

**SUBCHAPTER 48C - SEEDS**

**02 NCAC 48C .0101 SAMPLING: ANALYZING: TESTING SEED AND TOLERANCES**

The procedure for sampling seed by inspectors, the analyzing and testing of seed in the laboratory and tolerances permitted, shall be the same as approved by the Association of Official Seed Analysts; provided that the permitted tolerances shall not apply to Balloonvine, Showy Crotalaria, Smooth Crotalaria, Itchgrass, Jimsonweed, Johnsongrass, Serrated Tussock or Witchweed when contained in any agricultural seed; and a maximum of five percentage points tolerance on germination will be applied on stated minimum germination standards.

*History Note: Authority G.S. 106-277.9; 106-277.15;  
 Eff. February 1, 1976;  
 Amended Eff. February 1, 1983; August 30, 1980;  
 Transferred from T02.11C Eff. January 1, 1985;  
 Amended Eff. June 1, 1991; April 1, 1985;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

**02 NCAC 48C .0102 NOXIOUS WEED SEED LIST**

The following weed seeds are classified as prohibited noxious or restricted noxious:

(1) **PROHIBITED:**

- (a) Balloonvine--*Cardiospermum halicacabum* L.;
- (b) Crotalaria, Showy--*Crotalaria spectabilis* Roth;
- (c) Crotalaria, Smooth--*Crotalaria pallida* Ait.;
- (d) Itchgrass--*Rottboellia cochinchinensis* (Lour.) W. Clayton;
- (e) Jimsonweed--*Datura stramonium* L.;
- (f) Johnsongrass--*Sorghum halepense* (L.) Pers.;
- (g) Tussock, Serrated--*Nassella trichotoma* (Nees) Hack.;
- (h) Witchweed--*Striga asiatica* (L.) Ktze.;

(2) **RESTRICTED:**

		Limitations	
		Per 1 lb. of Seed	
(a)	Anoda, Spurred-- <i>Anoda cristata</i> (L.)Schlecht.	4	seeds
(b)	Bermudagrass-- <i>Cynodon dactylon</i> (L.) Pers.	27	seeds
(c)	Bindweed, Field-- <i>Convolvulus arvensis</i> L.	27	seeds
(d)	Bindweed, Hedge-- <i>Calystegia sepium</i> (L.) R.Br.	27	seeds
(e)	Cockle, Corn-- <i>Agrostemma githago</i> L.	10	seeds
(f)	Cocklebur-- <i>Xanthium</i> spp.	4	seeds
(g)	Cornflower (Ragged Robin)-- <i>Centaurea cyanus</i> L.	27	seeds
(h)	Dock, Broadleaf-- <i>Rumex obtusifolius</i> L.	54	seeds
(i)	Dock, Curly-- <i>Rumex crispus</i> L.	54	seeds
(j)	Dodder-- <i>Cuscuta</i> spp.	54	seeds
(k)	Foxtail, Giant-- <i>Setaria faberi</i> Herrm.	54	seeds
(l)	Garlic, Wild-- <i>Allium</i> spp.		
	Small grains or larger seeds	4	bulblets
	Grasses and small seeded legumes	27	bulblets
(m)	Horsenettle-- <i>Solanum carolinense</i> L.	54	seeds
(n)	Morning-glory-- <i>Ipomoea</i> spp.	8	seeds
(o)	Mustard, Wild et al-- <i>Brassica</i> spp.	54	seeds
(p)	Nutsedge, Purple-- <i>Cyperus rotundus</i>	2	tubers or
	L.	27	seeds
(q)	Nutsedge, Yellow-- <i>Cyperus esculentus</i>	2	tubers or
	L.	27	seeds
(r)	Onion, Wild-- <i>Allium</i> spp.		
	Small grains or larger seeds	4	bulblets
	Grasses and small seeded legumes	27	bulblets
(s)	Panicum, Texas-- <i>Panicum texanum</i> Buckl.	27	seeds

