

## Agricultural Marketing Service, USDA

## § 201.2

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- 201.56-6 Legume or pea family, Fabaceae (Leguminosae).
- 201.56-7 Lily family, Liliaceae.
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### RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE

#### DEFINITIONS

#### § 201.1 Meaning of words.

Words in the regulations in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

[5 FR 28, Jan. 4, 1940]

#### § 201.2 Terms defined.

When used in the regulations in this part the terms as defined in section 101 of the Act, unless modified in this section as provided in the Act, shall apply with equal force and effect. In addition, as used in this part:

(a) *The Act.* The term "Act" means the FSA approved August 9, 1939 (53 Stat. 1275; 7 U.S.C. 1551-1611 as amended);

(b) *Person.* The term "person" includes a partnership, corporation, company, society, association, receiver, or trustee;

(c) *Secretary.* The term "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead;

(d) *Hearing Clerk.* The term "Hearing Clerk" means the Hearing Clerk, United States Department of Agriculture, Washington, DC;

(e) *Respondent.* The term "respondent" means a person against whom a complaint is issued;

(f) *Examiner.* The term "examiner" means an employee of the Department of Agriculture, designated by the Secretary to conduct hearings under the Act, and this part;

(g) *FEDERAL REGISTER.* The term "FEDERAL REGISTER" means the publication provided by the Act of July 26, 1935 (49 Stat. 500), and acts supplementary thereto and amendatory thereof;

(h) *Agricultural seeds.* The term "agricultural seeds" means the following kinds of grass, forage, and field crop

seeds, that are used for seeding purposes in the United States:

