AN ACT

Amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, adding provisions relating to the labeling, sale and distribution of seed; creating a licensing requirement for all seed distributors; adding civil penalty provisions and specifying the appeal process; providing for the powers and duties of the Department of Agriculture; placing revenue into the Agronomic Regulatory Account; prescribing penalties; and making related repeals.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1--Section 6725 of Title 3 of the Pennsylvania Consolidated Statutes is amended to read:

§ 6725.--Disposition of funds.--Moneys received from license fees, registration fees, inspection fees, fines and penalties shall be paid into a special restricted account in the General Fund to be known as the Agronomic Regulatory Account. All moneys in the Agronomic Regulatory Account are hereby appropriated to the department for the purposes of this chapter and [Chapter] Chapters 69 (relating to soil and plant amendment) and 71 (relating to seed).

Section 2 --Title 3 is amended by adding a chapter to read:

CHAPTER 71
SEED

Sec.

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7120. Delegation of duties; exclusion of local laws and regulations.
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§ 7101. Short title of chapter.--This chapter shall be known and may be cited as the "Seed Act."

§ 7102. Definitions.--The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

(1) ***"Advertisement."*** All representations other than those on the label, disseminated in any manner or by any means, relating to seed within the scope of this chapter.

(2) ***"Agent," "inspector" or "deputy."*** Any person duly authorized or appointed by the Secretary of Agriculture to act as the representative of the Department of Agriculture in carrying out any of the provisions of this chapter.

(3) ***"Agricultural seeds."*** The term includes the seeds of grass, forage, cereal, oil and fiber crops and any other

kinds of seeds commonly recognized within this Commonwealth as agricultural seeds and mixtures of such seeds.

(4) ***"Blend."*** Seed consisting of more than one variety of a kind, each in excess of 5% by weight of the whole.

(5) ***"Certified seed."*** Any seed, including seed potatoes, agricultural, vegetable and such other seeds and plants, which have been inspected and tested during their period of growth and conditioning by a recognized seed-certifying agency and found to conform to the requirements of the laws and regulations governing seed certification in this Commonwealth or any other state.

(6) ***"Certifying agency."***

(1) An agency authorized under the laws of a state, territory or possession to officially certify seed;

or

(2) an agency of a foreign country determined by the United States Secretary of Agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed-certifying agencies under paragraph (1).

(7) ***"Complete record."*** Any and all records and required labeling information which relates to each lot of seed, including agricultural, vegetable, flower, tree or shrub seed, sold, distributed or stored in this Commonwealth. Such information includes seed samples and records of declarations, labels, purchases, sales, conditioning, bulking, treatment, handling, storage, analyses, tests and examinations.

(8) ***"Conditioning."*** The processing, cleaning, blending or other operations, which would change the purity or germination of the seeds.

(9) ***"Department."*** The Department of Agriculture of the Commonwealth.

(10) ***"Distribution."*** The importing, consigning, offering for sale, selling, bartering or otherwise supplying seed in this Commonwealth.

(11) ***"Distributor."*** The person whose name appears on the label of seed.

(12) ***"Flower seeds."*** The term includes seeds of herbaceous plants grown for their blooms, ornamental foliage or other ornamental parts and commonly known and sold under the name of flower or wildflower seeds in this Commonwealth.

(13) ***"Germination"*** or ***"germ."*** The emergence and development from the seed embryo of those essential structures which, for the kind of seed in question, are indicative of the ability to produce a normal plant under favorable conditions.

(14) ***"Hard seeds."*** Seeds, which remain hard at the end of the prescribed test period because they have not absorbed water due to an impermeable seed coat.

(15) ***"Hybrid."*** The first generation seed of a cross produced by controlling the pollination and by combining two or more inbred lines, one inbred or a single cross with an open-pollinated variety or two varieties or species, except open-pollinated varieties of corn. The second generation and subsequent generations from such crosses shall not be regarded as hybrids. Hybrid designations shall be treated as variety names. The term "cross" means the union of two varieties of the same species. The term "inbred line" means a relatively homozygous line produced by inbreeding and selection.

(16) ***"Inert matter."*** All matter not seed, which includes broken seeds, sterile florets, chaff, fungus bodies and stones as determined by methods defined by rule.

(17) ***"Kind."*** One or more related species or subspecies which, singly or collectively is known by one common name, for example, corn, oats, alfalfa and timothy.

(18) ***"Label."*** The display of all written, printed or graphic matter upon the immediate container or a statement accompanying the seed.

(19) ***"Labeling."*** All written, printed or graphic matter upon or accompanying any seed or advertisements, brochures, posters or electronic media used in promoting the distribution of seed.

(20) ***"Lot."*** A definite quantity of seed identified by a lot number or mark, every portion or bag of which is uniform for the factors, which appear in the labeling within permitted tolerances.

