in the Foundation class;

(2) Two (2) per pound in the Registered class; and

(3) Four (4) per pound in the Certified Blue Tag class;

(g)(1) The maximum allowed amount of inert matter in wheat, oats, and barley shall be two (2) percent in all classes;

(2) The maximum allowed amount of inert matter for rye shall be four (4) percent in all classes;

(h) The maximum allowed amount of moisture shall be fourteen (14) percent in all classes;

(i)(1) The minimum allowed germination rate for wheat, oats, and barley shall be eighty-five (85) percent in all classes;

(2) The minimum allowed germination rate for rye shall be seventy (70) percent in all classes.

	~~STANDARDS FOR EACH CLASS~~		
~~Factor~~	~~Foundation~~	~~Registered~~	~~Certified Blue Tag~~
~~Pure Seed (minimum) (a)~~	~~98%~~	~~98%~~	~~98%~~
~~Other Varieties~~	~~None~~	~~1 per lb.~~	~~4 per lb.~~
~~Other Crop (maximum)~~	~~1 per lb.~~	~~2 per lb.~~	~~4 per lb.~~
~~All Noxious Weeds (In Wheat)~~	~~None~~	~~None~~	~~None~~
~~Objectionable Noxious Weeds (b)~~	~~None~~	~~None~~	~~None~~
~~Other Noxious Weeds (Oats, Rye, Barley)~~	~~1 per lb.~~	~~2 per lb.~~	~~4 per lb.~~
~~Inert Matter (maximum) (c)~~	~~2%~~	~~2%~~	~~2%~~
~~Moisture (maximum)~~	~~14%~~	~~14%~~	~~14%~~
~~Germination (minimum) (d)~~	~~85%~~	~~85%~~	~~85%~~

~~(a) Minimum pure seed for rye shall be ninety six percent (96%).~~

~~(b) Objectionable noxious weeds shall include:~~

~~(1) Field bindweed;~~

~~(2) Wild onion or;~~

~~(3) wild garlic;~~

~~(34) Johnson grass;~~

~~(45) Nutgrass;~~

~~(56) Bermuda grassBermudagrass;~~

~~(67) Crotalaria;~~

~~(78) Balloon vine;~~

~~(89) Serrated tussock;~~

~~(910) Itchgrass; and~~

~~(1011) Tropical soda apple.~~

~~(c) The maximum inert for rye shall be four percent (4%).~~

~~(d) The minimum germination for rye shall be seventy percent (70%).~~

Subpart 13. Standards for the Certification of Sorghum

2 CAR § 34-1301. Sorghum certification rules.

The general seed certification standards are basic~~,~~ and together with the following specific standards shall constitute the rules for the certification of sorghum.

2 CAR § 34-1302. Land requirements.

The crop to be certified ~~must~~ shall not be planted on land which has within the last year produced a certified crop of another variety~~,~~ or an uncertified crop of either the same or another variety.

2 CAR § 34-1303. Field standards.

~~(a) **Isolation.**~~

~~(1)~~(a) Fields ~~of sorghum for certification~~ shall be isolated from other ~~kinds of~~ varieties and from fields of the same variety that do not meet the varietal purity standards for certification ~~,~~ as ~~shown in the table below:~~follows:

(1) Nine hundred and ninety (990) feet in the Foundation and Registered classes;

(2)(A) Six hundred and sixty (660) feet in the Certified Blue Tag class;

(B) The minimum isolation for distance Certified Blue Tag Sorghum from Sudan grass shall be nine hundred and ninety (990) feet;

~~Class~~	~~Minimum Isolation~~

~~Foundation~~	~~60 rods~~
~~Registered~~	~~60 rods~~
~~Blue Tag Certified~~	~~40 rods (2)~~

~~(2)(A) For Sudan grass, the minimum isolation shall be sixty (60) rods from any other variety of Sudan grass.~~

~~(B) The minimum isolation for sorghum from any Sudan grass shall be sixty (60) rods.~~

~~(~~b) ~~**Field inspection.**~~ Field inspections shall meet the following minimum standards:

(1) The maximum allowed number of definite other varieties shall be:

(A) None in the Foundation and Registered classes; and

(B) One (1) plant in twenty thousand (20,000) or zero point zero zero five (0.005) percent in the Certified Blue Tag class;

(2) The maximum allowed number of off-type or doubtful other varieties allowed shall be:

(A) None in the Foundation class;

(B) One (1) plant in ten thousand (10,000) or zero point zero one (0.01) percent in the Registered class; and

(C) One (1) plant in five thousand (5,000) or zero point zero two (0.02) percent in the Blue Tag Certified class;

(3) There shall be zero tolerance for the following weeds:

(A) Field Bindweed,

(B) Johnsongrass,

(C) Itchgrass,

(D) Tropical Soda Apple,

(E) Balloon vine, and

(F) Serrated Tussock;

(4) The maximum allowance for seedborne smut diseases shall be:

(A) None in the Foundation and Registered classes; and

(B) One (1) plant in ten thousand (10,000) or zero point zero one (0.01) percent in the Blue Tag Certified class.