- Agrotricum—*Agrotriticum* Cif. & Giacom.  
 Alfalfa—*Medicago sativa* L. subsp. *sativa*  
 Alfilaria—*Erodium cicutarium* (L.) L'Hér.  
 Alyceclover—*Alysicarpus vaginalis* (L.) DC.  
 Bahiagrass—*Paspalum notatum* Flügge  
 Barley—*Hordeum vulgare* L. subsp. *vulgare*  
 Barrelclover—*Medicago truncatula* Gaertn.  
 Bean, adzuki—*Vigna angularis* (Willd.) Ohwi & H. Ohashi var. *angularis*  
 Bean, field—*Phaseolus vulgaris* L. var. *vulgaris*  
 Bean, mung—*Vigna radiata* (L.) R. Wilczek var. *radiata*  
 Beet, field—*Beta vulgaris* L. subsp. *vulgaris*  
 Beet, sugar—*Beta vulgaris* L. subsp. *vulgaris*  
 Beggarweed, Florida—*Desmodium tortuosum* (Sw.) DC.  
 Bentgrass, colonial—*Agrostis capillaris* L.  
 Bentgrass, creeping—*Agrostis stolonifera* L.  
 Bentgrass, velvet—*Agrostis canina* L.  
 Bermudagrass—*Cynodon dactylon* (L.) Pers. var. *dactylon*  
 Bermudagrass, giant—*Cynodon dactylon* (L.) Pers. var. *aridus* J.R. Harlan & de Wet  
 Bluegrass, annual—*Poa annua* L.  
 Bluegrass, bulbous—*Poa bulbosa* L.  
 Bluegrass, Canada—*Poa compressa* L.  
 Bluegrass, glaucantha—*Poa glauca* Vahl  
 Bluegrass, Kentucky—*Poa pratensis* L.  
 Bluegrass, Nevada—*Poa secunda* J. Presl  
 Bluegrass, rough—*Poa trivialis* L.  
 Bluegrass, Texas—*Poa arachnifera* Torr.  
 Bluegrass, wood—*Poa nemoralis* L.  
 Bluejoint—*Calamagrostis canadensis* (Michx.) P. Beauv.  
 Bluestem, big—*Andropogon gerardii* Vitman  
 Bluestem, little—*Schizachyrium scoparium* (Michx.) Nash  
 Bluestem, sand—*Andropogon hallii* Hack.  
 Bluestem, yellow—*Bothriochloa ischaemum* (L.) Keng var. *ischaemum*  
 Bottlebrush-squirreltail—*Elymus elymoides* (Raf.) Swezey  
 Brome, field—*Bromus arvensis* L.  
 Brome, meadow—*Bromus biebersteinii* Roem. & Schult.  
 Brome, mountain—*Bromus marginatus* Steud.  
 Brome, smooth—*Bromus inermis* Leyss. subsp. *inermis*  
 Broomcorn—*Sorghum bicolor* (L.) Moench  
 Buckwheat—*Fagopyrum esculentum* Moench  
 Buffalograss—*Buchloe dactyloides* (Nutt.) Engelm.  
 Buffelgrass—*Cenchrus ciliaris* L.  
 Burclover, California—*Medicago polymorpha* L.  
 Burclover, spotted—*Medicago arabica* (L.) Huds.  
 Burnet, little—*Sanguisorba minor* Scop.  
 Buttonclover—*Medicago orbicularis* (L.) Bartal.  
 Canarygrass—*Phalaris canariensis* L.  
 Canarygrass, reed—*Phalaris arundinacea* L.  
 Carpetgrass—*Axonopus fissifolius* (Raddi) Kuhl.  