(21) ***"Mixture," "mixed"*** or ***"mix."*** Seeds consisting of more than one kind when each is present in excess of 5% of the whole.

(22) ***"Mulch."*** A protective covering of any suitable substance placed with seed, which acts to retain sufficient moisture to support seed germination and sustain early seedling growth and aid in the prevention of the evaporation of soil moisture, the control of weeds and the prevention of erosion.

(23) ***"Other crop seed."*** Seed of plants grown as crops, other than the kind or variety included in the pure seed, as determined by methods defined by rule.

(24) ***"Person."*** An individual, partnership, association, firm, corporation or any other legal entity.

(25) ***"Prohibited noxious weed seeds."*** The seeds of perennial weeds that reproduce by seed and also those that spread by underground roots, stems and other reproductive parts and which, when well established, are highly destructive and difficult to control in this Commonwealth by ordinary good cultural practice.

(26) ***"Pure seed."*** Seed exclusive of inert matter and all other seeds not of the seed being considered as determined by methods established by regulation.

(27) ***"Record."*** The term includes all information relating to the shipment or shipments involved and includes a file sample of each lot of seed.

(28) ***"Relabeling sticker."*** An adhesive sticker printed with the germination test date, lot number matching the lot number on the original label and a sell by date, if required.

(29) ***"Restricted noxious weed seeds."*** The seeds of such weeds are very objectionable in fields, lawns and gardens of this Commonwealth, but can be controlled by good cultural practices.

(30) ***"Secretary."*** The Secretary of Agriculture of the Commonwealth or the Secretary's designee.

(31) ***"Seed potatoes."*** The tubers of the Irish potato, which are grown and intended to be used as seed.

(32) ***"Stop-sale."*** The term includes any written or printed notices given or issued by the Secretary of Agriculture or his agent to the owner or custodian of any lot of seeds in this Commonwealth directing such owner or custodian not to sell, offer or expose for sale or move such seeds within or out of this Commonwealth until the requirements of this chapter, and the regulations promulgated under authority of this chapter, shall have been complied with and a written release has been issued.

(33) ***"Tolerance."*** A permitted variation from the seed analysis stated on the label.

(34) ***"Treated."*** Seed that has received an application of a substance, or seed that has been subjected to a process, for which a claim is made.

(35) ***"Tree and shrub seeds."*** The term includes seeds of woody plants commonly known and sold as tree or shrub seeds in this Commonwealth.

(36) ***"Type."*** A group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions.

(37) ***"Undesirable grass seeds."*** Seeds of grass species declared to be restricted noxious weed seed when found in lawn and turf seed and mixtures and blends thereof.

(38) ***"Variety."*** A subdivision of a kind characterized by growth, yield, plant, fruit, seed or other characteristics by which it can differentiated from other plants of the same kind.

(39) ***"Vegetable seeds."*** The term includes the seeds of those crops, which are grown in gardens or on truck farms and are generally known and sold under the name of vegetable or herb seeds in this Commonwealth.

(40) ***"Vegetatively propagated."*** Sod pieces or the stolons or rhizomes of the creeping bentgrass species (Agrostis palustris), or prenuclear seed potatoes, or tree or shrub plant parts intended for vegetative reproduction, or whole plants propagated vegetatively or grown from certified seed, or other crop species as may be designated by the Secretary of Agriculture.

(41) ***"Weed seeds."*** The term includes the seeds of all plants generally recognized as weeds within this Commonwealth and includes the prohibited and restricted noxious weed seeds.

§ 7103. Licensing.--

(a) General rule.--Every person functioning as a distributor of seed in this Commonwealth shall, on or before January 1 of each year or prior to distribution, apply for and obtain an annual license for each legal entity. Each distributor shall complete a form furnished by the department and pay a $25

application fee. All licenses shall expire on December 31 of each year.

(b) Labeling.--The department may require an applicant for a license or a current licensee to submit the labeling that the person is using or intends to use for the seed.

§ 7104. Labels and labeling.--

(a) General rule.--It shall be unlawful to sell, offer for sale, expose for sale or transport any seed subject to the provisions of this chapter for seeding purposes in bulk packages or containers unless the package or container in which the same shall be exposed or offered for sale or transported shall have attached thereto, in a conspicuous place on the exterior thereof, a tag or label on which shall be plainly and legibly written or printed in English the following information relating to the seed:

(1) The name and address of the distributor who labeled the seed.

(2) A treatment statement as prescribed by the Secretary in the regulations.

(3) The calendar month and year the germination test was completed. Unless otherwise stated in this section or section 7105 (relating to unlawful seed sales), the test to determine germination shall have been completed within a nine-month period exclusive of the calendar month in which the test was completed.