(t)	Plantain, Bracted-- <i>Plantago aristata</i> Michx.	54	seeds
(u)	Plantain, Buckhorn-- <i>Plantago lanceolata</i> L.	54	seeds
(v)	Quackgrass-- <i>Elytrigia repens</i> (L.) Nevski	54	seeds
(w)	Radish, Wild-- <i>Raphanus raphanistrum</i> L.	12	seeds
(x)	Sandbur-- <i>Cenchrus</i> spp.	4	seeds
(y)	Sicklepod-- <i>Cassia obtusifolia</i> L.	4	seeds
(z)	Thistle, Blessed-- <i>Cnicus benedictus</i> L.	4	seeds
(aa)	Thistle, Canada-- <i>Cirsium arvense</i> (L.) Scop.	27	seeds
(bb)	Velvetleaf-- <i>Abitilon theophrasti</i> Medicus	4	seeds

*History Note:* Authority G.S. 106-277.9; 106-277.15;  
 Eff. February 1, 1976;  
 Amended Eff. February 1, 1983; August 30, 1980; August 20, 1978;  
 Transferred from T02.11C Eff. January 1, 1985;  
 Amended Eff. December 1, 1988; April 1, 1985;  
 Temporary Amendment Eff. March 17, 1989 for a period of 180 days to expire on September 12, 1989;  
 Amended Eff. June 1, 1991; October 1, 1989;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

**02 NCAC 48C .0103 LABELING**

When restricted noxious weed seeds are present in seed, the name of the weed and number per pound of crop seed shall be stated on the seed tag or label.

*History Note:* Authority G.S. 106-277.15;  
 Eff. February 1, 1976;  
 Amended Eff. August 30, 1980;  
 Transferred from T02.11C Eff. January 1, 1985;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

**02 NCAC 48C .0104 PROHIBITIONS**

The sale of any seed containing Balloonvine, Showy Crotalaria, Smooth Crotalaria, Itchgrass, Jimsonweed, Johnsongrass, Serrated Tussock, or Witchweed is prohibited.

*History Note:* Authority G.S. 106-277.15;  
 Eff. February 1, 1976;  
 Amended Eff. January 2, 1981;  
 Transferred from T02.11C Eff. January 1, 1985;  
 Amended Eff. April 1, 1985;  
 Temporary Amendment Eff. March 17, 1989 for a period of 180 days to expire on September 12, 1989;  
 Amended Eff. June 1, 1991; October 1, 1989;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

**02 NCAC 48C .0105 PROHIBITED SALES**

The sale of any seed which contain any of the weed seeds or tubers listed in this Rule in excess of the stated limitation per pound of crop seed is prohibited:

- (1) two Purple Nutsedge or Yellow Nutsedge tubers;
- (2) four Spurred Anoda, Cocklebur, Sandbur, Sicklepod, Blessed Thistle, Velvetleaf, Wild Onion or Wild Garlic (in small grains or larger seeds);
- (3) eight Morning-glory;
- (4) 10 Corn Cockle;

- (5) 12 Wild Radish;
- (6) 27 Bermudagrass, Field Bindweed, Hedge Bindweed, Cornflower, Purple Nutsedge, Yellow Nutsedge, Texas Panicum, Canada Thistle or Wild Onion or Wild Garlic (in grasses and small seeded legumes);
- (7) 54 Broadleaf Dock, Curly Dock, Dodder, Giant Foxtail, Horsenettle, Wild Mustard et al, Bracted Plantain, Buckhorn Plantain or Quackgrass.

*History Note:* Authority G.S. 106-277.9; 106-277.15;  
 Eff. February 1, 1976;  
 Amended Eff. February 1, 1983;  
 Transferred from T02.11C Eff. January 1, 1985;  
 Amended Eff. October 1, 1993; June 1, 1991; October 1, 1989; December 1, 1988;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

**02 NCAC 48C .0106 PROHIBITED SALES: EXCESS OF 144 NOXIOUS WEED SEEDS**

The sale of any seed containing in excess of 144 noxious weed seeds per pound of crop seed, when occurring singly or in any combination, is prohibited.

*History Note:* Authority G.S. 106-277.15;  
 Eff. February 1, 1976;  
 Transferred from T02.11C Eff. January 1, 1985;  
 Amended Eff. June 1, 1991; October 1, 1989;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

**02 NCAC 48C .0107 PROHIBITED SALES: MORE THAN ONE PERCENT TOTAL WEED SEED**

The sale of any seed containing more than one percent total weed seed is prohibited.