 Castorbean—*Ricinus communis* L.  
 Chess, soft—*Bromus hordeaceus* L.  
 Chickpea—*Cicer arietinum* L.  
 Clover, alsike—*Trifolium hybridum* L.  
 Clover, arrowleaf—*Trifolium vesiculosum* Savi  
 Clover, berseem—*Trifolium alexandrinum* L.  
 Clover, cluster—*Trifolium glomeratum* L.  
 Clover, crimson—*Trifolium incarnatum* L.  
 Clover, Kenya—*Trifolium semipilosum* Fresen.  
 Clover, ladino—*Trifolium repens* L.  
 Clover, lappa—*Trifolium lappaceum* L.  
 Clover, large hop—*Trifolium campestre* Schreb.  
 Clover, Persian—*Trifolium resupinatum* L.  
 Clover, red or  
 Red clover, mammoth—*Trifolium pratense* L.  
 Red clover, medium—*Trifolium pratense* L.  
 Clover, rose—*Trifolium hirtum* All.  
 Clover, small hop or suckling—*Trifolium dubium* Sibth.  
 Clover, strawberry—*Trifolium fragiferum* L.  
 Clover, sub or subterranean—*Trifolium subterraneum* L.  
 Clover, white—*Trifolium repens* L. (also see Clover, ladino)  
 Clover—(also see Alyceclover, Burclover, Buttonclover, Sourclover, Sweetclover)  
 Corn, field—*Zea mays* L. subsp. *mays*  
 Corn, pop—*Zea mays* L. subsp. *mays*  
 Cotton—*Gossypium* spp.  
 Cowpea—*Vigna unguiculata* (L.) Walp. subsp. *unguiculata*  
 Crambe—*Crambe abyssinica* R.E. Fr.  
 Crested dogtail—*Cynosurus cristatus* L.  
 Crotalaria, lance—*Crotalaria lanceolata* E. Mey.  
 Crotalaria, showy—*Crotalaria spectabilis* Roth  
 Crotalaria, slenderleaf—*Crotalaria brevidens* Benth. var. *intermedia* (Kotschy) Polhill  
 Crotalaria, striped or smooth—*Crotalaria pallida* Aiton  
 Crotalaria, sunn—*Crotalaria juncea* L.  
 Crownvetch—*Securigera varia* (L.) Lassen  
 Dallisgrass—*Paspalum dilatatum* Poir.  
 Dichondra—*Dichondra repens* J.R. Forst. & G. Forst.  
 Dropseed, sand—*Sporobolus cryptandrus* (Torr.) A. Gray  
 Emmer—*Triticum turgidum* L. subsp. *dicoccon* (Schränk) Thell.  
 Fescue, Chewing's—*Festuca rubra* L. subsp. *commutata* Gaudin  
 Fescue, hair—*Festuca filiformis* Pourr.  
 Fescue, hard—*Festuca trachyphylla* (Hack.) Krajina  
 Fescue, meadow—*Festuca pratensis* Huds.  
 Fescue, red—*Festuca rubra* L. subsp. *rubra*  
 Fescue, sheep—*Festuca ovina* L.  
 Fescue, tall—*Festuca arundinacea* Schreb.  
 Flatpea—*Lathyrus sylvestris* L.  
 Flax—*Linum usitatissimum* L.  
 Foxtail, creeping—*Alopecurus arundinaceus* Poir.  
 Foxtail, meadow—*Alopecurus pratensis* L.