(b) Specific types of seed.--In addition to the information required in subsection (a), specific types of seeds shall be labeled with the following information:

(1) For agricultural seeds, except for cool season lawn and turf grass seed and mixtures and blends thereof as provided in paragraph (2):

(i) Commonly accepted name of kind or kind and variety of each agricultural seed component in excess of 5% of the whole, and the percentage by weight of each in the order of its predominance or as the Secretary may direct. Where more than one component is required to be named, the word "mixture," "mix," "mixed" or "blend" shall be shown conspicuously on the label.

(ii) Lot number.

(iii) Country and state of origin of certified seed and agency responsible for its certification.

(iv) Country and state of origin of alfalfa, bird's-foot trefoil, red and white clovers and field corn, except hybrid corn. If the origin is unknown, that fact shall be so stated.

(v) Percentage by weight of all weed seeds.

(vi) The name and number of restricted noxious weed seeds or number of bulblets per pound.

(vii) Percentage by weight of agricultural seeds, other than those required to be named on the label, which may be designated as crop seeds.

(viii) Percentage by weight of inert matter.

(ix) For each named agricultural seed:

(A) The percentage of germination, exclusive of hard seed

(B) The percentage of hard seed, if present.

(C) The calendar month and year the test was completed to determine such percentages.

The additional statement "total germination and hard seeds" may be stated after the foregoing, if desired.

(2) For cool season lawn and turf grasses, including Kentucky bluegrass, red fescue, Chewings fescue, hard fescue, tall fescue, perennial ryegrass, intermediate

ryegrass, annual ryegrass, creeping bentgrass, colonial bentgrass and mixtures and blends thereof:

(i) For single kinds, the name of the kind or kind and variety.

(ii) For mixtures and/or blends:

(A) The word "mix," "mixed," "mixture" or "blend" shall be stated with the name of the mixture or blend.

(B) The heading "pure seed" and "germination" or "germ" shall be used in proper places.

(C) Commonly accepted name of kind or kind and variety of each agricultural seed component in excess of 5% of the whole, and the percentage by weight of pure seed in order of predominance and in columnar form.

(D) Percentage by weight of agricultural seed other than those required to be named on the label, which shall be designated as crop seed.

(E) The percentage by weight of inert matter for lawn and turf grass not to exceed 10%, except that 15% inert matter is permitted in Kentucky bluegrass labeled without a variety name. Foreign material other than material used for coating, pelleting as in paragraph (7), combination products as in paragraph (6) to enhance the planting value, not common to grass seed, may not be added.

(F) Percentage by weight of all weed seeds. Maximum weed seed content not to exceed 1% by weight.

(G) Restricted noxious weed seed and undesirable grass seed that are required to be labeled will be listed under the heading "noxious weed seeds" or "undesirable grass seeds." Restricted noxious weed seeds may not exceed the standard established by regulation. Undesirable grass seeds may not exceed 0.50% of the labeled weight.

(H) For each seed identified under subparagraph (b)(2) or this clause:

(i) Percentage of germination, exclusive of hard seed.

(ii) Percentage of hard seed, if present.

(iii) Calendar month and year the test was completed to determine such percentages. The oldest test date shall be used.

(iv) The statement "Sell by, " which may be no more than 15 months from the date of test, exclusive of the month of test.

(3) For tree and shrub seeds:

(i) Common name of the kind of seed.

(ii) The scientific name of the genus and species to which the kind belongs and, for those kinds, which belong to subspecies, the name of the subspecies.

(iii) Lot number.

(iv) The specific locality (state and county in the United States or nearest equivalent political unit in the case of foreign countries) in which seed was collected.

(v) The elevation for forest tree seeds to the nearest 500 feet above sea level at which the seed was collected.

(vi) The calendar year in which the seed was collected.

(vii) For those kinds of seed for which standard testing procedures are prescribed:

(A) Percentage by weight of pure seed.

(B) Percentage germination exclusive of hard seed.

(C) Percentage hard seed, if present.

(D) Calendar month and year the test was completed to determine such percentage.

(4) For vegetable seeds:

(i) Name of kind and variety of seed.

(ii) Lot number, which shall be on each container.

(iii) Name and number per pound of restricted noxious weed seeds present.

(iv) For seeds which germinate less than the standard last established by the Secretary under this chapter:

(A) Percentage of germination, exclusive of hard seed.

(B) Percentage of hard seed, if present.

(C) The calendar month and year the test was completed to determine such percentages.

(D) The words "below standard" in not less than eight-point type.

(v) Percentage of germination:

(A) In containers of one pound or less, the calendar month and year the germination test was completed and the statement "Sell by ," which may be no more than 12 months from the date of test, exclusive of the month of test, or the percentage of germination and the calendar month and year the test was completed to determine

such percentage provided that the germination test must have been completed within 12 months, exclusive of the month of test.