*History Note:* Authority G.S. 106-277.15;  
 Eff. February 1, 1976;  
 Transferred from T02.11C Eff. January 1, 1985;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

**02 NCAC 48C .0108 LESS THAN 70 PERCENT HARD SEED AND GERMINATION**

The sale of any agricultural seed having a total percentage of germination and hard seed of less than 70 percent is prohibited, with the following exceptions:

- (1) field corn shall germinate not less than 90 percent; and
- (2) cotton seed and Kentucky Bluegrass shall germinate not less than 60 percent.

*History Note:* Authority G.S. 106-277.9; 106-277.15;  
 Eff. February 1, 1976;  
 Amended Eff. February 1, 1983; March 12, 1981; March 24, 1979;  
 Transferred from T02.11C Eff. January 1, 1985;  
 Temporary Amendment Eff. March 21, 1986 for a period of 120 days to expire on July 19, 1986;  
 Amended Eff. October 1, 1989;  
 Temporary Amendment Eff. April 1, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
 Temporary Amendment Expired 1994;  
 Temporary Amendment Eff. November 24, 2003 to expire December 31, 2003;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

**02 NCAC 48C .0109 PROHIBITED SALES: FLUE-CURED TOBACCO SEEDS**

The sale of seeds of any flue-cured tobacco variety, from any grower or distributor, which is not recorded with the Commissioner of Agriculture as required in 02 NCAC 48C .0113, is prohibited.

*History Note:* Authority G.S. 106-277.15;  
Eff. February 1, 1976;  
Transferred from T02.11C Eff. January 1, 1985;  
Amended Eff. October 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 48C .0110 PROHIBITED SALES: BLENDS**

The sale of any agricultural or vegetable seeds identified as a "Blend" for genetic identity that have not been recorded with the Commissioner of Agriculture as required in 02 NCAC 48C .0115 is prohibited.

*History Note:* Authority G.S. 106-277.15;  
Eff. February 1, 1976;  
Transferred from T02.11C Eff. January 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 48C .0111 PROHIBITED SALES: HYBRID FIELD CORN VARIETIES**

*History Note:* Authority G.S. 106-277.15;  
Eff. February 1, 1976;  
Repealed Eff. February 1, 1983;  
Transferred from T02.11C Eff. January 1, 1985.

#### **02 NCAC 48C .0112 HYBRID CORN SEEDS CONTAINING TEXAS MALE STERILE CYTOPLASM**

The sale of hybrid corn seeds containing Texas Male Sterile Cytoplasm, unless the front of the labels declare the percentage of "T" cytoplasm, is prohibited.

*History Note:* Authority G.S. 106-277.15;  
Eff. February 1, 1976;  
Transferred from T02.11C Eff. January 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 48C .0113 RECORDING FLUE-CURED VARIETIES**

(a) It shall be the duty of the Commissioner to accept annually for the purpose of recording only the flue-cured tobacco varieties that have been declared by the Tobacco Seed Committee (as identified in 02 NCAC 48C .0116) to have been identified as carrying the true characteristics of the variety, based on the evidence presented by each grower of each variety being recorded. The recording shall be made prior to December 1 preceding each growing season, using the same designation for each variety that was used when the variety was first sold, offered, exposed for sale, or recorded officially with an agency responsible for the enforcement of a state seed law.

(b) The Commissioner shall refuse to accept for recording any flue-cured tobacco variety, by any grower or distributor, that has not been declared by the Tobacco Seed Committee to be identified. Nothing in this Rule shall be interpreted to prohibit two or more persons recording a variety if the same designation is used for the variety by all persons recording.

*History Note:* Authority G.S. 106-277.15;  
Eff. February 1, 1976;  
Transferred from T02.11C Eff. January 1, 1985;  
Amended Eff. January 1, 2016;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

## **02 NCAC 48C .0114      RECORDING HYBRID FIELD CORN VARIETIES**

*History Note:*      *Authority G.S. 106-277.15;*  
*Eff. February 1, 1976;*  
*Repealed Eff. February 1, 1983;*  
*Transferred from T02.11C Eff. January 1, 1985.*

## **02 NCAC 48C .0115      RECORDING BLENDS**

- (a) It shall be the duty of the Commissioner of Agriculture to accept for the purpose of recording any combination of varieties identified with a "blend" designation as identified in G.S. 106-277.2(2f).
- (b) The request for recording shall be supported by an affidavit stating the component varieties and research information that shows an advantage of the "blend" over the singular use of either component variety. Each lot of seeds offered under the same blend designation shall always be made up in the same percentage of each variety.
- (c) A two-pound planting sample shall be provided upon recording and may be requested annually by the Commissioner from each producer of a blend, as long as the blend is being offered or exposed for sale.