- Galletagrass—*Hilaria jamesii* (Torr.) Benth.  
 Grama, blue—*Bouteloua gracilis* (Kunth) Griffiths  
 Grama, side-oats—*Bouteloua curtipendula* (Michx.) Torr.  
 Guar—*Cyamopsis tetragonoloba* (L.) Taub.  
 Guineagrass—*Panicum maximum* Jacq. var. *maximum*  
 Hardinggrass—*Phalaris aquatica* L.  
 Hemp—*Cannabis sativa* L. subsp. *sativa*  
 Indiangrass, yellow—*Sorghastrum nutans* (L.) Nash  
 Indigo, hairy—*Indigofera hirsuta* L.  
 Japanese lawngress—*Zoysia japonica* Steud.  
 Johnsongrass—*Sorghum halepense* (L.) Pers.  
 Kenaf—*Hibiscus cannabinus* L.  
 Kochia, forage—*Kochia prostrata* (L.) Schrad.  
 Kudzu—*Pueraria montana* (Lour.) Merr. var. *lobata* (Willd.) Sanjappa & Predeep  
 Lentil—*Lens culinaris* Medik. subsp. *culinaris*  
 Lespedeza, Korean—*Kummerowia stipulacea* (Maxim.) Makino  
 Lespedeza, sericea or Chinese—*Lespedeza cuneata* (Dum. Cours.) G. Don  
 Lespedeza, Siberian—*Lespedeza juncea* (L. f.) Pers.  
 Lespedeza, striate—*Kummerowia striata* (Thunb.) Schindl.  
 Lovegrass, sand—*Eragrostis trichodes* (Nutt.) Alph. Wood  
 Lovegrass, weeping—*Eragrostis curvula* (Schrad.) Nees  
 Lupine, blue—*Lupinus angustifolius* L.  
 Lupine, white—*Lupinus albus* L.  
 Lupine, yellow—*Lupinus luteus* L.  
 Manilagrass—*Zoysia matrella* (L.) Merr.  
 Medic, black—*Medicago lupulina* L.  
 Milkvetch or cicer milkvetch—*Astragalus cicer* L.  
 Millet, browntop—*Brachiaria ramosa* (L.) Stapf  
 Millet, foxtail—*Setaria italica* (L.) P. Beauv. subsp. *italica*  
 Millet, Japanese—*Echinochloa esculenta* (A. Braun) H. Scholz  
 Millet, pearl—*Pennisetum glaucum* (L.) R. Br.  
 Millet, proso—*Panicum miliaceum* L. subsp. *miliaceum*  
 Molassesgrass—*Melinis minutiflora* P. Beauv.  
 Mustard, black—*Brassica nigra* (L.) W.D.J. Koch  
 Mustard, India—*Brassica juncea* (L.) Czern. var. *juncea*  
 Mustard, white—*Sinapis alba* L. subsp. *alba*  
 Napiergrass—*Pennisetum purpureum* Schumacher  
 Needlegrass, green—*Stipa viridula* Trin.  
 Oat—*Avena byzantina* K. Koch, *A. sativa* L., *A. nuda* L.  
 Oatgrass, tall—*Arrhenatherum elatius* (L.) J. Presl & C. Presl subsp. *elatius*  
 Orchardgrass—*Dactylis glomerata* L.  
 Panicgrass, blue—*Panicum antidotale* Retz.  
 Panicgrass, green—*Panicum maximum* Jacq.  
 Pea, field—*Pisum sativum* L. var. *arvense* (L.) Poir.  
 Peanut—*Arachis hypogaea* L.  
 Poa trivialis—(see Bluegrass, rough)  
 Rape, annual—*Brassica napus* L. var. *napus*  
 Rape, bird—*Brassica rapa* L. subsp. *campestris* (L.) A.R. Clapham  
 Rape, turnip—*Brassica rapa* L. subsp. *campestris* (L.) A.R. Clapham and subsp. *oleifera* (DC.) Metzg.  
 Rape, winter—*Brassica napus* L. var. *napus*  
 Redtop—*Agrostis gigantea* Roth  
 Rescuegrass—*Bromus catharticus* Vahl var. *catharticus*  
 Rhodesgrass—*Chloris gayana* Kunth  
 Rice—*Oryza sativa* L.  
 Ricegrass, Indian—*Achnatherum hymenoides* (Roem. & Schult.) Barkworth  
 Roughpea—*Lathyrus hirsutus* L.  
 Rye—*Secale cereale* L. subsp. *cereale*  
 Rye, mountain—*Secale strictum* (C. Presl) C. Presl subsp. *strictum*  
 Ryegrass, annual or Italian—*Lolium multiflorum* Lam.  
 Ryegrass, intermediate—*Lolium hybridum* Hausskn.  
 Ryegrass, perennial—*Lolium perenne* L.  
 Ryegrass, Wimmera—*Lolium rigidum* Gaudin  
 Safflower—*Carthamus tinctorius* L.  
 Sagewort, Louisiana—*Artemisia ludoviciana* Nutt.  
 Sainfoin—*Onobrychis viciifolia* Scop.  
 Saltbush, fourwing—*Atriplex canescens* (Pursh) Nutt.  
 Sesame—*Sesamum indicum* L.  
 Sesbania—*Sesbania exaltata* (Raf.) A.W. Hill  
 Smilo—*Piptatherum miliaceum* (L.) Coss.  
 Sorghum—*Sorghum bicolor* (L.) Moench  
 Sorghum alnum—*Sorghum xalmum* L. Parodi  
 Sorghum-sudangrass—*Sorghum × drummondii* (Steud.) Millsp. & Chase  
 Sorgrass—Rhizomatous derivatives of a johnsongrass×sorghum cross or a johnsongrass×sudangrass cross  
 Southernpea—(See Cowpea)  
 Sourclover—*Melilotus indicus* (L.) All.  
 Soybean—*Glycine max* (L.) Merr.  
 Spelt—*Triticum aestivum* L. subsp. *spelta* (L.) Thell.  
 Sudangrass—*Sorghum × drummondii* (Steud.) Millsp. & Chase  
 Sunflower—*Helianthus annuus* L.  
 Sweetclover, white—*Melilotus albus* Medik.  
 Sweetclover, yellow—*Melilotus officinalis* Lam.  
 Sweet vernalgrass—*Anthoxanthum odoratum* L.  
 Sweetvetch, northern—*Hedysarum boreale* Nutt.  
 Switchgrass—*Panicum virgatum* L.  
 Timothy—*Phleum pratense* L.  
 Timothy, turf—*Phleum nodosum* L.  
 Tobacco—*Nicotiana tabacum* L.  
 Trefoil, big—*Lotus uliginosus* Schkuhr  
 Trefoil, birdsfoot—*Lotus corniculatus* L.  
 Triticale—*Triticosecale* A. Camus (*Secale × Triticum*)  
 Vaseygrass—*Paspalum urvillei* Steud.  
 Veldtgrass—*Ehrharta calycina* Sm.