(B) In containers of more than one pound:

(I) The percentage of germination, exclusive of hard seed.

(II) The percentage of hard seed, if present.

(III) The calendar month and year the test was completed to determine such percentages.

(vi) For seeds placed in germination medium, mat, tape or other device in such a way to make it difficult to determine the quantity of seed without removing the seed from the medium, mat, tape or other device, a statement to indicate the minimum number of seeds in the container.

(5) For flower seeds:

(i) The name of the kind and variety or a statement of type and performance characteristic as prescribed by the Secretary in the regulations.

(ii) Lot number, which shall be on each container.

(iii) For seeds of those kinds for which standard testing procedures are prescribed and which germinate less than the standard last established by the Secretary under this chapter:

(A) Percentage of germination exclusive of hard seed.

(B) Percentage of hard seed, if present.

(C) The words "below standard" in not less than eight-point type.

(D) Calendar month and year the test was completed to determine such percentage.

(iv) For flower seeds in packets as prepared for use in home flower gardens or household plantings or flower seeds in preplanted containers, mats, tapes or other planting devices:

(A) The calendar month and year the germination test was completed and the statement "Sell by," which may be no more than 12 months from the date of test, exclusive of the month of test, or the percentage germination and the calendar month and year the test was completed to determine such percentage provided that the germination test must have been completed within 12 months, exclusive of the month of test.

(B) For seeds placed in a germination medium, mat, tape or other device in such a way as to make it difficult to determine the quantity of seed without removing the seeds, a statement to indicate the minimum number of seeds in the container.

(v) For those kinds of seeds for which standard testing procedures are prescribed and weighing more than one ounce in containers other than packets prepared for use in home flower gardens or household plantings and other than preplanted containers, mats, tapes or other planting devices:

(A) The percentage of germination, exclusive of hard seed.

(B) The percentage of hard seed, if present.

(C) The calendar month and year the test was completed to determine such percentage.

(6) For agricultural, lawn or turf seeds combined with mulch, with or without fertilizer, in addition to the other label requirements for agricultural, lawn and turf seeds set forth in this section:

(i) The word "combination" followed by the applicable words "mulch-seed-fertilizer" or "mulch-seed" must appear on the upper 30% of the principal display panel. The word "combination" must be the largest and most conspicuous type on the container, equal to or larger than the product name. The words "mulch-seed-fertilizer" or "mulch-seed" shall be no smaller than one-half the size of the word "combination" and in close proximity to the word "combination."

(ii) Combination products shall contain a minimum of 70% mulch.

(iii) Agricultural, lawn or turf seeds placed in a germination medium, mat, tape or other device or mixed with mulch shall be labeled as follows:

(A) Percentage by weight of pure seed of each kind and variety named which may be less than 5% of the whole.

(B) Percentage by weight of inert matter, which shall not be less than 70% mulch.

(7) For agricultural seeds that are coated, in addition to the other label requirements for agricultural seeds set forth in this section:

(i) Percentage by weight of pure seeds with coating material removed.

(ii) Percentage by weight of coating material.

(iii) Percentage by weight of inert material exclusive of coating material.

(iv) Percentage of germination is to be determined on 400 pellets with or without seeds.

(c) Construction of section.--The provisions of this section shall not be construed to prohibit the sale in smaller units by a retailer to the ultimate user when such sales are made from packages or containers bearing the information required by this section.

§ 7105. Unlawful seed sales.--It shall be unlawful for any person to sell, offer for sale or expose for sale in this Commonwealth any seed subject to the provisions of this chapter when:

(1) The distributor whose name appears on the label is not duly licensed under the provisions of this chapter.

(2) The test to determine the percentage of germination has not been completed within the time frames established by section 7104 (relating to labels and labeling), exclusive of the calendar month in which the test was completed, immediately prior to sale, exposure for sale or offering for sale or transportation. Except as otherwise stipulated in section 7104 and for seed in hermetically sealed containers as provided for in the regulations, no more than a 36-month period shall have elapsed, exclusive of the calendar month in which the test was completed.

(3) The seed contains prohibited noxious weed seeds.

(4) The seed contains restricted noxious weed seeds in excess of established maximum.

(5) The seed contains weed seeds, collectively in excess of one percent by weight.

(6) Not labeled in accordance with the provisions of this chapter or having false or misleading labeling.

(7) False or misleading advertisement has been used.

(8) Any label, labeling, advertising or other representations subject to this chapter represents the seed to be certified or registered seed and:

(i) it has not been determined by a seed-certifying agency that such seed was produced, processed and packaged and conforms to standards, in

compliance with rules and regulations of such agency, pertaining to such seed; and

(ii) the seed does not bear an official label issued for such seed by a seed-certifying agency stating that the seed is certified or registered.