	~~STANDARDS FOR EACH CLASS~~		
~~Factor~~	~~Foundation~~	~~Registered~~	~~Certified Blue~~
~~Other Varieties definite~~	~~None~~	~~None~~	~~.005% (1 in 20,000)~~
~~Off type or Doubtful Plants~~	~~None~~	~~.01% (1 in 10,000)~~	~~.02% (1 in 5,000)~~
~~Field Bindweed, Johnsongrass, Itchgrass, Tropical Soda Apple, Balloon vine, Serrated Tussock~~	~~None~~	~~None~~	~~None~~
~~Seedborne Disease (smut)~~	~~None~~	~~None~~	~~.01% (1 in 10,000)~~

2 CAR § 34-1304. Standards for cleaned seed.

Cleaned seed shall meet the following minimum standards.

(a) The minimum allowed pure seed shall be ninety-eight (98) percent in all classes;

(b) The maximum number of allowed seeds of definite varieties shall be:

(1) None in the Foundation and Registered classes; and

(2) Two (2) per pound in the Certified Blue Tag class;

(c)(1) Objectionable noxious weed seeds shall have no tolerance in any class;

(2) Objectionable noxious weeds shall include:

(A) Field bindweed;

(B) Johnson grass;,

(C) Wild onion;

(D) Wild garlic;

(E) Bermudagrass;

(F) Nut grass;

(G) Crotalaria;

(H) Balloon vine;

(I) Serrated tussock;

(J) Itchgrass; and

(K) Tropical soda apple;

(d) The maximum allowed number of other noxious weeds or other crop seeds shall be:

(1) Two (2) per pound in the Foundation and Registered classes; and

(2) Three (3) per pound in the Certified Blue Tag class;

(e) The maximum allowed number of total weed seeds shall be zero point one (0.1) percent in all classes;

(f) The maximum allowed amount of inert matter shall be two (2) percent in all classes;

(g) The minimum allowed germination rate shall be eighty (80) percent in all classes;

(h) The maximum allowed amount of moisture shall be thirteen (13) percent in all classes.

	~~STANDARDS FOR EACH CLASS~~		
~~Factor~~	~~Foundation~~	~~Registered~~	~~Certified Blue Tag~~
~~Pure Seed (minimum)~~	~~98%~~	~~98%~~	~~98%~~
~~Other Varieties (definite)~~	~~None~~	~~None~~	~~2 per lb.~~
~~Objectionable Noxious Weeds~~	~~None~~	~~None~~	~~None~~
~~Other Noxious Weeds or other Crop Seed~~	~~2 per lb.~~	~~2 per lb.~~	~~3 per lb.~~

Total Weed Seed (maximum)	.1%	.1%	.1%
Inert Matter (maximum)	2%	2%	2%
Germination (minimum)	80%	80%	80%
Moisture (maximum)	13%	13%	13%

Objectionable noxious weeds shall include:

(1) Field bindweed;

(2) Johnson grass;,

(3) Wild onion or;

(4)wild garlic;

(45) Bermuda grassBermudagrass;

(56) Nut grass;

(67) Crotalaria;

(78) Balloon vine;

(89) Serrated tussock;

(910) Itchgrass; and

(1011) Tropical soda apple.

Subpart 14. Standards for the Certification of Soybeans

2 CAR § 34-1401. Soybean certification rules.

The general seed certification standards are basic, and together with the following specific standards, shall constitute the rules for the certification of soybeans.

2 CAR § 34-1402. Land requirements.

Soybeans shall not be grown on land where the previous crop was soybeans unless the preceding soybean crop was planted with certified seed of the same variety or unless the variety planted is of a contrasting pubescence or hilum color.

