

# Administrative Regulations

## LABELING

**K.A.R. 4-2-1. Labeling Prohibitions.** Any agricultural seed shall be deemed mislabeled within the meaning of the act if there appears on the label, container, invoice, other accompanying literature, or any advertising media, any statement directly or indirectly implying that any agricultural seed is recommended or endorsed by the Kansas state board of agriculture or its state seed laboratory, or any of its other divisions. This regulation shall become effective on January 1, 1989.

**K.A.R. 4-2-2. Labeling treated seed.** Treated seed must be labeled. If seed has been chemically treated, each bag or container must be labeled bearing a true statement as follows: The required information shall be in type no smaller than eight point and may be on the tag bearing the analysis information or on a separate tag, or it may be printed in a conspicuous manner on a side or top of the container.

## SAMPLING

**K.A.R. 4-2-3. General procedure.** (a) In order to secure a representative sample, equal portions shall be taken from evenly distributed parts of the quantity of seed to be sampled, unless so stored or piled as to make this impossible or impractical.

(b) For free flowing seed in bags or bulk, a probe or trier long enough to sample all portions of the bag should be used.

(c) Non-free-flowing seed, such as certain grass seed, uncleaned seed, or screenings, difficult to sample with a probe or trier, shall be sampled by thrusting the hand into the bulk and withdrawing representative portions.

(d) The portions shall be combined into a composite sample or samples.

(e) As the seed is sampled, each portion shall be examined, and, whenever there appears to be lack of uniformity, additional samples shall be taken to show such lack of uniformity as may exist.

## ANALYSIS IN ADMINISTRATION OF ACT

**K.A.R. 4-2-8. Methods of analyses.** (a) Subject to the provisions of sub-section (c) of this regulation, the methods of analysis shall be those published in "Rules for Seed Testing—Association of Official Seed Analysts," October 1993 edition. Copies of the pertinent portions of the material adopted by reference may be obtained from the office of the agricultural commodity assurance program, inspections division of the Kansas state board of agriculture.

(b) For the purpose of this regulation the term "noxious-weed seed" used in the material adopted by reference in subsection (a) of this regulation shall mean

"restricted weed seed" as defined in K.S.A. 2-1415(k) and amendments thereto.

(c) The following restrictions shall apply in addition to tolerances for testing of seed found in section 5 of the material adopted by reference in subsection (a) of this regulation.

(1) Restricted weed seed tolerances shall not exceed the limitations set forth in K.S.A. 2-1415(k) and amendments thereto; and

(2) Any tolerance shall not be applied to any seed component which is guaranteed as "none" on the label.

**K.A.R. 4-2-10. Indistinguishable seed.** When the identification of the kind, variety, or type of seed is not possible by seed characteristics, identification may be based upon the seeding, growing plant, or mature plant characteristics according to such authentic information as is available.

**K.A.R. 4-2-11. Origin.** The presence of incidental weed seeds, foreign matter, or any other existing circumstances shall be considered in determining the origin of seed.

**K.A.R. 4-2-14. Seed offered for sale.** Agricultural seeds whether in bags, cartons, bins or other containers exposed in salesrooms, storerooms, warehouses, or other places where seeds are sold for sowing purposes, shall be considered as seed offered or exposed for sale for planting purposes and subject to the provisions of the act, unless clearly labeled otherwise.

**K.A.R. 4-2-17a. Schedule of charges for seed tests.** (a) Any person may submit to the state seed laboratory samples of agricultural seed for germination, purity tests, or both, or other examination and receive the test upon paying to the secretary a fee per sample, test or examination. The following charges shall be made for all seed tests on samples submitted to the state seed laboratory:

