

**CHAPTER 113. GENERAL PROVISIONS FOR
SEED CERTIFICATION**

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Authority

The provisions of this Chapter 113 issued under act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297), unless otherwise noted.

PRELIMINARY PROVISIONS**§ 113.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Applicant—An individual, partnership, association, cooperative or corporation applying for certification of a seed crop under this chapter.

Breeder class seed—Seed which is directly controlled by the originating or sponsoring plant breeder or institution, and which provides the source for the initial and recurring increase of Foundation seed.

Certification office—A unit of the Bureau of Plant Industry authorized by the Department to act as its representative in carrying out this chapter.

Certified—Seed classes, including Prenuclear seed potato, Breeder, Foundation, Registered and Certified which meet the required standard of quality.

Certified class seed—Seed which is the progeny of Foundation or Registered seed and is handled so that satisfactory genetic identity and purity for growing the desired product is maintained.

Conditioner—A processor or handler of seed after harvest.

Department—The Department of Agriculture of the Commonwealth.

Field—An individual area of land for the crop under inspection, which is clearly defined by distinct lines of demarcation, such as fences, roads, natural barriers, other crops, mowed or an uncropped area. A field is the basic unit of certification.

Foundation class seed—Seed which is the progeny of Breeder seed and is handled so that specific genetic identity and purity as designated by the originating or sponsoring plant breeder or experiment station is maintained. Foundation seed may be used to produce Foundation seed only with the approval of the originating or sponsoring plant breeder or experiment station.

Grower—The person directly involved in growing or cultivating the seed crop entered into the certification program.

Inbred line—A relatively true-breeding strain resulting from at least five successive generations of controlled self-fertilization or of back-crossing to a recurrent parent with selection, or its equivalent, for specific characteristics.

Norm—The official description of the characteristics of a variety.

Off-type—A plant which can be identified as not conforming to the official norm of a variety.

Open-pollination—Pollination that occurs naturally as opposed to controlled pollination, such as by detasseling, cytoplasmic male sterility, self-incompatibility or similar processes.

Prenuclear seed potato—Potato plants or potato tubers which are:

- (i) Produced in a laboratory or greenhouse.
- (ii) Propagated directly from tissue culture-grown plant material.

Registered class seed—Seed which is the progeny of Foundation seed and is handled so that genetic identity and purity suitable for the production of certified seed is maintained.

Rogue—An undesirable plant in a crop such as, off-type, other kind, other variety or weed.

Seed Act—3 Pa.C.S. Chapter 71 (relating to the Seed Act).

Seed lot or lot of seed—A definite quantity of seed identified by a lot number or other identification mark or label. With respect to Prenuclear seed potatoes, the term consists of plants derived from a single disease and variety-tested source and grown in a laboratory, or on one greenhouse bench or on some other discrete physical unit within a greenhouse to exclude mixing of soil, water or plant tissues between lots.

Tissue culture—The axenic growth of plant tissues in a synthetic medium under controlled environmental conditions.

Authority

The provisions of this § 113.1 amended under The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285-11); and the act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297); amended under 3 Pa.C.S. §§ 7111 and 7117.

Source

The provisions of this § 113.1 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878; amended April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558; amended May 22, 2009, effective June 22, 2009, 39 Pa.B. 2584. Immediately preceding text appears at serial pages (276718) to (276719).

Cross References

This section cited in 7 Pa. Code § 115.451 (relating to purpose).

§ 113.2. Purpose of seed certification.

(a) The purpose of seed certification is to maintain and make available to the public sources of high quality seeds and propagating materials of varieties grown and distributed so as to insure genetic identity.

(b) Seed certification does not imply a recommendation.

Source

The provisions of this § 113.2 amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23037).

§ 113.3. Responsibility and applicability.

(a) The Department will act as the official seed certifying agency in this Commonwealth.

(b) In conducting the seed certification program, the Department and the Bureau of Plant Industry will cooperate with the Pennsylvania State University, College of Agriculture, Pennsylvania Foundation Seed Coop., the Seed Council of PennAg Industries Association and seed growers.

(c) This chapter applies to crops eligible for certification and constitutes the minimum seed certification requirements of the Department.

(d) In cases where there are no crop standards in this Commonwealth, the standards being used by a member of the Association of Official Seed Certifying Agencies will be used.

Authority

The provisions of this § 113.3 amended under 3 Pa.C.S. §§ 7111 and 7117.