2 CAR § 34-1403. Field standards.

(a) ~~**Isolation.**~~ Soybeans ~~for certification must~~ shall be isolated from ~~any~~ other fields not being certified of the same or another variety, or a certified field of another variety by a distance no less than:

(1) ~~-~~Fifteen (15) feet for Foundation and Registered classes; and

(2) Five (5) feet for Certified Blue Tag class; ~~at least five feet (5') for blue tag class and fifteen feet (15') for foundation and registered classes.~~

(b) Field ~~inspection.~~inspections shall meet the following minimum standards:

(1)(A) The maximum allowed number of other varieties shall be:

(i) One (1) plant in five thousand (5,000) or zero point zero two (0.02) percent in the Foundation class;

(ii) One (1) plant in thirty-six hundred (3,600) or zero point zero three (0.03) percent in the Registered class; and

(iii) One (1) plant in twelve hundred (1,200) or zero point zero nine (0.09) percent in the Certified Blue Tag class;

(B)(i) The maximum allowed other varieties in certified Hutcheson and Caviness soybeans are:

(*a*) One (1) plant in one thousand (1,000) for Foundation class,

(*b*) One (1) plant in five hundred (500) for Registered class, and

(*c*) One (1) plant in two hundred (200) for Certified Blue Tag class;

(ii) The allowance for the Caviness variety shall expire in July 2004;

(C) Other varieties shall include plants that are distinctly different from the intended variety;

(2)(A) The following weeds shall have zero tolerance in all classes:

(i) Field Bindweed,

(ii) Balloon vine,

(iii) Serrated Tussock, and

(iv) Itchgrass;

(B) A small amount of Johnson grass shall be permitted in all classes.

	STANDARDS FOR EACH CLASS		
Factor	Foundatio	Registered	Certified Blue
Other Varieties (1)	*.02% (1 in	*.03% (1 in 3,600)	*.09% (3 in 3,600)
Field Bindweed, Balloon vine, Serrated Tussock, Itchgrass	None	None	None

*Allowances for certified Hutcheson and Caviness soybeans is up to one in two hundred (1/200) other varieties for blue tag class, one in five hundred (1/500) for registered class and one in one thousand (1/1000) for foundation class. For the Caviness variety, this allowance will expire in July 2004.

(1) Other varieties shall include plants that are distinctly different from the variety being inspected.

(2) **Note.** Only a small amount of Johnson grass in the field will be permitted.

2 CAR § 34-1404. Standards for cleaned seed.

Cleaned seed shall meet the following minimum standards.

(a) The minimum allowed pure seed shall be ninety-eight (98) percent in all classes;

(b)(1) The maximum allowed number of seeds of other varieties shall be:

(A) None in the Foundation class,

(B) One (1) per pound in the Registered class, and

(C) Three (3) per pound in the Certified Blue Tag class;

(2)(A) The maximum allowed number of seeds of other varieties in certified Hutcheson and Caviness soybeans is:

(i) Zero point one zero (0.10) percent for Foundation class,

(ii) Zero point five zero (0.20) percent for Registered class, and

(iii) Zero point two zero (0.50) percent for Certified Blue Tag class;

(B) The allowance for the Caviness variety shall expire in July 2004;

(c) The maximum allowed number of seeds of other crops shall be:

(1) None in the Foundation class,

(2) One (1) in three (3) pounds in the Registered class, and

(3) One (1) in two (2) pounds in the Certified Blue Tag class;

(d) The seeds of Corn and Sunflower shall have no allowance in any class;

(e) The seeds of noxious weeds shall have no allowance in any class;

(f) The maximum allowed amount of inert matter shall be two (2) percent in all classes;

(g) The minimum allowed germination rate shall be eighty (80) percent in all classes;

(h) The maximum allowed moisture shall be fourteen (14) percent in all classes;

(i) Foundation class soybeans grown on fields infested with the following shall be cleaned over spiral cleaners:

(1) Soybean cyst nematodes,

(2) Cocklebur,

(3) Morning Glory, and

(4) Moonflower.

	~~STANDARDS FOR EACH CLASS~~		
~~Factor~~	~~Foundation~~	~~Registered~~	~~Certified Blue Tag~~
~~Pure Seed (minimum)~~	~~98%~~	~~98%~~	~~98%~~
~~Other Varieties~~	~~*None~~	~~*1 in 1 lb.~~	~~*3 in 1 lb.~~
~~Other Crop (maximum)~~	~~None~~	~~1 in 3 lbs~~	~~1 in 2 lbs.~~
~~Corn or Sunflower Seed (maximum)~~	~~None~~	~~None~~	~~1 in 1 lb.~~
~~Noxious Weeds~~	~~None~~	~~None~~	~~None~~
~~Inert Matter (maximum)~~	~~2%~~	~~2%~~	~~2%~~
~~Germination (minimum)~~	~~80%~~	~~80%~~	~~80%~~
~~Moisture (maximum)~~	~~14%~~	~~14%~~	~~14%~~

~~*Allowance for certified Hutcheson and Caviness soybeans is up to one-half of one percent (0.50%)~~ of ~~other varieties for blue tag class, twenty percent~~zero point two

~~(0.20%) for registered class and ten percent~~zero point one ~~(0.10%) for foundation class. For the Caviness variety, this allowance will expire in July, 2004.~~

~~Foundation class soybean seed grown on fields infested with Soybean cyst nematode and/or cocklebur, morning glory, and moonflower shall be cleaned over spiral cleaners.~~

Subpart 15. Standards for the Certification of Vetch

2 CAR § 34-1501. Vetch certification rules.

The general seed certification standards are basic~~,~~ and together with the following specific standards~~,~~ shall constitute the rules for the certification of vetch.

