

CHAPTER 40  
AGRICULTURAL SEEDS

[Prior to 7/27/88, see Agriculture Department 30—Ch 5]

**21—40.1(199) Agricultural seeds.** The term “agricultural seeds” shall mean, in addition to those defined as such in Iowa Code subsection 199.1(2), all such seeds listed in 7 C.F.R., Section 201.2(h), revised as of January 1, 1982, with the following exceptions:

- Alfilaria-Erodium cicutarium (L).
- Bluegrass, annual-Poa annua L.
- Chess, soft-Bromus mollis L.
- Johnson grass-Sorghum halepense (L).
- Mustard-Brassica juncea (L).
- Mustard-black-Brassica nigra.
- Rape, bird-Brassica campestris L.
- Rape, turnip-Brassica campestris vars.
- Sorghum almum-Sorghum almum.

[ARC 4842C, IAB 1/1/20, effective 12/11/19]

**21—40.2(199) Seed testing.** The terms used in seed testing and the methods of sampling, inspecting, analyzing, testing and examining agricultural and vegetable seeds and the tolerances to be followed in the administration of this Act shall be those adopted by the Association of Official Seed Analysts, RULES FOR TESTING SEEDS, Vol. 6, Number 2 (1981).

**21—40.3(199) Labeling.** Agricultural and vegetable seeds in package or wrapped form shall be labeled in accordance with Iowa Code section 189.9(1). In addition, labeling requirements appearing in Title 7, C.F.R., Subchapter K, Part 201, Sections 201.8 through and including 201.36(c), revised as of January 1, 1982, are hereby adopted by this reference and shall be the labeling requirements for agricultural and vegetable seeds in Iowa. However, the germination rate is not required for small packages of vegetable seed in packets of one pound or less which are prepared for use in home gardens or household plantings or for vegetable seeds in preplanted containers, mats, tapes or other planting devices in containers.

[ARC 3486C, IAB 12/6/17, effective 1/10/18]

**21—40.4 and 40.5** Reserved.

**21—40.6(199) Classes and sources of certified seed.**

**40.6(1) Terms defined.**

*a.* Foundation seed is a class of certified seed which is the progeny of breeder or foundation seed handled to maintain specific genetic purity and identity. Production must be acceptable to the certifying agency.

*b.* Registered seed is a class of certified seed which is the progeny of breeder or foundation seed handled under procedures acceptable to the certifying agency to maintain satisfactory genetic purity and identity.

*c.* Certified seed is a class of certified seed which is the progeny of breeder, foundation registered seed so handled as to maintain satisfactory genetic purity and identity and which has been acceptable to the certifying agency.

*d.* “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.

**40.6(2)** Reserved.

**21—40.7(199) Labeling of seeds with secondary noxious weeds.** In addition to the labeling requirements for all agricultural seeds, such seeds containing secondary noxious weeds shall contain on their labels, the following information:

The name and approximate number of each kind of secondary noxious weed seed per pound in groups 1, 2, 3 and 4 below, when present singly or collectively in excess of:

1. Eighty seeds or bulblets per pound of *Agrostis* species, *Poa* species, Bermuda grass, timothy, orchard grass, fescues (except meadow fescue), alsike and white clover, reed canary grass and other agricultural seeds of similar size and weight or mixtures with this group.

2. Forty-eight seeds or bulblets per pound of rye grass, meadow fescue, foxtail millet, alfalfa, red clover, sweet clover, lespedeza, smooth brome, crimson clover, *Brassica* species, flax, *Agropyron* species and other agricultural seeds of similar size and weight or mixtures within this group or of this group with 1.

3. Sixteen seeds or bulblets per pound of proso, Sudan grass and other agricultural seeds of similar size and weight or mixtures not specified in 1, 2 or 4.

4. Five seeds or bulblets per pound of wheat, oats, rye, barley, buckwheat, sorghum (except Sudan grass), vetches, soybeans and other agricultural seeds of a size and weight similar to or greater than those within this group.