*History Note:*      *Authority G.S. 106-277.15;*  
*Eff. February 1, 1976;*  
*Transferred from T02.11C Eff. January 1, 1985;*  
*Amended Eff. January 1, 2016;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

## **02 NCAC 48C .0116      TOBACCO SEED COMMITTEE**

The Tobacco Seed Committee shall consist of the Director of Research, North Carolina Agricultural Experiment Station, as chairman, the head of the Department of Crop Science, the head of the Department of Plant Pathology, the person in charge of the official variety tests of the North Carolina Agricultural Experiment Station, and three persons appointed by the Commissioner of Agriculture, one from the seed trade, one from among seed producers, and one representing the farmers at large. The initial appointments made by the Commissioner of Agriculture shall be for periods of one year, two years, and three years, effective July 1, 1957; subsequent appointments shall be for periods of three years.

*History Note:*      *Authority G.S. 106-277.15;*  
*Eff. February 1, 1976;*  
*Transferred from T02.11C Eff. January 1, 1985;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

## **02 NCAC 48C .0117      INSPECTION AND STOP SALE ACTION OF SEED INSPECTORS**

- (a) All seeds defined as "seed offered for sale" in the North Carolina Seed Law, including seeds in containers bearing seed tags issued by a recognized certifying agency, are subject to inspection and all other provisions of the North Carolina Seed Law and the rules adopted thereunder by the Board of Agriculture.
- (b) Upon determining a lot of seeds is in violation of the North Carolina Seed Law, the seed inspector is authorized to issue a stop-sale order on said lot of seed. The stop-sale order shall contain the complete identification of the seed lot and the number of bags or containers under stop-sale.
- (c) When a stop-sale order is issued on a lot of seed, the inspector shall attach a stop-sale tag to one bag or container of said lot. The stop-sale tag shall not be removed, nor any bags or containers of the lot sold or removed from the premises, until permission to do so is obtained from the Commissioner of Agriculture or his authorized agent.

*History Note:*      *Authority G.S. 106-277.15;*  
*Eff. February 1, 1976;*  
*Transferred from T02.11C Eff. January 1, 1985;*  
*Amended Eff. October 1, 1993;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

**02 NCAC 48C .0118 GERMINATION STANDARDS FOR VEGETABLE SEEDS**

The following germination standards shall apply to vegetable seeds offered or exposed for sale for seeding purposes and shall be construed to include hard seed where applicable:

Percent		Percent	
Artichoke	60	Kohlrabi	75
Asparagus	70	Leek	60
Bean, garden	70	Lettuce	80
Bean, lima	70	Muskmelon	75
Beet	65	Mustard	75
Broccoli	75	Okra	50
Brussels sprouts	70	Onion	70
Cabbage	75	Parsley	60
Carrot	55	Parsnip	60
Cauliflower	75	Pea	80
Celeriac	55	Pepper	55
Celery	55	Pumpkin	75
Chard, Swiss	65	Radish	75
Chicory	65	Rhubarb	60
Citron	65	Rutabaga	75
Collards	80	Salsify	75
Corn, sweet	75	Soybean	75
Cowpea	70	Spinach	60
Cress, garden	75	Spinach, New Zealand	40
Cress, water	40	Squash	75
Cucumber	80	Tomato	75
Dandelion	60	Tomato, husk	50
Eggplant	60	Turnip	80
Endive	70	Watermelon	70
Kale	75		

*History Note: Authority G.S. 106-277.15;  
Eff. February 1, 1976;  
Transferred from T02.11C Eff. January 1, 1985;  
Amended Eff. June 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

**02 NCAC 48C .0119 LAWN GRASS MIXTURES**

Labeling requirements of lawn grass mixtures shall be the same as for agricultural seeds except that the origin statement for each component of the mixture will not be required.