2 CAR § 34-1502. Land requirements.

(a) A crop of the same kind ~~must~~ shall not have been grown or planted on the land prior to stand establishment for:

(1) Five (5) years for Foundation class,

(2) Three (3) years for Registered class, and

(3) Two (2) years for Certified Blue Tag class;

~~five (5), three (3), and two (2) years prior to stand establishment for producing the foundation, registered, and certified seed classes respectively.~~

(b)(1) The land ~~must~~ shall be free of volunteer plants of vetch during the year ~~immediately~~ prior to establishment~~. ;~~

~~(2)~~ No manure or other contaminating material shall be applied the ~~previous~~ year previous ~~previous~~ to seeding or during the establishment and the productive life of the stand~~. ;~~

~~(3)~~ ~~Requirement~~ This requirement is waived if the previous crop was of the same variety and of a certified class equal to or superior to that of the crop seeded.

2 CAR § 34-1503. Field standards.

(a) Isolation.

~~(1) All fields~~ Fields ~~for certification must~~shall have four hundred and fifteen (~~twenty-five (25) rods~~415) feet of isolation distance from:

~~(A) Fields of another variety of the same species; or~~

~~(B) Fields of the same variety that do not meet the varietal purity requirements for certification.~~;

~~(2) The isolation distance between classes of the same variety may be reduced to ten (10) feet (10'), regardless of class or size of field.~~;

(b) Field ~~inspection.~~inspections shall meet the following minimum standards:

(1) The maximum allowed number of plants of other varieties shall be:

(A) One (1) plant in five thousand (5,000) or zero point zero two (0.02) percent in the Foundation and Registered classes, and

(B) One (1) plant in twenty-five hundred (2,500) or zero point zero four (0.04) percent in the Certified Blue Tag class;

(2)(A) There shall be no tolerance for objectionable noxious weeds in any class;

(B) Objectionable noxious weeds shall include:

(i) Field bindweed,

(ii) Wild onion,

(iii) Wild garlic,

(iv) Balloon vine,

(v) Serrated tussock,

(vi) Itchgrass, and

(vii) Tropical soda apple;

(C) A small amount of Johnson grass shall be permitted in the field for all classes.

	~~STANDARDS FOR EACH CLASS~~		
~~Factor~~	~~Foundation~~	~~Registered~~	~~Certified Blue Tag~~

Other Varieties	.02% (1 in 5,000)	.02% (1 in 5,000)	.04% (1 in 2,500)
Objectionable Noxious Weeds (1)	None	None	None

(1) Objectionable noxious weeds shall include:

(A) Field bindweed;

(B) Wild onion or;

(C) wild garlic;

(CD) Balloon vine;

(DE) Serrated tussock;

(EF) Itchgrass; and

(FG) Tropical soda apple.

(2) **Note.** Only a small amount of Johnson grass in the field will be permitted.

2 CAR § 34-1504. Standards for cleaned seed.

Cleaned seed shall meet the following standards.

(a) The minimum allowed pure seed shall be ninety-eight (98) percent in all classes;

(b) The maximum allowed number of seeds of other varieties or other crops shall be:

(1) One (1) in two (2) pounds in the Foundation class,

(2) One (1) in one (1) pound in the Registered class, and

(3) Two (2) in one (1) pound in the Certified Blue Tag class;

(c)(1) Objectionable noxious weeds shall not be permitted in any class;

(2) Objectionable noxious weeds shall include:

(A) Field bindweed,

(B) Wild onion,

(C) Wild garlic,

(D) Johnson grass,

(E) Nut grass,

(F) Bermudagrass,

(G) Crolataria,

(H) Balloon vine,

(I) Serrated tussock,

(J) Itchgrass, and

(K) Tropical soda apple.