All determinations of noxious weed seeds are subject to tolerances and methods of determination prescribed in the rules and regulations under this chapter.

**21—40.8(199) Germination standards for vegetable seeds.** The following standards for the germination of vegetable seeds are hereby adopted:

	Percent		Percent
Artichoke . . . . .	60	Beet . . . . .	65
Asparagus . . . . .	70	Broadbean . . . . .	75
Asparagus bean . . . . .	75	Broccoli . . . . .	75
Bean, garden . . . . .	70	Brussels sprouts . . . . .	70
Bean, lima . . . . .	70	Cabbage . . . . .	75
Bean, runner . . . . .	75	Leek . . . . .	60
Cantaloupe (See Muskmelon)		Lettuce . . . . .	80
Cardoon . . . . .	60	Muskmelon . . . . .	75
Carrot . . . . .	55	Mustard, India . . . . .	75
Cauliflower . . . . .	75	Mustard, spinach . . . . .	75
Celeriac . . . . .	55	Okra . . . . .	50
Celery . . . . .	55	Onion . . . . .	70
Chard, Swiss . . . . .	65	Onion, Welsh . . . . .	70
Chicory . . . . .	65	Pak-choi . . . . .	75
Chinese cabbage . . . . .	75	Parsley . . . . .	60
Chives . . . . .	50	Parsnip . . . . .	60
Collards . . . . .	80	Pea . . . . .	80
Corn, sweet . . . . .	75	Pepper . . . . .	55
Corn salad . . . . .	70	Pumpkin . . . . .	75
Cowpea . . . . .	75	Radish . . . . .	75
Cress, garden . . . . .	75	Rhubarb . . . . .	60
Cress, upland . . . . .	60	Rutabaga . . . . .	75
Cress, water . . . . .	40	Salsify . . . . .	75
Cucumber . . . . .	80	Soybean . . . . .	75
Eggplant . . . . .	60	Spinach, New Zealand . . . . .	40
Endive . . . . .	70	Spinach . . . . .	60
Kale . . . . .	75	Squash . . . . .	75
Kohlrabi . . . . .	75	Tomato . . . . .	50
Tomato, husk . . . . .	50	Turnip . . . . .	80
Watermelon . . . . .	70		

**21—40.9(199) White sweet clover.** Sweet clover seed containing more than 5 percent of yellow sweet clover seed (more than 1.25 percent mottled seeds) must not be labeled white sweet clover. Such seed must be labeled sweet clover or as a mixture.

**21—40.10(199) Labeling of conditioned seed distributed to wholesalers.** Labeling of seed supplied to a wholesaler whose predominate business is to supply seed to other distributors rather than to consumers

of seed, may be by invoice if each bag or other container is clearly identified by a lot number stenciled on the container or if the seed is in bulk. Each bag or container that does not carry a stenciled lot number must carry complete labeling.

**21—40.11(199) Seeds for sprouting.** The following information shall be indicated on all labels of seeds sold for sprouting in health food stores or other outlets:

1. Commonly accepted name of kind,
2. Lot number,
3. Percentage by weight of the pure seed, crop seeds, inert matter and weed seeds if required,
4. Percentage of germination, and
5. The calendar month and year the test was completed to determine such percentage.

**21—40.12(199) Relabeling.** The following information shall appear on a label for seeds relabeled in their original containers:

**40.12(1)** The calendar month and year the test was completed to determine such percentage of germination, and

**40.12(2)** The identity of the labeling person, if different from original labeler.

**21—40.13(199) Hermetically sealed seed.** The following standards, requirements and conditions must be met before seed is considered to be hermetically sealed:

**40.13(1)** The seed was packaged within nine months after harvest.

**40.13(2)** The container used does not allow water vapor penetration through any wall, including the seals, greater than 0.05 grams of water per 24 hours per 100 square inches of surface at 100°F., with a relative humidity on one side of 90 percent and on the other side 0 percent. Water vapor penetration or WVP is measured by the standards of the U. S. Bureau of Standards as:

gm. H<sub>2</sub>O/24 hr./100sw. in./100°F./90% RH V. .0% RH.