KIND	PURITY ONLY With NOXIOUS	GERMINATION ONLY	FULL TEST	NOXIOUS WEEDS EXAMINATION ONLY
	WEED EXAMINATION			
AUS. WINTER PEAS	\$ 9.00	\$ 5.00	\$14.00	—
ALFALFA	10.00	5.00	15.00	5.00
AGROTRITICUM	9.00	5.00	14.00	5.00
BARLEY	9.00	5.00	14.00	5.00
BLUESTEM (BIG, LITTLE, CAUC.)	25.00	20.00	45.00	5.00
BERMUDA & BENTGRASS	12.00	5.00	17.00	5.00
BLUEGRASS. REDTOP	12.00	5.00	17.00	5.00
BUFFALOGRASS	11.00	11.00	22.00	5.00
BROMEGRASS	12.00	6.00	18.00	5.00
CANARYGRASS	9.00	6.00	15.00	5.00
CLOVERS	10.00	5.00	15.00	5.00
CORN		5.00	—	—
CORDGRASS	13.00	6.00	19.00	5.00
COWPEAS	7.00	5.00	12.00	5.00
DROPSEED	11.00	8.00	18.00	5.00
FESCUE	10.00	5.00	15.00	5.00
BLUE GRAMAGRASS	17.00	12.00	29.00	5.00
GAMAGRASS	9.00	13.00	17.00	5.00
INDIANGRASS	25.00	20.00	45.00	5.00
LESPEDEZA	10.00	5.00	15.00	5.00
LOVEGRASS	11.00	8.00	18.00	5.00
MILLETS	8.00	5.00	13.00	5.00
OATS	9.00	5.00	14.00	5.00
ORCHARDGRASS	12.00	6.00	18.00	5.00
RAPE SEED	10.00	6.00	16.00	5.00
CANARYGRASS	9.00	6.00	15.00	5.00
RYE	9.00	5.00	14.00	5.00
RYEGRASS	11.00	5.00	16.00	5.00
SUNFLOWER	8.00	5.00	13.00	5.00
SORGHUM	9.00	5.00	14.00	5.00
SOYBEANS	9.00	5.00	14.00	—
SAND DROPSEED	11.00	8.00	18.00	5.00
SUDANGRASS	9.00	5.00	14.00	5.00
SWITCHGRASS	10.00	7.00	17.00	5.00
TIMOTHY	8.00	5.00	13.00	5.00
VETCH	7.00	5.00	12.00	5.00
VETCH (CROWN)	10.00	5.00	15.00	5.00
WHEAT	9.00	5.00	14.00	5.00
WHEATGRASSES	13.00	7.00	20.00	5.00
TRITICALE	9.00	5.00	14.00	5.00
SIDEOATS GRAMA	25.00	20.00	45.00	5.00

PRAIRIE				
CONEFLOWER	10.00	5.00	15.00	5.00
WINTERBERRY				
EUONONYMUS	10.00	5.00	15.00	5.00
VEGETABLES	—	5.00	—	—
CREEPING				
FOXTAIL	—	7.00	—	—

Fees for examining or testing crops not listed shall be charged at same rate as for similar species listed.

(b) Special services and tests. Mixtures shall be charged at 50% over normal rate of purity separations, plus an additional 50% of the normal germination charge for each additional crop specie germinated.

(1) "Purity ahead" on written report. A charge of \$5.00 shall be made for each purity report that is prepared and mailed prior to germination report.

(2) "Purity ahead" or any other information requested by telephone. A charge of \$1.00 shall be made for each long distance telephone call via the Kansan system.

(3) "Tetrazolium test." "Tetrazolium tests" (TZ tests) shall be handled as a rush service whenever possible. TZ testing shall be limited to small grains, corn, soybeans, sorghums, bromegrass, fescues and switchgrass. The charge shall be \$10.00. All results of TZ tests will be reported by telephone free of charge.

(4) "Soybean stress test." The charge for AA-stress test will be \$5.00 if submitted separately, or \$9.00 for both an AA test and a standard germination performed on the same sample concurrently.

(5) "All states noxious weed examination." The charge for this test shall be \$5.00 extra per sample.

(6) "Any state noxious weed examination." The charge for this test shall be \$5.00 extra per sample.

(7) "Excessive time." No additional charge will be made for difficult samples when the seed appears to be fit for seeding purposes or when the seed can be processed to a salable quality.

(8) "Caryopsis count Buffalo grass." The charge for this test shall be \$10.00 extra per sample.

(9) "Filled seed count." The charge for this test shall be \$5.00 extra per sample.

(10) "Rush charge." The charge for this service shall be \$5.00 extra per sample. This charge shall apply to all tests for which expedited service is requested.

(c) This regulation shall be in force and effect on and after July 1, 1989.