	~~STANDARDS FOR EACH CLASS~~		
~~Factor~~	~~Foundation~~	~~Registered~~	~~Certified Blue Tag~~
~~Pure Seed (minimum)~~	~~98%~~	~~98%~~	~~98%~~
~~Other Varieties or Other Crop (maximum)~~	~~1 in 2 lbs.~~	~~1 per lb.~~	~~2 per lb.~~
~~Objectionable Noxious Weeds~~	~~None~~	~~None~~	~~None~~
~~Other noxious weeds~~	~~1 per lb.~~	~~1 per lb.~~	~~2 per lb.~~
~~Total Weeds (maximum)~~	~~0.1%~~	~~0.1%~~	~~0.1%~~
~~Inert Matter (maximum)~~	~~2%~~	~~2%~~	~~2%~~
~~Germination Including Hard Seed (minimum)~~	~~80%~~	~~80%~~	~~80%~~

~~Objectionable noxious weeds shall include:~~

~~(1) Field bindweed;~~

~~(2) Wild onion or;~~

~~(3)~~ ~~wild garlic;~~

~~(3~~4) ~~Johnson grass;~~

~~(4~~5) ~~Nut grass;~~

~~(5~~6) ~~Bermuda grass~~Bermudagrass~~;~~

~~(6~~7) ~~Crolataria;~~

~~(7~~8) ~~Balloon vine;~~

~~(8~~9) ~~Serrated tussock;~~

~~(9~~10) ~~Itchgrass; and~~

~~(1011) Tropical soda apple.~~

Subpart 16. Standards for the Certification of Vegetatively Propagated Turfgrass

2 CAR § 34-1601. ~~Application and amplification of general seed certification standards.~~ Certification ~~standards~~Standards for Vegetatively Propagated Turfgrass.

~~(~~a)(1) The general seed certification standards are basic and together with the following specific standards~~,~~ constitute the standards for the certification of vegetatively propagated turfgrasses~~.~~;

~~(~~2) New applicants ~~are required to~~shall be familiar with Arkansas certification requirements for turfgrass~~.~~ ;

~~(~~3) Turfgrass applications ~~not~~ received after ~~by~~ May 1, ~~with the exception of~~except for new producers, ~~will~~ shall not be accepted~~.~~ ;

~~(~~4)(A) Applicants wishing to certify a variety not currently in production in Arkansas ~~will~~ shall be required to submit documentation ~~on~~ of the candidate variety to the ~~State Plant Board~~department ~~a minimum~~no less than sixty (60) days prior to planting~~.~~ ;

(B) ~~That d~~Documentation ~~will~~ shall include:

~~(~~i) A breeder's description~~,~~ prepared by the person or organization responsible for developing the variety; and

~~(~~ii) Copies of any production ~~and/~~or royalty agreement associated with securing the right to produce the variety~~.~~;

~~(~~b)(1) The General Standards are ~~modified~~ as follows:

~~(~~A) Foundation turfgrass shall be the vegetative increase of breeder's turfgrass o~~rr,~~ in certain cases~~,~~ the increase of foundation turfgrass;

~~(~~B) Registered turfgrass shall be the vegetative increase of foundation turfgrass;

(C) Certified turfgrass shall be the vegetative increase of registered turfgrass or foundation turfgrass;

(D)(i) Application ~~blanks~~ forms ~~for the certification of vegetatively propagated turfgrasses will~~ shall be furnished by the ~~board~~department. ~~.~~;

(ii) A map showing the location of each kind and variety ~~must~~ shall accompany the application ~~for field inspection and certification.~~ ;

(iii) ~~Any person~~Applicants applying for certification on a variety planted from a source other than his or her own production~~,~~ ~~must~~ shall submit with ~~his or her~~the application a copy of the invoice and a tag from one (1) of the containers~~,~~ which ~~will~~ shall establish the quantity and class of the planting stocks~~.~~ ;

(iv) Applications ~~should~~ shall be ~~made~~ received by March 1 of each year for the current crop~~.~~ ;

(v) ~~Fees~~ Costs are listed in 2 CAR § 34-209;

(E) The field of each kind and variety ~~must~~ shall be identified ~~at all times~~ by an appropriate sign ~~and~~ , field number, and map with the field number noted; ~~and~~

(F) ~~**Life of stand.**~~ The life of the stand will continue for all classes of vegetatively propagated ~~turf grasses~~turfgrasses ~~as long as~~if the varietal and mechanical purity for the class is maintained~~.~~;

(2) A grower of registered turfgrass may increase the original foundation class planting to no more than ten (10) acres if the increase is continuous within the original field and a ~~State Plant Board~~department inspector is present at harvest.