**40.13(3)** The seed in the container does not exceed the percentage of moisture, on a wet weight basis, as listed below:

<u>Agricultural seeds</u>	<u>Percent</u>	<u>Vegetable seeds</u>	<u>Percent</u>
Beet, field. . . . .	7.5	Corn, sweet . . . . .	8.0
Beet, sugar . . . . .	7.5	Cucumber . . . . .	6.0
Bluegrass, Kentucky . . . . .	6.0	Eggplant . . . . .	6.0
Clover, crimson. . . . .	8.0	Kale . . . . .	5.0
Fescue, red . . . . .	8.0	Kohlrabi . . . . .	5.0
Ryegrass, annual . . . . .	8.0	Leek . . . . .	6.5
Ryegrass, perennial . . . . .	8.0	Lettuce . . . . .	5.5
All others . . . . .	6.0	Muskmelon . . . . .	6.0
		Mustard, India . . . . .	5.0
		Onion . . . . .	6.5
		Onion, Welsh . . . . .	6.5
		Parsley . . . . .	6.5
		Parsnip . . . . .	6.0
		Pea . . . . .	7.0
		Pepper . . . . .	4.5
		Pumpkin . . . . .	6.0
		Radish . . . . .	5.0
		Rutabaga . . . . .	5.0
		Spinach . . . . .	8.0
		Squash . . . . .	6.0
		Tomato . . . . .	5.0
		Turnip . . . . .	5.0
		Watermelon . . . . .	6.5
		All others . . . . .	6.0

**40.13(4)** The container is conspicuously labeled in not less than 8-point type to indicate:

- a. That the container is hermetically sealed,

- b. That the seed has been preconditioned as to moisture content, and
- c. The calendar month and year in which the germination test was completed.

**40.13(5)** The percentage of germination of vegetable seed at the time of packaging was equal to or above the standards in Title 7 C.F.R., Section 201.31, revised as of January 1, 1982.

**21—40.14(199) Certification of seed and potatoes.** The Iowa Crop Improvement Association is the duly constituted state authority and state association recognized by the secretary to certify agricultural seed, including seed potatoes, in Iowa.

**21—40.15(199) Federal regulations adopted.** Title 7, C.F.R., Subchapter K—Federal Seed Act—Parts 201, 202 revised as of January 1, 1982, and the Federal Seed Act, 7 U.S.C., Section 1551 et seq., amended as of April 1998, are hereby adopted by this reference in their entirety.

[ARC 3286C, IAB 8/30/17, effective 10/4/17]

**21—40.16(199) Seed libraries.** A qualified seed library may be a library district formed under Iowa Code section 336.2, a library board functioning under Iowa Code section 392.5, or an Iowa food bank or Iowa emergency feeding organization recognized by the Iowa department of revenue. A qualified seed library is subject to permitting by the department, but is not subject to labeling, testing and fees for giving, distributing or exchanging agricultural seed as long as all of the following apply:

1. The exchanges or distributions are made at a single location and no money is exchanged;
2. All seed is intended for planting in Iowa;
3. Individuals receive two pounds or less of seed annually;
4. The seed has not been treated with pesticide;
5. Patented, protected or propriety varieties of seed are used or included in the qualified seed library only with the permission of the patent or certificate holder, developer or owner of the intellectual property associated with the variety;
6. The certified seed status is not misused or misrepresented; and
7. The seed has not been placed under a stop sale order by the department or any other regulatory agency.

[ARC 2041C, IAB 6/24/15, effective 7/29/15]

These rules are intended to implement Iowa Code chapter 199.

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