Source

The provisions of this § 113.3 amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878; amended May 22, 2009, effective June 22, 2009, 39 Pa.B. 2584. Immediately preceding text appears at serial pages (276719) to (276720).

§ 113.4. Classes and sources of seed.

The following classes of seed are recognized for seed certification:

- (1) Prenuclear seed potato class.
- (2) Breeder class.
- (3) Foundation class.
- (4) Registered class.
- (5) Certified class.
- (6) Foundation G1-Foundation G7 seed potato classes.

Authority

The provisions of this § 113.4 amended under The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285-11); and the act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297); amended under 3 Pa.C.S. §§ 7111 and 7117.

Source

The provisions of this § 113.4 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878; amended April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558; amended May 22, 2009, effective June 22, 2009, 39 Pa.B. 2584. Immediately preceding text appears at serial page (276720).

§ 113.5. Exemptions.

(a) Certain lots of seed which may be desirable for the advancement of crop improvement, but which would be lost if regular certification standards were applied, are eligible for exemption as provided in this section.

(b) Seed failing to meet certification standards, other than those affecting genetic purity, but which meet the requirements of subsection (a) may be certified as planting seed, if there is no injury to the reputation of certified seed by doing so.

(c) The tags or labels attached to exempted seed shall clearly show the respects in which the seed does not meet regular seed class standards.

§ 113.6. Limitations of generations for certified seed.

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

(1) Recertification of the Certified class may be permitted when no foundation seed is being maintained.

(2) The production of an additional generation of the Certified class may be permitted on a 1-year basis only when an emergency is declared by any official seed certifying agency stating that the Foundation and Registered seed supplies are not adequate to plant the needed Certified acreage of the variety. The additional generation of Certified seed to meet the emergency need is ineligible for recertification.

Authority

The provisions of this § 113.6 adopted under 3 Pa.C.S. §§ 7111 and 7117.

Source

The provisions of this § 113.6 adopted May 22, 2009, effective June 22, 2009, 39 Pa.B. 2584.

ELIGIBILITY FOR CERTIFICATION**§ 113.11. Eligibility requirements.**

To be eligible for certification, seed stock and propagating materials shall be approved by a State or Provincial agricultural experiment station or the Depart-

ment. Variety recommendations for seeding practices shall be the responsibility of the Pennsylvania Agricultural Experiment Station.

§ 113.12. Current eligibility list.

Questions concerning the eligibility of a variety of a crop should be directed to the certification office.

Source

The provisions of this § 113.12 amended through April 13, 1973, effective April 14, 1973, 3 Pa.B. 693; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (48874).

Cross References

This section cited in 7 Pa. Code § 113.13 (relating to certification of new varieties).

§ 113.13. Certification of new varieties.

(a) To request certification for a variety not included in § 113.12 (relating to current eligibility list), the owner of the seed shall submit the following information to the certification office not later than December 1 for a spring-planted crop and not later than June 1 for a fall-planted crop:

- (1) Name of the crop variety.
- (2) A statement concerning the variety's origin and the breeding procedure used in its development.
- (3) A detailed description of the morphological, physiological and other characteristics of the plants and seed that distinguish it from other varieties.
- (4) Evidence supporting the identity of the variety, such as comparative yield data, insect and disease resistance, or 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 which 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 geographic area of seed production, age of stand or other factors affecting genetic purity.
- (9) A sample of seed representative of the variety as marked.

(b) In lieu of the procedure set forth in subsection (a), a variety successfully submitted to the proper Variety Review Board or to the United States Variety Protection Office will also be considered for certification.

Source

The provisions of this § 113.13 amended through February 29, 1980, effective March 1, 1980, 10 Pa.B. 910. Immediately preceding text appears at serial page (23039).

§ 113.14. [Reserved].**Source**

The provisions of this § 113.14 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial pages (48875) and (23040).

APPLICATIONS**§ 113.21. Requirements for filing applications.**

(a) The following requirements apply to the procedure for filing applications for inspection and certification of a seed crop:

- (1) Application blanks may be obtained from the Bureau of Plant Industry.
- (2) Letters of inquiry may not be regarded as applications.
- (3) Late applications may be accepted at the discretion of the certification office.

Authority

The provisions of this § 113.21 amended under The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285-11); and the act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297).