2 CAR § 34-1602. Responsibilities of the grower.

The grower is responsible for:

(~~1~~a) ~~Making certain~~Verifying that all turfgrass represented on the certificate was inspected and accepted for certification;

(2b) Making certainVerifying the certificate contains all the required information and is correct (i.e.,to include but not limited to:

(1) kindKind,

(2) varietyVariety,

(3) Quantityquantity,

(4) Billingbilling invoice,

(5) Fieldfield number,

(6) Harvestharvest date, and

(7) Growergrower information);

(3c) Making sureEnsuring that after the inspection the turfgrass represented by the certificate continues to meet the appropriate turfgrass standards after the inspection;

(4d) Making sureVerifying the certificate accompanies each shipment of turfgrass;

(5e) Mailing Submitting the appropriate certificate copy to the State Plant Board Seed Certification Officedepartment weekly;

(6f) Preventing noncertified turfgrass from being sold as certified turfgrass; and

(7g) Making certain that those records required in the turfgrass standards are maintained.

2 CAR § 34-1603. Instructions and procedures.

(a) The initial planting for the production ofto produce foundation vegetatively propagated foundation turfgrasses will be in rows not less than twelve (12) inches (12") apart.;

(b) All plantingPlanting, mowing, harvesting, and loading equipment must shall be thoroughly cleaned prior to entering the field.;

(c) An official officially numbered certificate will shall accompany each shipment of certified:

(1) Sprigs;

——(2) Sod; or

——(3) Plugs.;

——(d)(1) A complete record on of the amount of certified turfgrass sales sold will shall be maintained and made available to the official certifying agencydepartment on demand.;

——(2) The record will shall include:

——(A) Class of the certified turfgrass sold (of foundation, registered, or certified);

——(B) Kind and variety;

——(C) Field number;

——(D) Date of harvest; and

——(E) Amount The amount of turfgrass shipped (in square feet, cubic feet, bushels, etc.or other measurement acceptable to the department).

——2 CAR § 34-1604. Land requirements — Rules covering the inspection of land prior to planting.

——(a)(1) A field to be eligibleFields used for the production of to produce registered or certified turfgrass must shall have beenbe inspected and found to be free of all perennial grasses, and objectionable weeds, and noxious weeds.;

——(2) A second inspection will shall be made approximately four (4) to six (6) weeks after planting.;

——(b) Size of field, maximumMThe maximum size of fields shall be:

——(1) Ten (10) acres for the Foundation and Registered classes, ten (10) acres;

——(2) Registered, ten (10) acres; and

——(32) Certified, no limit.There is no limit for the Certified Blue Tag class;

——(c) All rRegistered class turfgrass will shall be produced on fumigated land or inspected for an entire growing season and meet the requirements in subsection (a) of this section.;

——(d)(1) Land fumigated Fumigated land mustshall:

(A) (i) Lay idle for a period of not less than three (3) weeks after fumigation; or

(ii) (or not less than six (6) weeks when converting to like species); and

(B) Be inspected for compliance with subsection (a) of this section.;

(2) Land Fields must shall receive adequate moisture, and the soil temperature must shall be adequate to allow any live plants not eradicated by fumigation to emerge.

2 CAR § 34-1605. Field inspections.

(a) Handling the turfgrass crop after planting and prior to inspection.;

(1) A fieldFields must shall be rogued, , and/or or sprayed with recommended herbicides, or both, during the growing season to remove:

(A) Other varieties;

(B) Other perennial grasses;

(C) Most common weeds; and

(D) Objectionable and noxious weeds.;

(2) **Note.**

(A) When spraying, the herbicide will shall be applied to the area containing the infestation or varietal mixture plus an eighteen eighteen inch (18″) inch border surrounding the outer limits of the visible area of infestation or varietal mixture.;

(B) Spraying will shall continue until the infestation or varietal mixture is eradicated.;

(b) Time and number of inspections.;

(1) Foundation, registered, and certifiedAll turfgrass classes require (three (3) inspectionsshall be inspected three (3) times required)in the:

(A) Spring (during the months of April or May);

(B) Summer (during the months of June or July); and

(C) Fall (during the months of September or October).;

(2)(A) ~~Every two (2) years a~~An intensive field inspection ~~will~~ shall be made of the registered class~~.~~ every two (2) years;

(B) A ten (10) percent representative area of the field~~, ten percent (10%),~~ ~~will~~ shall not be harvested until seed heads appear~~.~~;

(c)(1) Production fields that fail to meet the published varietal purity standards for the class applied for within one (1) growing year ~~will~~ shall:

(A) be permanently downgraded to the next lowest class if the field meets the standard of the next ~~lowest~~ lower class~~,~~ ; or

(B) ~~or~~ removed from certification~~.~~;

(2) A field removed from certification may later be re-entered into certification if it meets the requirements in 2 CAR § 34-1604~~, Land requirements — Rules covering land prior to planting~~.