*History Note: Authority G.S. 106-277.15;  
Eff. February 1, 1976;  
Transferred from T02.11C Eff. January 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

**02 NCAC 48C .0120 TAGS AND LABELS**

- (a) Every container of agricultural or vegetable seed shall have attached thereto a seed analysis tag, bearing the information as required by law (G.S. 106-277.3).
- (b) The seedman's statement of analysis shall include all tag and label requirements as provided in the law (G.S. 106-277.3). Incomplete labeling is a violation of the Seed Law.
- (c) When no statement is made on the seed tag as to the name and number of noxious weed seed per pound of crop seed, it shall be considered equivalent to the statement, "none." The words "None in Excess" or similar phrases, are prohibited.

*History Note:* Authority G.S. 106-277.15;  
Eff. February 1, 1976;  
Transferred from T02.11C Eff. January 1, 1985;  
Amended Eff. October 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 48C .0121 RESPONSIBILITY FOR OBTAINING NEW GERMINATION TEST**

The person in possession of any seed offered for sale, or exposed for sale for seeding purposes, shall be responsible for securing a new germination test when the test date required by law has expired. The seed shall be relabeled or new seed analysis tags attached in compliance with the North Carolina Seed Law.

*History Note:* Authority G.S. 106-277.15;  
Eff. February 1, 1976;  
Transferred from T02.11C Eff. January 1, 1985;  
Amended Eff. October 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 48C .0122 NOTICE TO COMMON CARRIERS**

Express and freight shipments, including truck deliveries, to dealers or consumers of seed shall be subject to the North Carolina Seed Law and its rules and regulations. All trucks and other common carriers transporting seed for delivery or sale, or to be sold or delivered to consumers in this state, in the usual manner, or on the public highways or at public auctions, shall have available for examination at any time a bill of lading, waybill, or delivery receipt showing the following:

- (1) the name of shipper or party from whom purchased;
- (2) the name and address of the party to whom the seed is to be delivered;
- (3) the kind, variety and quantity of each separate lot of seed;
- (4) the name and address of truck line or owner, or driver of the truck or other common carrier making delivery or transporting the seed.

*History Note:* Authority G.S. 106-277.15;  
Eff. February 1, 1976;  
Transferred from T02.11C Eff. January 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 48C .0123 ANALYSIS FOR FARMERS OR SEEDMEN**

(a) The germination and purity analyses of agricultural and vegetable seeds shall be free to any person residing within the state. However, the Seed Administrator may limit the number of such free tests made annually, or during certain seasons, for any one person, and may designate the time or dates when such samples will be accepted for testing, as necessary to keep the number of samples within the capacity of the seed laboratory. The Seed Administrator may refuse to analyze any sample of seeds submitted for testing that has not been reasonably well cleaned, or does not comply with these Rules.

(b) A fee of five dollars (\$5.00) per sample (100 seeds) shall be charged to any North Carolina citizen who requests the tetrazolium chloride (T.Z.) test. This test shall be limited to wheat, oats, barley and rye seeds from the period July 1 to November 1 of each year, and to peanuts, soybeans, corn and cotton seeds from the period of December 1 through June 30 of each year. The Seed Administrator shall have authority to accept special problem samples of other species for T.Z. tests.

(c) Fees for in-state testing of tall fescue and other grass seeds and plant tissues for the presence of fungal endophytes are as follows:

- (1) fifteen dollars (\$15.00) per sample for seeds;
- (2) fifteen dollars (\$15.00) per sample for plant tissue analysis;
- (3) twenty-five dollars (\$25.00) per sample for seeds which require seedling production.

(d) Fees for out-of-state testing of tall fescue and other grass seeds and plant tissues for the presence of fungal endophytes are as follows:

- (1) thirty-five dollars (\$35.00) per sample for seeds;
- (2) twenty-five dollars (\$25.00) per sample for plant tissue analysis;
- (3) forty-five dollars (\$45.00) per sample for seeds which require seedling production.

(e) The fee for testing small grain seed for Loose Smut shall be fifteen dollars (\$15.00) per sample.