Source

The provisions of this § 113.21 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558. Immediately preceding text appears at serial pages (147331) to (147332).

§ 113.22. Completion of application.

(a) *General requirements.* In completing the application for inspection and certification of a seed crop other than Prenuclear seed potatoes, an identification tag or label which was attached to the containers of the planted seed, bills of sale or other documentary evidence showing class and source of the seed planted shall be included. This is required whether the grower purchases eligible planting seed from another person or uses eligible seed of his own production.

(b) *Maintaining genetic purity and identity.* An applicant is responsible for maintaining genetic purity and identity of the crop at all stages of certification including seeding, harvesting, conditioning and labeling.

(c) *Field maps.* Applications shall be accompanied by maps showing the location of the fields and the boundaries of the crop to be inspected.

(d) *Requirements for Prenuclear seed potato certification.* An applicant for certification of Prenuclear seed potatoes shall file the following:

(1) Written propagation records, procedural manuals, verified statements or other evidence or documentation sufficient to verify that the potato plants or tubers have been propagated from tissue culture-grown plant material.

(2) Laboratory reports, test results, statements of varietal characteristics, verified statements or other evidence or documentation sufficient to verify that the tissue culture-grown plant material used in the propagation of seed potatoes has been tested annually for trueness-to-variety.

(3) Laboratory reports, test results, verified statements or other evidence or documentation sufficient to verify that the tissue culture-grown plant material used in the propagation of the seed potatoes has been tested annually for freedom from *Erwinia caratovora* pv. *caratovora*, *Erwinia caratovora* pv. *atroseptica*, *Clavibacter michiganense* subsp. *sepedonicum* (synonym: *Corynebacterium sepedonicum*), potato spindle tuber viroid, potato leafroll virus and potato viruses A, M, S, X and Y.

Authority

The provisions of this § 113.22 amended under The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285-11); and the act of April 11, 1929 (P. L. No. 488, No. 205) (3 P. S. §§ 291—297); amended under 3 Pa.C.S. §§ 7111 and 7117.

Source

The provisions of this § 113.22 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878; amended April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558; amended May 22, 2009, effective June 22, 2009, 39 Pa.B. 2584. Immediately preceding text appears at serial pages (276722) to (276723).

§ 113.23. [Reserved].

Source

The provisions of this § 113.23 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; reserved May 22, 2009, effective June 22, 2009, 39 Pa.B. 2584. Immediately preceding text appears at serial page (276723).

§ 113.24. [Reserved].

Source

The provisions of this § 113.24 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; reserved April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23041).

§ 113.25. Deadlines for filing applications.

(a) Applications for the various crops shall be filed on or before the dates indicated in the following chart:

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<i>Crop</i>	<i>Date</i>
Potatoes (other than Prenuclear seed potatoes)	June 15
Prenuclear seed potatoes	April 1
Tobacco	May 1
Winter barley, wheat and rye	May 15
Hybrid field corn	June 15
Spring barley, oats	June 1
Soybean	July 1
Grass, legume	June 1
Tree seed, seedlot	January 31 in year of pollination
Tree seedling	90 days prior to expected date of sowing
Tree clone	90 days prior to expected date of propagule collection

(b) Applications for grass, legume and turfgrass sod shall be filed 1 month before planting so that isolation may be checked.

Authority

The provisions of this § 113.25 amended under The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285-11); and the act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297).

Source

The provisions of this § 113.25 amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878; amended April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558. Immediately preceding text appears at serial page (166327).

§ 113.26. Fees.

The applicant shall be responsible for the payment of fees as outlined in the Seed Act.

Authority

The provisions of this § 113.26 amended under The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285-11); and the act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297); amended under 3 Pa.C.S. §§ 7111 and 7117.

Source

The provisions of this § 113.26 amended March 9, 1979, effective March 10, 1979, 9 Pa.B. 774; amended February 29, 1980, effective March 1, 1980, 10 Pa.B. 910; amended April 17, 1981, effective April 18, 1981, 11 Pa.B. 1319; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878; corrected April 20, 1990, effective April 6, 1990, 20 Pa.B. 2153; amended February 21, 1992, effective February 22, 1992, 22 Pa.B. 754; amended April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558; amended May 22, 2009, effective June 22, 2009, 39 Pa.B. 2584. Immediately preceding text appears at serial pages (276724) to (276726).