2 CAR § 34-1606. Field standards.

(a) ~~General.~~

(1) Only ~~Restrictions on the number of varieties per field. Only one~~ One (1) variety of a kind ~~may~~ shall be grown for certified turfgrass on a field except with prior approval of the ~~certifying agency~~department~~.~~;

(2) ~~**Unit of certification.**~~ A field or the portion of a field may be certified~~.~~;

(3) ~~**Isolation requirements.**~~ Plantings of vegetatively propagated ~~turf grasses~~turfgrasses ~~must~~ shall be isolated from ~~any~~ other ~~variety~~ varieties, ~~and~~ other perennial grasses, and other certification classes by an artificial barrier ~~and/~~or strip at least ten (10) feet ~~(10')~~ wide to prevent mixing during the growing season and during harvesting operations~~.~~;

(b) ~~**Specific requirements.**~~ Fields shall meet the following minimum standards:

(1)(A) The maximum allowed number of plants of other varieties shall be:

(i) None in the Foundation and Registered classes,

(ii) One (1) plant per acre in the Certified Blue Tag class;

(B) Other varieties shall include all other varieties of the kind being produced;

(2)(A) The maximum allowed number of plants of other crops shall be:

(i) None in the Foundation and Registered classes,

(ii) One (1) plant per acre in the Certified Blue Tag class;

(B)(i) Other live varieties, other live crops, and live noxious weeds found exceeding standards during field inspections shall be eradicated;

(ii) Reinspection is required and is to be made not less than three (3) weeks after the rejection of the field;

(iii) The cost of reinspection shall be paid by the producer or grower;

(C) Other crops shall include all other kinds and varieties of perennial grasses;

(3) Noxious or objectionable weeds shall have no tolerance in any class;

(A) See 2 CAR § 34-102 for a list of noxious weeds;

(B) Objectionable weeds are perennial sedges other than nutsedge grass and members of the *Dichondra species*;

(4) The maximum allowed number of other living plants in a field shall be:

(A) One hundred (100) in the Foundation class,

(B) Two hundred (200) in the Registered class, and

(C) Four hundred (400) in the Certified Blue Tag class.

	~~Maximum permitted in each class~~		
~~Factor~~	~~Foundation~~	~~Registered*~~	~~Certified*~~
~~Other Varieties (1)~~	~~None~~	~~None~~	~~1 plant/acre*~~
~~Other Crops (2)~~	~~None~~	~~None~~	~~1 plant/acre**~~
~~Noxious / Objectionable Weeds~~	~~None~~	~~None~~	~~None~~
~~Other Living Plants (Max per acre)~~	~~100~~	~~200~~	~~400~~

~~*Other live varieties, other live crops, and live noxious weeds found in excess~~out ~~of standards during field inspection must be eradicated. Reinspection~~ is ~~required and~~ is ~~to~~

be made not less than three (3) weeks after rejection, . The cost of reinspection to shall be paid by the producer.

**Those live plants found by an inspector must be eradicated by the grower.

(1) Other varieties shall consist of all other varieties of the kind being produced.

(2) Other crops shall consist of all other kinds and varieties of perennial grasses.

2 CAR § 34-1607. Turfgrass standards.

(a) Noxious weeds, none.

(b) Objectionable weeds, none.

(c) See General Seed Certification Standards, Subpart 2 of this part,2 CAR § 34-102 for a list of noxious weeds.

(d) Objectionable weeds are perennial sedges other than nutsedge (grass) and *Dichondra* spp.

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1742

By: Representative Wooldridge
By: Senator D. Wallace

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING AGRICULTURE; TO AMEND THE LAW RELATED TO SEED CERTIFICATION; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW RELATED TO SEED CERTIFICATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code §§ 2-18-102 through 2-18-109 are amended to read as follows:

2-18-102. Penalty — Revocation of certificate.

(a)(1) Any person shall be guilty of a violation who:

(A) Falsely advertises or proclaims that seed has been certified by the ~~State Plant Board~~ Department of Agriculture;

(B) Uses any emblem, label, or language for the purpose of misleading a person into believing that seed has been certified by the ~~board~~ department when it has not;

(C) Misuses any tag, label, or certificate issued by the ~~board~~ department;

(D) Obtains or attempts to obtain certification for seed or plants by making false statements or misrepresentations to the ~~board~~ department or to the ~~board's~~ department's inspectors, deputies, or agents;

(E) Having received a certificate, violates any of the rules of the ~~board~~ State Plant Board made under this chapter; or

(F) Violates any agreement made as a condition for

receiving a certificate.