(9) Labeled with a variety name but not certified by an official seed-certifying agency when it is a variety for which an application for certificate or a United States certificate of plant variety protection under the Plant Variety Protection Act (Public Law 91-577, 7 U.S.C. § 2321 et seq.) specifies sale only as a class of certified seed, provided that seed from a certified lot may be labeled as to variety name when used in a mixture by or with approval of the owner of the variety.

§ 7106.--Other unlawful acts.--It shall be unlawful for any person selling, offering or exposing seed for sale within this Commonwealth to:

(1) Detach, alter, deface or destroy any label provided for in this chapter or in the rules and regulations made and promulgated thereunder or to alter or substitute seed in a manner that may defeat the purposes of this chapter or conflict with the label.

(2) Disseminate any false or misleading advertisement or labeling concerning any seed subject to the provisions of this chapter in any manner or by any means.

(3) Hinder or obstruct in any way any authorized person in the performance of his duties under this chapter.

(4) Fail to comply with a stop-sale order.

(5) Offer or expose for sale any seed labeled with a test date (month and year) that does not agree with the actual date the test was performed.

(6) Use relabeling stickers without having both the calendar month and year the germination test was completed, the sell-by date as stated in section 7104 (relating to labels and labeling) and the lot number that matches the existing,

original lot number. Relabeling of a seed lot using stickers may not occur more than once.

(7) Fail to comply with or to cause or assist in the violation of any order or any of the provisions of this chapter or the rules and regulations adopted under this chapter.

§ 7107.--Nonseeding and conditioning seed.--The provisions of section 7104 (relating to labels and labeling) shall not apply to potatoes or grain not intended for seeding purposes or to seed in storage in or being transported or consigned to a seed cleaning or conditioning establishment for cleaning or conditioning if:

(1) the invoice or labeling accompanying any shipment of the seed bears the statement "seed for conditioning"; and

(2) any labeling, advertisement or other representation, which may be made with respect to such uncleaned or unprocessed seed complies with the provisions of this chapter.

§ 7108.--Certification and inspection of crops.--Any grower of potatoes, agricultural, vegetable, tree and shrub seeds or plants vegetatively propagated and located in this Commonwealth may make application to the department for inspection and certification of his crop for seed or propagation purposes, under such rules and regulations as the department may issue. The department or its authorized agents shall issue such certificates of inspection and designate or provide such official tags for marking containers of "certified seed" or "certified planting material" and establish such standards of grade and quality as are necessary to safeguard the privileges and services provided for in this chapter.

§ 7109. Fees.--

(a) Inspections and tests.--The department shall have authority to fix, adjust, assess and collect, or cause to be collected, fees for the certification inspection service and requested seed tests authorized by this chapter. Such fees shall be large enough to meet the reasonable

expenses incurred by the department or its agents in making such inspections as may be necessary for seed certification and conducting requested tests.

(b) Service samples.--

(1) The testing fee may be required to accompany the sample.

(2) Fees shall be paid by check or money order made payable to the Commonwealth of Pennsylvania.

(3) There shall be a $5 late fee assessed for every month that the testing fee is past due.

(4) A Pennsylvania Noxious Weed Seed Examination shall be included with all purity analyses.

(5) Service sample fees.

Purity Analysis (includes Pennsylvania State Noxious Weed Seed Examination)

Kind of Seed	Purity Test	Germination Test	Combined Purity & Germination Test
Alfalfa	$ 9.00	$7.00	$15.00
Alkaligrass	20.00	10.00	28.00
Barley	9.00	7.00	15.00
Beans, garden	8.00	8.00	15.00
Beans, Lima	8.00	9.00	16.00
Bentgrass	19.00	10.00	28.00
Bluestems	33.00	10.00	42.00
Birdsfoot trefoil	10.00	8.00	17.00
Bluegrass	19.00	10.00	28.00
Bromes	15.00	9.00	23.00
Buckwheat	9.00	7.00	15.00
Clovers	9.00	7.00	15.00
Corn	6.00	8.00	13.00

Kind of Seed	Purity Test	Germination Test	Combined Purity & Germination Test
Crownvetch	10.00	8.00	17.00
Deertongue grass	15.00	9.00	23.00
Fescues	13.00	9.00	21.00
Flat pea	8.00	9.00	16.00
Gammagrass	20.00	10.00	28.00
Indiangrass	20.00	10.00	28.00
Lovegrass	12.00	9.00	20.00
Millets	11.00	8.00	18.00
Oats (including Fluorescence test	10.00	7.00	16.00
Orchardgrass	15.00	9.00	23.00
Peas	6.00	8.00	13.00
Redtop	19.00	10.00	28.00
Reed Canarygrass	11.00	8.00	18.00
Rye	9.00	7.00	15.00
Ryegrass	11.00	8.00	18.00
Ryegrass (Including Fluorescence test)	11.00	13.00	23.00
Sedges	20.00	10.00	28.00
Sorghums	10.00	8.00	17.00
Soybeans	8.00	9.00	16.00
Sudangrass	10.00	8.00	17.00
Switchgrass	12.00	9.00	20.00
Timothy	9.00	7.00	15.00
Tobacco	10.00	8.00	17.00
Vetch	8.00	8.00	15.00
Wheat	9.00	7.00	15.00
Flowers	10.00	8.00	17.00