INSPECTIONS**§ 113.31. Handling of crop prior to inspection.**

(a) With respect to seed crops other than Prenuclear seed potatoes, the field shall be the unit for inspection and may not be divided for the purpose of inspection unless approved by the inspector. With respect to Prenuclear seed potatoes, the individual seed lot within the greenhouse or laboratory shall be the unit for inspection.

(b) Roguing off-type plants and objectionable crop and weed plants shall be done prior to field inspection.

(c) Field boundaries shall be designated prior to field inspection.

(d) If all or part of a crop is harvested before inspection, it shall automatically become ineligible for certification.

(e) Every field for which certification is requested shall show evidence of good management and shall show that reasonable precaution has been taken to control contaminating crops, other varieties and objectionable weeds, the seeds of which are indistinguishable or inseparable by available conditioning equipment from seed of the particular crop being grown.

Authority

The provisions of this § 113.31 amended under The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285-11); and the act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297).

Source

The provisions of this § 113.31 amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878; amended April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558. Immediately preceding text appears at serial pages (166328) and (147335).

§ 113.32. Procedure for inspections.

(a) *Field inspections.*

(1) Field inspections shall be made prior to harvest by trained inspectors.

(2) An applicant may withdraw a part or all of his acreage prior to inspection but if notice of withdrawal is received too late to notify the inspector and the acreage is inspected, the acreage fee shall be charged.

(b) *Greenhouse inspections of Prenuclear seed potatoes.* Greenhouse inspections with respect to Prenuclear seed potatoes shall be made prior to planting, between 3 and 4 weeks after planting, and again when the potato plants are at peak foliar growth. Additional inspections of the greenhouse, related facilities, records and propagation or sanitation techniques related to the production of Prenuclear seed potatoes shall be conducted at the discretion of the Department in accordance with § 115.285 (relating to inspection and testing of Prenuclear seed potatoes). Inspections shall be conducted during the normal business hours of the greenhouse.

(c) *Laboratory inspections of Prenuclear seed potatoes.* Laboratory inspections with respect to Prenuclear seed potatoes shall be on an annual basis. Additional inspections of the laboratory, related facilities, records and propagation or sanitation techniques related to the production of Prenuclear seed potatoes shall be conducted at the discretion of the Department in accordance with § 115.285. Inspections shall be conducted during the normal business hours of the laboratory.

Authority

The provisions of this § 113.32 amended under The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285-11); and the act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297).

Source

The provisions of this § 113.32 amended April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558. Immediately preceding text appears at serial page (147335).

§ 113.33. [Reserved].

Source

The provisions of this § 113.33 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878; reserved April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558. Immediately preceding text appears at serial page (147335).

§ 113.34. Reinspection.

A crop not meeting the appropriate field, greenhouse or laboratory inspection requirements in certain respects at the time of the initial inspection may be reinspected in accordance with the following:

- (1) A grower desiring reinspection shall make a request to the inspector or the Certification Office.
- (2) There is no guarantee that a second inspection will be made.
- (3) If the reinspection is made, the grower may be charged at a rate double that ordinarily charged, depending upon the circumstances involved and the recommendation of the inspector.

Authority

The provisions of this § 113.34 amended under The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285-11); and the act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297); amended under 3 Pa.C.S. §§ 7111 and 7117.

Source

The provisions of this § 113.34 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878; amended April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558; amended May 22, 2009, effective June 22, 2009, 39 Pa.B. 2584. Immediately preceding text appears at serial page (276728).

§ 113.35. Extra inspections.

(a) The certification office shall reserve the right to make extra inspections at any time it deems necessary to verify the variety, either in the field, bin or by special laboratory methods.

(b) Advance notice may not be given to the grower when the inspections shall be made.

(c) Lots of seed not protected against possible mixture or improperly identified shall be denied certification.

Source

The provisions of this § 113.35 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522. Immediately preceding text appears at serial page (1785).

§ 113.36. Inspection of equipment.

(a) Harvesting and cleaning equipment used for Prenuclear seed potato class, Foundation seed class and Registered seed class shall be examined by an inspector.

(b) Inspection may be required for the Certified class, depending upon circumstances and at the discretion of the certification office.

Authority

The provisions of this § 113.36 amended under The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285-11); and the act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297).

Source

The provisions of this § 113.36 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558. Immediately preceding text appears at serial page (147336).