- Velvetbean—*Mucuna pruriens* (L.) DC. var. *utilis* (Wight) Burck  
 Velvetgrass—*Holcus lanatus* L.  
 Vetch, common—*Vicia sativa* L. subsp. *sativa*  
 Vetch, hairy—*Vicia villosa* Roth subsp. *villosa*  
 Vetch, Hungarian—*Vicia pannonica* Crantz  
 Vetch, monantha—*Vicia articulata* Hornem.  
 Vetch, narrowleaf or blackpod—*Vicia sativa* L. subsp. *nigra* (L.) Ehrh.  
 Vetch, purple—*Vicia benghalensis* L.  
 Vetch, woollypod or winter—*Vicia villosa* Roth subsp. *varia* (Host) Corb.  
 Wheat, common—*Triticum aestivum* L. subsp. *aestivum*  
 Wheat, club—*Triticum aestivum* L. subsp. *compactum* (Host) Mackey  
 Wheat, durum—*Triticum turgidum* L. subsp. *durum* (Desf.) Husn.  
 Wheat, Polish—*Triticum turgidum* L. subsp. *polonicum* (L.) Thell.  
 Wheat, poulard—*Triticum turgidum* L. subsp. *turgidum*  
 Wheat×Agrotricum—*Triticum*×*Agrotriticum*  
 Wheatgrass, beardless—*Pseudoroegneria spicata* (Pursh) á. Löve  
 Wheatgrass, crested or fairway crested—*Agropyron cristatum* (L.) Gaertn.  
 Wheatgrass, crested or standard crested—*Agropyron desertorum* (Link) Schult.  
 Wheatgrass, intermediate—*Thinopyrum intermedium* (Host) Barkworth & D.R. Dewey subsp. *intermedium*  
 Wheatgrass, pubescent—*Thinopyrum intermedium* (Host) Barkworth & D.R. Dewey subsp. *barbulatum* (Schur) Barkworth & D.R. Dewey  
 Wheatgrass, Siberian—*Agropyron fragile* (Roth) P. Candargy  
 Wheatgrass, slender—*Elymus trachycaulus* (Link) Shinnars subsp. *trachycaulus*  
 Wheatgrass, streambank—*Elymus lanceolatus* (Scribn. & J.G. Sm.) Gould subsp. *riparius* (Scribn. & J.G. Sm.) Barkworth  
 Wheatgrass, tall—*Thinopyrum elongatum* (Host) D.R. Dewey  
 Wheatgrass, western—*Pascopyrum smithii* (Rydb.) Barkworth & D.R. Dewey  
 Wildrye, basin—*Leymus cinereus* (Scribn. & Merr.) á. Löve  
 Wildrye, Canada—*Elymus canadensis* L.  
 Wildrye, Russian—*Psathyrostachys juncea* (Fisch.) Nevski  
 Zoysia japonica—(see Japanese lawngrass)  
 Zoysia matrella—(see Manilagrass)
- (i) *Vegetable seeds.* The term “vegetable seeds” means the seeds of the following kinds that are or may be grown in gardens or on truck farms and are or may be generally known and sold under the name of vegetable seeds:
- Artichoke—*Cynara cardunculus* L.  
 Asparagus—*Asparagus officinalis* L.  
 Asparagusbean or yard-long bean—*Vigna unguiculata* (L.) Walp. subsp. *sesquipedalis* (L.) Verdc.  
 Bean, garden—*Phaseolus vulgaris* L. var. *vulgaris*  
 Bean, Lima—*Phaseolus lunatus* L.  
 Bean, runner or scarlet runner—*Phaseolus coccineus* L.  
 Beet—*Beta vulgaris* L. subsp. *vulgaris*  
 Broadbean—*Vicia faba* L. var. *faba*  
 Broccoli—*Brassica oleracea* L. var. *italica* Plenck  
 Brussels sprouts—*Brassica oleracea* L. var. *gemmifera* Zenker  
 Burdock, great—*Arctium lappa* L.  
 Cabbage—*Brassica oleracea* L. var. *capitata* L.  
 Cabbage, Chinese—*Brassica rapa* L. subsp. *pekinensis* (Lour.) Hanelt  
 Cabbage, tronchuda—*Brassica oleracea* L. var. *costata* DC.  
 Cantaloupe—(see Melon)  
 Cardoon—*Cynara cardunculus* L.  
 Carrot—*Daucus carota* L. subsp. *sativus* (Hoffm.) Arcang.  
 Cauliflower—*Brassica oleracea* L. var. *botrytis* L.  
 Celeriac—*Apium graveolens* L. var. *rapaceum* (Mill.) Gaudin  
 Celery—*Apium graveolens* L. var. *dulce* (Mill.) Pers.  
 Chard, Swiss—*Beta vulgaris* L. subsp. *vulgaris*  
 Chicory—*Cichorium intybus* L.  
 Chives—*Allium schoenoprasum* L.  
 Citron melon—*Citrullus lanatus* (Thunb.) Matsum. & Nakai var. *citroides* (L.H. Bailey) Mansf.  
 Collards—*Brassica oleracea* L. var. *viridis* L.  
 Corn, sweet—*Zea mays* L. subsp. *mays*  
 Cornsalad—*Valerianella locusta* (L.) Laterr.  
 Cowpea—*Vigna unguiculata* (L.) Walp. subsp. *unguiculata*  
 Cress, garden—*Lepidium sativum* L.  
 Cress, upland—*Barbarea verna* (Mill.) Asch.  
 Cress, water—*Nasturtium officinale* R. Br.  
 Cucumber—*Cucumis sativus* L.  
 Dandelion—*Taraxacum officinale* F.H. Wigg.  
 Dill—*Anethum graveolens* L.  
 Eggplant—*Solanum melongena* L.  
 Endive—*Cichorium endivia* L. subsp. *endivia*  
 Favabean (see Broadbean)  
 Gherkin, West India—*Cucumis anguria* L. var. *anguria*  
 Kale—*Brassica oleracea* L. var. *viridis* L.  
 Kale, Chinese—*Brassica oleracea* L. var. *alboglabra* (L.H. Bailey) Musil  
 Kale, Siberian—*Brassica napus* L. var. *pabularia* (DC.) Rchb.  
 Kohlrabi—*Brassica oleracea* L. var. *gongylodes* L.  
 Leek—*Allium porrum* L.  
 Lettuce—*Lactuca sativa* L.  
 Melon—*Cucumis melo* L. subsp. *melo*  
 Muskmelon—(see Melon).  
 Mustard, India—*Brassica juncea* (L.) Czern.  
 Mustard, spinach—*Brassica rapa* var. *perviridis* L.H. Bailey  
 Okra—*Abelmoschus esculentus* (L.) Moench  
 Onion—*Allium cepa* L. var. *cepa*  
 Onion, bunching (see Onion, Welsh)