#### **K.A.R. 4-2-18. Label requirements for seed delivered to wholesalers.**

Seed delivered in bulk to a wholesaler after conditioning shall be completely labeled by an invoice or master label attached to the bulk container. Seed delivered to a wholesaler in bags or other containers may be labeled by an invoice or master label that bears a lot number and all other information required by law provided that each individual bag or other container is properly identified with the lot number shown on the invoice or master label clearly and readably stenciled on each individual bag or other container. Each bag or other container which does not bear a lot number that corresponds to an invoice or master label shall be completely labeled. This regulation shall become effective on January 1, 1989.

**K.A.R. 4-2-20. Adoption by reference.** The following sections of title 7 of the code of federal regulations, revised as of January 1, 1994, are hereby adopted by reference:

- (a) all of section 201.39;
- (b) all of section 201.40;
- (c) all of section 201.41;
- (d) all of section 201.42; and
- (e) all of section 201.43.

### **FEDERAL REGULATIONS ADOPTED BY REFERENCE**

**201.39 General Procedure.** (a) In order to secure a representative sample, equal portions shall be taken from evenly distributed parts of the quantity of seed or screenings to be sampled. Access shall be had to all parts of that

quantity. When more than one trierful of seed is drawn from a bag, different paths shall be followed. When more than one handful is taken from a bag, the handfuls shall be taken from well-separated points.

(b) For free-flowing seed in bags or bulk, a probe or trier shall be used. For small free-flowing seed in bags a probe or trier long enough to sample all portions of the bag should be used.

(c) Non-free-flowing seed, such as certain grass seed, uncleaned seed, or screenings, difficult to sample with a probe or trier, shall be sampled by thrusting the hand into the bulk and withdrawing representative portions. The hand is inserted in an open position and the fingers are held closely together while the hand is being inserted and the portion withdrawn.

(d) As the seed or screenings are sampled, each portion shall be examined. If there appears to be a lack of uniformity, the portions shall not be combined into a composite sample but shall be retained as separate samples or combined to form individual-container samples to determine such lack of uniformity as may exist.

(e) When the portions appear to be uniform, they shall be combined to form a composite sample.

**201.40 Bulk.** Bulk seeds or screenings shall be sampled by inserting a long probe or thrusting the hand into the bulk as circumstances require in at least seven uniformly distributed parts of the quantity being sampled. At least as many trierfuls or handfuls shall be taken as the minimum which would be required for the same quantity of seed or screenings in bags of a size customarily used for such seed or screenings.

**201.41 Bags.** (a) for lots of six bags or less, each bag shall be sampled. A total of at least five trierfuls shall be taken.

(b) For lots of more than six bags, five bags plus at least 10 percent of the number of bags in the lot shall be sampled. (Round off numbers with decimals to the nearest whole number, raising 0.5 to the next whole number.) Regardless of the lot size it is not necessary that more than 30 bags be sampled.

(c) Samples shall be drawn from unopened bags except under circumstances where the identity of the seed has been preserved.

**201.42 Small Containers.** In sampling seed in small containers that it is not practical to sample as required in 201.41, a portion of one unopened container or one or more entire unopened containers may be taken to supply a minimum size sample, as required in 201.43.

**201.43 Size of Sample.** The following are minimum sizes of samples of agricultural seed, vegetable seed and screenings to be submitted for analysis, test, or examination:

(a) Two ounces (57 grams) of grass seed not otherwise mentioned, white or alsike clover, or seeds not larger than these.

(b) Five ounces (142 grams) of red or crimson clover, alfalfa, lespedeza, ryegrass, bromegrass, millet, flax, rape, or seeds of similar size.

(c) One pound (454 grams) of Sudangrass, proso millet, hemp or seeds of similar size.

(d) Two pounds (907 grams) of cereals, sorghum, vetch, or seeds of similar or larger size.

(e) Two quarts (2.2 liters) of screenings.

(1) Vegetable seed samples shall consist of at least 400 seeds.

(g) Coated seed for a purity analysis shall consist of at least 7,500 seed units. Coated seed for noxious-weed seed examination shall consist of at least 30,000 seed units. Coated seed for germination test only shall consist of at least 1,000 seed units.

(7/00)