Kind of Seed	Purity Test	Germination Test	Combined Purity & Germination Test
Flower mixes-Germ only		8.00/ component	
Vegetables & herbs, except beans, corn & peas	10.00	7.00	16.00
Tree, forb and shrub: without embryo excision	10.00	11.00	20.00
With embryo excision			Hourly rate $30/hr
Pit removal = hourly rate	Hourly rate $30/hr		
Mixtures:			
Lawn and turf:			
Two components	28.00	30.00	52.00
Three components	38.00	40.00	67.00
Four components	48.00	50.00	82.00
Each additional component	10.00	10.00	15.00
Germination only		10.00	
Pasture, hay & conservation:			
Two components	15.00	18.00	31.00
Three components	25.00	28.00	46.00
Four components	35.00	38.00	61.00
Each additional component	10.00	10.00	15.00
Germination only		8.00	

Kind of Seed	Purity Test	Germination Test	Combined Purity & Germination Test
Native Warm Season/Conser-vation Mixes:	These mixes are composed primarily of warm season native species not normally used for forage or pasture.		
Two components	30.00	30.00	59.00
Three components	45.00	45.00	84.00
Each additional	15.00	15.00	25.00
Miscellaneous charges:			
Interstate noxious weed examinations:			
Lawn and turf with purity		20.00	
Lawn and turf without purity		40.00	
All others, with purity		20.00	
Pennsylvania noxious weed seed examination:			
Lawn and turf grasses and mixtures		25.00	
All others		20.00	
TZ – 1 hr minimum		30.00	
Cold test		20.00	
Sand/Soil test		20.00	
Seed Treatment		20.00	
Trait Testing (GMO)		25.00	

Kind of Seed	Purity Test	Germination Test	Combined Purity & Germination Test
Canada Standards Test		20.00	
Identification		5.00	
Embryo excision test		30.00	
Rush		10.00	
Extra laboratory report		2.00	
Tests not listed, special procedures, extra time, etc.		30.00 per hour	

(c) Seed Certification.--

(1) The department will provide annually a schedule listing application, inspection, tag and label fees.

(2) An applicant shall include the appropriate application fee payment for each crop. Fees shall be paid by check or money order made payable to the Commonwealth of Pennsylvania. Fees are nonrefundable.

(3) The field inspection fee is based on the total acres inspected or, in the case of grass and legumes, the pounds of clean seed produced. An invoice stating the amount of the fee will be sent to the applicant.

(4) Acreage or plants withdrawn by the applicant prior to the actual inspection may not be included, except as provided for in regulation.

(5) Application and inspection fees.

Crop	Application Fee	Inspection Fee
Potatoes (other than prenuclear seed potatoes)	$30.00	$10.00 per acre
Prenuclear seed potatoes (greenhouse)	30.00	.15 per sq. ft. assessed once per crop
Prenuclear seed potatoes (laboratory)	30.00	$50.00 assessed annually
Tobacco	30.00	$75 (minimum)
Winter barley, wheat, rye	30.00	$3 per acre
Hybrid field corn	30.00	$9 per acre
Spring barley, oats	30.00	$3 per acre
Soybean	30.00	$3 per acre
Grass, legume	30.00	.05 per pound production fee; any field inspection $3 per acre
Cert. Mix Supervision:		$25.00 per 1,000lb.
Sampling of mix components		$25.00
Turfgrass sod	30.00	$5 per acre (preplant inspection) $7 per acre (final inspection)
Trees	30.00	Fees based on the actual administrative costs incurred by the department

(6) Tag and label fees**.**

	Tag	**Label**
Pennsylvania certified seed	.12	.12
Interagency certified seed	.15	.15
Pennsylvania certified sod		.25
Pennsylvania certified seed potatoes	.12	

(7) There is a $25 per lot fee for each official interagency sample received.

(8) The shipping inspection fee for potatoes is $35 per inspection.

(d) Adjustment of fee.--If the Secretary determines following notice to the licensees that moneys derived from the registration and inspection fees are either greater or less than that required to administer this chapter, the Secretary may reduce or increase the inspection fee so as to maintain revenues sufficient to administer this chapter.

(e) Notice.--The Secretary shall announce the adjustment of fees by publishing a notice in the Pennsylvania Bulletin. The adjusted fees shall take effect 60 days after publication of such notice in the Pennsylvania Bulletin.