Onion, Welsh—*Allium fistulosum* L.  
 Pak-choi—*Brassica rapa* L. subsp. *chinensis* (L.) Hanelt  
 Parsley—*Petroselinum crispum* (Mill.) A.W. Hill  
 Parsnip—*Pastinaca sativa* L. subsp. *sativa*  
 Pea—*Pisum sativum* L. subsp. *sativum*  
 Pepper—*Capsicum* spp.  
 Pe-tsai—(see Chinese cabbage).  
 Pumpkin—*Cucurbita pepo* L., *C. moschata* Duchesne, and *C. maxima* Duchesne  
 Radicchio (see Chicory)  
 Radish—*Raphanus sativus* L.  
 Rhubarb—*Rheum × hybridum* Murray  
 Rutabaga—*Brassica napus* L. var. *napobrassica* (L.) Rchb.  
 Sage—*Salvia officinalis* L.  
 Salsify—*Tragopogon porrifolius* L.  
 Savory, summer—*Satureja hortensis* L.  
 Sorrel—*Rumex acetosa* L.  
 Southernpea—(see Cowpea)  
 Soybean—*Glycine max* (L.) Merr.  
 Spinach—*Spinacia oleracea* L.  
 Spinach, New Zealand—*Tetragonia tetragonoides* (Pall.) Kuntze  
 Squash—*Cucurbita pepo* L., *C. moschata* Duchesne, and *C. maxima* Duchesne  
 Tomato—*Lycopersicon esculentum* Mill.  
 Tomato, husk—*Physalis pubescens* L.  
 Turnip—*Brassica rapa* L. subsp. *rapa*  
 Watermelon—*Citrullus lanatus* (Thunb.) Matsum. & Nakai var. *lanatus*