CONTAINERS, LABELS AND TAGS**§ 113.41. General requirements.**

(a) Certified seed shall be marketed only in new, uncontaminated containers.

(b) Certified labels shall be placed on small packets in such a way as to serve as a seal.

(c) Certified pressure sensitive labels may also be used on paper or plastic containers.

Source

The provisions of this § 113.41 amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (23045).

§ 113.42. Color code for tags.

(a) *Agricultural seed.*

(1) White tags shall designate the Foundation class of seed.

- (2) Lilac tags shall designate the Registered class of seed.
 - (3) Blue tags shall designate the Certified class of seed.
 - (4) Green tags shall designate the Quality Assurance class of seed.
- (b) *Seed potatoes.*
- (1) White tags shall designate the Prenuclear class of seed potatoes.
 - (2) Blue tags shall designate the Foundation class of seed potatoes.
 - (3) Green tags shall designate the Certified class of seed potatoes.
- (c) *Tree seed.*
- (1) Green tags shall designate the Selected class of tree seed.
 - (2) Yellow tags shall designate the Source Identified class of tree seed.

Authority

The provisions of this § 113.42 amended under The Pennsylvania Seed Act of 1965 (3 P.S. §§ 285-1—285-11); and the act of April 11, 1929 (P.L. 488, No. 205) (3 P.S. §§ 291—297); amended under the Seed Act (3 Pa.C.S. §§ 7111 and 7117).

Source

The provisions of this § 113.42 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558; amended May 22, 2009, effective June 22, 2009, 39 Pa.B. 2584. Immediately preceding text appears at serial page (276729).

§ 113.43. Two-tag system.

- (a) The two-tag system shall be used in this Commonwealth.
- (b) Prenuclear seed potato, Foundation, Registered and Certified tags supplied by the Department imply that the lot of seed so tagged has met the requirements for the seed class for which it was intended. These tags shall indicate seed kind and variety, other identification or other information designated by the certification office.
- (c) Second, or analysis, tags shall be supplied by the grower and contain information such as variety, lot number, purity percentage, germination percentage, date of test and other information as required by the Seed Act.

Authority

The provisions of this § 113.43 amended under The Pennsylvania Seed Act of 1965 (3 P.S. §§ 285-1—285-11); and the act of April 11, 1929 (P.L. 488, No. 205) (3 P.S. §§ 291—297); amended under the Seed Act (3 Pa.C.S. §§ 7111 and 7117).

Source

The provisions of this § 113.43 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878; amended April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558; amended May 22, 2009, effective June 22, 2009, 39 Pa.B. 2584. Immediately preceding text appears at serial pages (276729) to (276730).

§ 113.44. Attachment of tags and labels.

(a) Official certification tags and labels may be purchased from the certification office and affixed to seed containers by the applicant or a representative of the Department.

(b) Tags may be sewn into the top of the bag so that all information is visible.

(c) Pressure sensitive labels may be applied near the top front of the bag.

(d) Staples may be used with prior approval.

(e) Tags and labels shall be attached in a manner which will prevent obvious removal and reattachment.

Authority

The provisions of this § 113.44 amended under 3 Pa.C.S. §§ 7111 and 7117.

Source

The provisions of this § 113.44 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878; amended May 22, 2009, effective June 22, 2009, 39 Pa.B. 2584. Immediately preceding text appears at serial page (276730).

GENERAL REQUIREMENTS**§ 113.51. Handling and blending of seed—conditioner's responsibilities.**

(a) Prenuclear seed potato, Foundation, Registered and Certified classes of seed shall be handled to maintain the varietal purity and lot identification.

(b) Seeding equipment, grain boxes, bins, elevating, harvesting and cleaning equipment used in handling seed shall be thoroughly cleaned before handling any variety or class of seed.

(c) The following apply to the blending of seeds:

(1) Two or more lots of seed harvested from fields of the same variety may be blended provided field inspection requirements have been met.

(2) If the blend involves more than one seed class, the requirements for the certified class shall be applied.

(3) Blends and contents shall be reported to the certification office.

(d) Records of operations relating to certification shall be complete and adequate to account for incoming seed and final disposition of seed.

(e) Conditioners shall permit inspection by the certification office of records pertaining to all classes of certified seed.

(f) Conditioners shall designate an individual who is responsible to the Certification Office for performing the duties required by the office. In the absence of any other designated individual, the applicant shall be the responsible individual.