§ 7110. -- Prohibited use of the term "certified."

It shall be a violation of this chapter to use the term "certified," or any form or modification of this term, which tends to convey to the purchaser of such seed or planting material for vegetative propagation that the same has been certified as defined in section

7102 (relating to definitions), on labels, labeling or containers, either orally or in writing, or in advertising material intended to promote the sale of seed potatoes or agricultural or vegetable seeds or planting material for vegetative propagation or tree and shrub seed or on labels or containers, unless these have been inspected and certified under the provisions of this chapter.

§ 7111.-- Powers and duties of Secretary and department.

(a) General rule.--The department is hereby authorized and empowered to enforce all the provisions of this chapter and shall have power to prescribe, modify and enforce such reasonable rules, regulations, standards, tolerances and orders as in the judgment of the Secretary shall be necessary to carry out the provisions of this chapter.

(b) Powers and duties of department.--The department, in carrying out the provisions of this chapter, shall have the authority to:

(1) Enter upon any public or private premises or carriers during regular business hours in order to have access to seed subject to provisions of this chapter and the records relating to this chapter.

(2) Sample, inspect, make analysis of and test seeds subject to the provisions of this chapter that are transported, sold, offered or exposed for sale within this Commonwealth, at such time and place and to such extent as may be deemed necessary to determine whether the seeds are in compliance with the provisions of this chapter.

(3) Issue and enforce a written or printed stop-sale order to the distributor, owner or custodian of any lot of seed which may be found in violation of any of the provisions of this chapter in order to prohibit further sale of such seed until the department has determined this chapter has been complied with. With respect to seeds which have been subject to a stop-sale order as

provided in this paragraph, the distributor, owner or custodian of such seeds shall have the right to appeal as provided for in section 7115 (relating to appeal process).

(4) Upon request by the distributor, owner or custodian of seeds held under a stop-sale order, issue a written permit for the sale of such seeds for feed or for the purpose of conditioning.

(5) Establish and maintain seed testing facilities, to employ qualified persons and to incur such expenses as may be necessary to carry out the provisions of this chapter.

(6) Make purity and germination tests of seeds and other tests of seeds on request and to prescribe rules and regulations governing such testing.

(7) Require that each person whose name appears on the label or labeling of seeds subject to the provisions of this chapter to keep for a period of two years complete records of each lot of seed handled and to keep for one year a file sample of each lot of seed after final disposition of each lot. All such records and samples pertaining to the shipment or shipments involved shall be accessible for inspection by the Secretary or his agent during regular business hours.

(8) Publish in bulletins or reports any and all information obtained from tests or analyses made under the provisions of this chapter, which the Secretary may deem proper for publication in the interest of the public, including the names and addresses of any person who has sold, offered for sale or exposed for sale any seeds subject to the provisions of this chapter so tested or analyzed. The Secretary shall not publish the name or address of any citizen who shall have submitted samples of seeds for test or analysis, but who has not

sold, offered for sale or exposed for sale any such seeds.

(9) Establish by regulation lists of prohibited noxious weed seeds, restricted noxious weed seeds and undesirable grass seeds. By regulation, seeds of any plants may be added to or subtracted from these lists.

(c) Delegation.--The department may delegate any powers and duties under this chapter to any employee, agent or inspector.

§ 7112.--Refusal, suspension or revocation of license.

The department may refuse, suspend or revoke the license of any person where the licensee has not complied with the provisions of this chapter or of any person who has used fraudulent or deceptive practices in the evasion of the provisions of this chapter.

§ 7113.--Stop-sale orders.

(a) General rule.--The department may issue and enforce a written or printed stop-sale, use or removal order to the owner or custodian of any lot of seed and to hold at a designated place when the department finds the seed is being offered or exposed for sale in violation of any of the provisions of this chapter. The order shall remain in effect until the law has been complied with and the seed is released in writing by the department or the violation has been otherwise legally disposed of by written authority.

(b) Release by department.--The department shall release seed held under a stop-sale order when the requirements of the provisions of this chapter have been complied with and all costs and expenses incurred in connection with the withdrawal have been paid by the person responsible for the violation.

§ 7114.--**Seizure and condemnation**. A lot of seed not in compliance with the provisions of this chapter shall be subject to seizure and condemnation by the department, provided that in no instance shall the disposition of the seed be ordered by the department without first giving the claimant an opportunity for a hearing as provided for in section 7115 (relating to appeal process) or for opportunity to apply for permission to process or relabel the seed to bring it into compliance with this chapter.

§ 7115.--Appeal process. All appeals shall be taken and hearings conducted in accordance with the provisions of 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action).

§ 7116.--Cooperation with other entities. The department may cooperate with and enter into agreement with governmental agencies of this Commonwealth, agencies of the Federal Government and any other state in order to carry out the purpose and provisions of this chapter.