(j) *Regulations.* The term “regulations” means the rules and regulations promulgated by the Secretary of Agriculture and the joint rules and regulations promulgated by the Secretary of the Treasury and the Secretary of Agriculture under the act.

(k) *Joint regulations.* The term “joint regulations” means the joint rules and regulations promulgated by the Secretary of the Treasury and the Secretary of Agriculture.

(l) *Complete record.* (1) The term “complete record” means information which relates to the origin, treatment, germination, and purity (including variety) of each lot of agricultural seed transported or delivered for transportation in interstate commerce, or which relates to the treatment, germination, and variety of each lot of vegetable seed transported or delivered for transportation in interstate commerce. Such information includes seed samples and records of declarations, labels, purchases, sales, cleaning, bulking, treatment, handling, storage, analyses, tests, and examinations.

(2) The complete record kept by each person for each treatment substance or lot of seed consists of the information

pertaining to his own transactions and the information received from others pertaining to their transactions with respect to each treatment substance or lot of seed.

(m) *Declaration.* The term “declaration” means a written statement of a grower, shipper, processor, dealer, or importer giving for any lot of seed the kind, variety, type, origin, or the use for which the seed is intended.

(n) *Declaration of origin.* The term “declaration of origin” means a declaration of a grower or country shipper in the United States stating for each lot of agricultural seed (1) kind of seed, (2) lot number or other identification, (3) State where seed was grown and the county where grown if to be labeled showing the origin as a portion of a State, (4) quantity of seed, (5) date shipped or delivered, (6) to whom sold, shipped, or delivered, and (7) the signature and address of the grower or country shipper issuing the declaration. If the declaration is issued by a grower and the identity of the person delivering the seed is unknown to the receiver, the motor vehicle license number or other identification of the delivering agency should be entered on the declaration by the receiver. If a country shipper’s declaration includes seed shipped or delivered to him by another country shipper, it shall give for each lot the other country shipper’s lot number as included in the other country shipper’s declaration of origin.

(o) *Declaration of kind, variety, or type.* The term “declaration of kind, variety, or type” means a declaration of a grower stating for each lot of seed (1) the name of the kind, variety, or type stated in accordance with §§201.9 through 201.12, (2) lot number or other identification, (3) place where seed was grown, (4) quantity of seed, (5) date shipped or delivered, (6) to whom sold, shipped or delivered, and (7) the signature and address of the grower issuing the declaration.

(p) *Mixture.* The term “mixture” means seeds consisting of more than one kind or variety, each present in excess of 5 percent of the whole.

(q) *Coated Seed.* The term “coated seed” means any seed unit covered with any substance that changes the size, shape, or weight of the original

seed. Seeds coated with ingredients such as, but not limited to, rhizobia, dyes, and pesticides are excluded.

(r) *Grower*. The term “grower” means any person who produces directly or through a growing contract, or is a seed-crop sharer in seed which is sold, offered for sale, transported, or offered for transportation.

(s) *Country shipper*. The term “country shipper” means any person located in a producing area who purchases seed locally for shipment to seed dealers or to other country shippers.

(t) *Dealer*. The term “dealer” means any person who cleans, processes, sells, offers for sale, transports, or delivers for transportation seeds in interstate commerce.

(u) *Consumer*. The term “consumer” means any person who purchases or otherwise obtains seed for sowing but not for resale.

(v) *Lot of seed*. The term “lot of seed” means a definite quantity of seed identified by a lot number, every portion or bag of which is uniform, within permitted tolerances, for the factors which appear in the labeling.

(w) *Purity*. The term “purity” means the name or names of the kind, type, or variety and the percentage or percentages thereof; the percentage of other agricultural seed or crop seed; the percentage of weed seeds, including noxious-weeds seeds; the percentage of inert matter; and the names of the noxious weed seeds and the rate of occurrence of each.

(x) *Inoculant*. The term “inoculant” means a commercial preparation containing nitrogen-fixing bacteria applied to seed.

(y) *Hybrid*. The term “hybrid” applied to kinds or varieties of seed means the first generation seed of a cross produced by controlling the pollination and by combining (1) two or more inbred lines; (2) one inbred or a single cross with an open pollinated variety; or (3) two selected clones, seed lines, varieties, or species. “Controlling the pollination” means to use a method of hybridization which will produce pure seed which is at least 75 percent hybrid seed. Hybrid designations shall be treated as variety names.

(z) *Conditioning*. For the purpose of section 203 (b)(2)(C) of the act the term

“conditioning” means cleaning, scari-fying, or blending to obtain uniform quality, and other operations which would change the purity or germination of the seed and therefore require retesting to determine the quality of the seed, but does not include operations such as packaging, labeling, blending together of uniform lots of the same kind or variety without cleaning, or the preparation of a mixture without cleaning, any of which would not require retesting to determine the quality of the seed.

(aa) *Agricultural Marketing Service* means the Agricultural Marketing Service, United States Department of Agriculture.

(bb) *Breeder seed*. Breeder seed is a class of certified seed directly controlled by the originating or sponsoring plant breeding institution, or person, or designee thereof, and is the source for the production of seed of the other classes of certified seed.