Authority

The provisions of this § 113.51 amended under The Pennsylvania Seed Act of 1965 (3 P. S. §§ 285-1—285-11); and the act of April 11, 1929 (P. L. 488, No. 205) (3 P. S. §§ 291—297); amended under 3 Pa.C.S. §§ 7111 and 7117.

Source

The provisions of this § 113.51 amended through February 29, 1980, effective March 1, 1980, 10 Pa.B. 910; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878; amended April 2, 1993, effective April 3, 1993, 23 Pa.B. 1558; amended May 22, 2009, effective June 22, 2009, 39 Pa.B. 2584. Immediately preceding text appears at serial pages (276730) to (276731).

§ 113.52. Transfer of bulk seed.

To complete seed certification the following procedure shall be followed:

- (1) Seed transferred in bulk shall be handled so as to maintain its identity and to prevent contamination.
- (2) The applicant shall have the responsibility to file with the certification office a copy of the proper bulk transfer certificate. Bulk transfer certificate forms shall be available from the inspectors or by writing to the certification office.
- (3) This section applies to the first buyer only. No further bulk transfers are permitted.

Source

The provisions of this § 113.52 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878; corrected April 20, 1990, effective April 7, 1990, 20 Pa.B. 2153. Immediately preceding text appears at serial pages (48881) to (48882).

§ 113.53. Seed testing.

- (a) A representative sample of the entire lot of seed, as it is to be offered for sale, will be drawn by a representative of the certification office and sent to the Department Seed Laboratory.
- (b) Seed samples will be drawn, tested and analyzed in accordance with Chapter 111 (relating to seed testing, labeling and standards). The applicant will be charged the fee established in the Seed Act for the tests. In the event of unforeseen problems, samples may be sent to another laboratory approved by the Department.
- (c) A copy of the analysis report will be sent to the seedsman and may be used for labeling purposes. If seed standards have been met, the report will also indicate final certification approval. Samples not meeting seed standards shall be reconditioned, after which another official sample will be drawn and the appropriate fee charged.

Authority

The provisions of this § 113.53 amended under 3 Pa.C.S. §§ 7111 and 7117.

Source

The provisions of this § 113.53 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878; amended May 22, 2009, effective June 22, 2009, 39 Pa.B. 2584. Immediately preceding text appears at serial pages (276731) to (276732).

§ 113.54. Final approval.

A seed may not be officially certified until all fees have been paid in full and other required information, such as satisfactory laboratory reports and tag assignments, have been received and a “Certification Approved” letter issued.

Source

The provisions of this § 113.54 amended September 26, 1975, effective September 27, 1975, 5 Pa.B. 2522. Immediately preceding text appears at serial page (1787).

§ 113.55. Interagency certification.

Interagency certification may be accomplished at the request of a seedsman and with the cooperation of another state’s certifying agency.

- (1) Eligible lots of seed shall meet the genetic and mechanical standards for Pennsylvania certified seed. A field inspection report shall be completed.
- (2) Seed to be recognized for interagency certification shall be received in containers properly identified and with the following information:
 - (i) Kind and variety.
 - (ii) Quantity of seed.
 - (iii) Inspection or lot number traceable to the previous certifying agency.
- (3) Interagency tags and labels may be issued for rebagging certified seed from another state agency. Records of lots and tag numbers are to be sent to the certification office.
- (4) Interagency tags and labels shall be numbered serially and shall state the kind, variety, reference or lot number and the name of the agency.

Source

The provisions of this § 113.55 amended through February 29, 1980, effective March 1, 1980, 10 Pa.B. 910; amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial pages (48882) to (48883).

§ 113.56. Compliance with Federal or State laws.

Responsibility for legal obligations, other than those concerned with certification, arising from the sale of shipment of lots of seed, sod or other propagating

materials which have been certified shall rest with the grower or subsequent handler making the sale or shipment.

§ 113.57. Revocation of certification.

- (a) Certification service shall be revoked for any grower who:
 - (1) Misuses certification tags or labels.
 - (2) Misrepresents his seed stock in any way.
 - (3) Violates any of the provisions of this chapter.
 - (4) Fails to pay all fees.
- (b) Future certification service may be denied as the Department may direct.

Source

The provisions of this § 113.57 amended April 6, 1990, effective April 7, 1990, 20 Pa.B. 1878. Immediately preceding text appears at serial page (48883).

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