(2) Upon conviction, an offender shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500) for each offense.

(b)(1) When the person holds a certificate from the ~~board~~ department, the certificate, after a hearing before the Director of the ~~State Plant Board~~ Plant Industries Division of the Department of Agriculture has been given to the person, shall be revoked by the director regardless of whether a prosecution is commenced.

(2)(A) Any person whose certificate is revoked by the director shall be entitled to an appeal to the ~~board~~ State Plant Board.

(B) The board's decision shall be final.

2-18-103. Investigation and certification.

(a)(1) The ~~State Plant Board~~ Department of Agriculture is empowered to investigate and certify to varietal purity and fitness for planting of agricultural seed on request of the grower thereof.

(2)(A) For this purpose, the ~~board~~ State Plant Board shall set up, in its rules, one (1) or more classifications of seed, designating the classifications as "Registered" and "Certified" or by any other one (1) or more names which it may specify; and

(B) ~~It~~ The board shall specify, in its rules, the standards which seed must meet and the methods by which seed must be handled in order to be certified under the classifications.

(b) Any person applying for certification of seed must, if required by the ~~board~~ department, produce satisfactory evidence as to character, qualifications as a seed breeder, and possession of such facilities for the growing and handling of purebred seed as may be deemed necessary by the ~~board~~ department.

2-18-104. Rules.

The State Plant Board:

(1) Shall promulgate all rules necessary to carry into effect the purpose of this chapter, which is to provide supplies of high-grade seed, true to name and free from disease, for planting purposes;

(2) Shall make rules to protect the interest of breeders who

have developed high-quality strains of seed; and

(3) May appoint or may authorize the Director of the ~~State Plant Board~~ Plant Industries Division to appoint such deputies as shall be necessary to carry into effect the purpose of this chapter.

2-18-105. ~~Fees~~ Costs.

(a)(1) To cover costs of inspection and certification, the State Plant Board shall require a reasonable ~~fees of~~ sum from all applicants ~~in advance~~.

(2) Upon receipt of an application, the Department of Agriculture will invoice the applicant for payment.

(3) These ~~fees~~ sums invoiced under subdivision (a)(2) of this section shall be deposited into a separate fund and shall be used in carrying out the purposes of this chapter.

(b)(1)(A) To cover costs of promotion and advertising of certified seed, the board after a public hearing shall establish by rule promotion and advertising ~~fees which shall be collected in advance~~ costs.

(B) The ~~fees~~ costs under subdivision (b)(1)(A) of this section shall be assessed upon the acreage grown for certified agricultural seed production or upon the number of certified tags and labels sold for production of certified seed from the acreage.

(C) The department shall assess the costs under subdivision (b)(1)(B) of this section and shall invoice the responsible party for payment.

(2) Those ~~fees~~ costs collected for seed promotion and advertising shall be remitted by the board to the Arkansas Seed Dealers' Association and the Arkansas Seed Growers Association, or their successors, which shall establish and administer their own promotion and advertising programs.

(3) Before collecting the ~~fees~~ costs under this subsection or increasing ~~those fees~~ the costs hereafter, the board shall seek the advice of the House Committee on Agriculture, Forestry, and Economic Development and the Senate Committee on Agriculture, Forestry, and Economic Development.

2-18-106. Certificates of inspection.

(a) Persons whose seed has met the standards set up by the State Plant Board and who have complied with all the provisions of this chapter and with

all the rules of the board made under this chapter shall receive from the ~~board~~ Department of Agriculture the proper certificate of inspection designating the classification of seed.

(b) Each bag or other container of seed sold under the classification designated by a certificate of the ~~board~~ department shall bear an appropriate tag or label securely attached to it.

(c) Certificates issued under the provisions of this section shall run one (1) crop season only.

2-18-107. Improper use of terms.

(a) It shall be unlawful for any person to use the terms “certified” or “registered” as applied to the quality of seed or plants or to use any other term applying to seed classifications promulgated by the State Plant Board, without first having applied for and received the proper certificate from the ~~board~~ Department of Agriculture.

(b) Any person violating the provisions of this section shall be punished as provided in § 2-18-102.

2-18-108. Intergovernmental cooperation.

In administering this chapter, the ~~State Plant Board~~ Department of Agriculture is authorized to cooperate to the fullest extent with other agencies of the state and federal government.

2-18-109. Aflatoxin levels.

The level of aflatoxin in Arkansas-grown grain and seed sold or distributed in this state shall be monitored by the ~~State Plant Board~~ Department of Agriculture.

APPROVED: 4/10/25