(cc) *Foundation seed*. Foundation seed is a class of certified seed which is the progeny of Breeder or Foundation seed and is produced and handled under procedures established by the certifying agency, in accordance with this part, for producing the Foundation class of seed, for the purpose of maintaining genetic purity and identity.

(dd) *Registered seed*. Registered seed is a class of certified seed which is the progeny of Breeder or Foundation seed and is produced and handled under procedures established by the certifying agency, in accordance with this part, for producing the Registered class of seed, for the purpose of maintaining genetic purity and identity.

(ee) *Certified seed*. Certified seed is a class of certified seed which is the progeny of Breeder, Foundation, or Registered seed, except as provided in §201.70, and is produced and handled under procedures established by the certifying agency, in accordance with this part, for producing the Certified class of seed, for the purpose of maintaining genetic purity and identity.

(ff) *Off-type*. The term “off-type” means a plant or seed which deviates in one or more characteristics from that which has been described in accordance with §201.68(c) as being usual for the strain or variety.

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(gg) *Inbred line*. The term “inbred line” means a relatively true-breeding strain resulting from at least five successive generations of controlled self-fertilization or of backcrossing to a recurrent parent with selection, or its equivalent, for specific characteristics.

(hh) *Single cross*. The term “single cross” means the first generation hybrid between two inbred lines.

(ii) *Foundation single cross*. The term “foundation single cross” means a single cross used in the production of a double cross, a three-way, or a top cross.

(jj) *Double cross*. The term “double cross” means the first generation hybrid between two single crosses.

(kk) *Top cross*. The term “top cross” means the first generation hybrid of a cross between an inbred line and an open-pollinated variety or the first-generation hybrid between a single cross and an open-pollinated variety.

(ll) *Three-way cross*. The term “three-way cross” means a first generation hybrid between a single cross and an inbred line.

(mm) *Open-pollination*. The term “open-pollination” means pollination that occurs naturally as opposed to controlled pollination, such as by detasselling, cytoplasmic male sterility, self-incompatibility or similar processes.

[5 FR 28, Jan. 4, 1940]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 201.2, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.fdsys.gov](http://www.fdsys.gov).

### ADMINISTRATION

#### § 201.3 Administrator.

The Administrator of the Agricultural Marketing Service may perform such duties as the Secretary require in enforcing the provisions of the act and of the regulations in this part.

[5 FR 30, Jan. 4, 1940, as amended at 13 FR 8731, Dec. 30, 1948; 19 FR 57, Jan. 6, 1954; 59 FR 66491, Dec. 14, 1994]

### RECORDS FOR AGRICULTURAL AND VEGETABLE SEEDS

#### § 201.4 Maintenance and accessibility.

(a) Each person transporting or delivering for transportation in interstate commerce agricultural or vegetable seed subject to the act shall keep for a period of 3 years a complete record of each lot of such seed so transported or delivered, including a sample representing each lot of such seed, except that any seed sample may be discarded 1 year after the entire lot represented by such sample has been disposed of by such person.

(b) Each sample of agricultural seed retained shall be at least the weight required for a noxious-weed seed examination as set forth in § 201.46 and each sample of vegetable seed retained shall consist of at least 400 seeds. The record shall be kept in such manner as to permit comparison with the records required to be kept by other persons for the same lot of seed so that the origin, treatment, germination, and purity (including variety) of agricultural seed and the treatment, germination and variety of vegetable seed may be traced from the grower to the ultimate consumer and so that the lot of seed may be correctly labeled. The record shall be accessible for inspection by the authorized agents of the Secretary for purposes of the effective administration of the act at any time during customary business hours.

[24 FR 3951, May 15, 1959, as amended at 32 FR 12778, Sept. 6, 1967]

#### § 201.5 Origin.

(a) The complete record for any lot of seed of alfalfa, red clover, white clover, or field corn, except hybrid seed corn, shall include a declaration of origin, or information traceable to a declaration of origin or evidence showing that a declaration of origin could not be obtained.

(b) Each country shipper shall retain a copy of each declaration which he issues and shall attach thereto a detailed record showing the names and addresses of growers or country shippers from whom the seed was purchased, the quantity of seed purchased