§ 7117.--Rules and regulations. The department shall promulgate and enforce rules and regulations necessary for administration and implementation of this chapter.

§ 7118.--Unlawful conduct. It shall be unlawful to fail to comply with or to cause or assist in the violation of any order or any of the provisions of this chapter or the rules and regulations adopted under this chapter.

§ 7119.--Interference with officer or employee of department. A person who willfully or intentionally interferes with an employee or officer of the department in the performance of that employee's or officer's duties or activities authorized under this chapter commits a misdemeanor of the third degree and shall, upon conviction, be subject to a term of imprisonment of not more than one year or a fine of not more than $2,500, or both.

§ 7120.--Delegation of duties; exclusion of local laws and regulations.

(a) Designation.--All authority vested in the Secretary by virtue of the provisions of this chapter may with like force and effect be executed by such employees of the Commonwealth as the Secretary may from time to time designate for said purpose.

(b) Statewide jurisdiction and preemption.--This chapter and its provisions are of Statewide concern and occupy the whole field of regulation regarding the registration, labeling, sale, storage, transportation, distribution, notification of use, and use of seeds to the exclusion of all local regulations. Except as otherwise specifically provided in this act, no ordinance or regulation of any political subdivision or home rule municipality may prohibit or in any way attempt to regulate any matter relating to the registration, labeling, sale, storage, transportation, distribution, notification of use or use of seeds, if any of these ordinances, laws or regulations are in conflict with this chapter.

§ 7121.--Enforcement and penalties.

(a) Criminal penalties.--Unless otherwise specified, any person who violates any of the provisions of this chapter or a rule or regulation adopted thereunder or any order issued pursuant thereto:

(1) For the first offense, commits a summary offense and may, upon conviction, be sentenced for each offense to pay a fine of not less than $50 nor more than $100 and costs of prosecution or to undergo imprisonment for a term which shall be fixed at not more than 90 days, or both.

(2) For a subsequent offense committed within three years of a prior conviction for any violation of this chapter or any rule, regulation or order made under this chapter, commits a misdemeanor of the second degree and shall, upon conviction, be sentenced to pay a fine of not less than $500 nor more than $1,000 and costs of prosecution or to imprisonment for not more than two years, or both.

(b) Trade secrets.--

(1) Any person who uses to his own advantage or reveals to anyone other than the department, administrative tribunal or the courts, when relevant in any judicial proceeding, any information acquired under the authority of this chapter concerning any method, records, formulations or processes which as a trade secret is entitled to protection under the law commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of not less than $500 or to imprisonment for not less than one year, or both.

(2) This subsection shall not be construed to prohibit the department from exchanging information of a regulatory nature with governmental agencies of this Commonwealth, agencies of the Federal Government or any other state to implement the provisions of this chapter.

(c) Civil penalties.--

(1) In addition to any other remedy available at law or in equity for a violation of this chapter, the department may assess a civil penalty of not more than $2,500 upon a person for each violation of this chapter. The civil penalty assessed shall be payable to the department and shall be collectible in any manner provided by law for the collection of debt.

(2) No civil penalty shall be assessed unless the person assessed the penalty has been given notice and an opportunity for a hearing on the assessment in accordance with section 7115 (relating to appeal process).

(d) Certified copy of official analysis.--In prosecution under this chapter involving the composition of a lot of seed, a certified copy of the official analysis signed by the Secretary or his designee shall be accepted as prima facie evidence of the composition.

(e) De minimis violations.--Nothing in this chapter shall be construed as requiring the department to report a violation and to institute seizure proceedings as a result of de minimis violations of this chapter when the department concludes that the public interest will be best served by a suitable notice of warning in writing.

§ 7122.--Disposition of funds.--Moneys received from license fees, seed testing fees, certification fees, fines and penalties shall be paid into the Agronomic Regulatory Account established in section 6725 (relating to disposition of funds). All moneys in the Agronomic Regulatory Account are hereby appropriated to the

department for the purposes of Chapters 67 (relating to fertilizer) and 69 (relating to soil and plant amendment) and this chapter.
SECTION 3.-- Except to the extent that they are inconsistent with any provisions of this act, regulations promulgated under the act of August 17, 1965 (P.L.354, No.187), known as The Pennsylvania Seed Act of 1965, and the act of April 11, 1929 20 (P.L.488, No.205), referred to as the Certified Seed Law, in effect on the effective date of this act shall continue in effect unless subsequently modified by regulations promulgated by the department under this act.
SECTION 4.--The following acts and parts of acts are repealed:
Act of April 11, 1929 (P.L.488, No.205), referred to as the Certified Seed Law.
Act of August 17, 1965 (P.L.354, No.187), known as The Pennsylvania Seed Act of 1965.

SECTION 5.-- This act shall take effect in 60 days.