*History Note: Authority G.S. 106-277.15;  
Eff. February 1, 1976;  
Transferred from T02.11C Eff. January 1, 1985;  
Amended Eff. October 1, 1993; June 1, 1991; October 1, 1989; December 1, 1988;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

## **02 NCAC 48C .0124 IDENTIFICATION AND SIZE OF SAMPLES FOR SERVICE TESTING**

When submitting seed samples for analysis, the person shall comply with the following:

- (1) Identification
  - (a) Samples shall be plainly addressed to the North Carolina Department of Agriculture, Seed Laboratory, P.O. Box 27647, Raleigh, North Carolina 27611-7647;
  - (b) Samples identified with a lot number;
  - (c) Kind and variety of seed; If the seed has been treated, the name of the substance used;
  - (d) Name and address of sender;
  - (e) A letter of notification of shipment sent in separate mail or attached to package of seeds when carrying proper postage;
  - (f) Samples shall be sent in substantial containers, and properly packed for mailing or shipping in order that they will arrive intact and without damage to the contents.
- (2) Size of Samples. When sending samples to the State Seed Laboratory, the following are the minimum weights of samples to be submitted for complete analysis. Samples of seed that do not conform to these requirements may be rejected for testing:
  - (a) one-half ounce of tobacco seed;
  - (b) two ounces of white, alsike or hop clovers and small grass seeds;
  - (c) five ounces of red or crimson clover, alfalfa, lespedeza, ryegrasses, fescues, orchardgrass, millet or seeds of similar size and weight;
  - (d) one pound of cotton, sudangrass, sorghums, or seeds of similar size;
  - (e) two pounds of corn, wheat, oats, barley, rye, beans, peas, cowpeas, soybeans, vetches and seeds of similar or larger size.

*History Note: Authority G.S. 106-277.15;  
Eff. February 1, 1976;  
Transferred from T02.11C Eff. January 1, 1985;  
Amended Eff. October 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

## **02 NCAC 48C .0125 PENALTIES**

The assessment of penalties to cover the costs of inspection and testing seeds not in compliance with the North Carolina Seed Law, as authorized in Section 106-277.22, shall be as follows:

- (1) A fifteen dollar (\$15.00) service penalty shall be charged to the dealer who labels the seeds after 10 previous violations during the calendar year, if each violation is limited to quality statements out of tolerance with official laboratory analysis results, but the lot is not substandard for sale.
- (2) An itemized service penalty sufficient to cover all costs to the North Carolina Department of Agriculture shall be charged to the dealer who labels seeds found in violation of the North Carolina Seed Law if the infraction is considered to result from planned misrepresentation, gross carelessness, or habitual mislabeling after previous warnings. The total cost penalty for such violations shall be assessed, regardless of the number of minor infractions of tolerance in (1) of this Rule. In computing



the charge, mileage and time of the inspector from his official base of operation, and actual time of the analyst who analyzes the sample, shall be charged, along with related miscellaneous costs.

- (3) A fifteen dollars (\$15.00) service penalty shall be charged to the dealer who contracted and/or supplied the order for seeds delivered to a location in this state where seeds are sold at retail, if the seeds are delivered without labels as required in Section 106-277.3.

*History Note:* Authority G.S. 106-2;  
Eff. February 1, 1976;  
Transferred from T02.11C Eff. January 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 48C .0126 GERMINATION TEST PERIOD**

The germination test period for hermetically sealed vegetable seed in containers of one pound or less shall be 24 months, exclusive of the calendar month in which the test was completed.

*History Note:* Authority G.S. 106-277.9; 106-277.15;  
Eff. December 1, 1988;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### **02 NCAC 48C .0127 LABEL REQUIREMENTS FOR TREATED SEEDS**

(a) All seeds which are treated shall be labeled to show the following information on a separate label, or on the same label as used for other information (purity, germination, etc.) required under the North Carolina Seed Law or on the container of seed.

- (1) A word or statement in type no smaller than eight points indicating that the seed has been treated.
- (2) The commonly accepted coined, chemical (generic) or abbreviated chemical name of a substance or a description of any process (other than application of a substance) used in such treatment in type no smaller than eight points.
- (3) A caution statement if the substance used in such treatment in the amount remaining with the seed is harmful to humans or other vertebrate animals.
- (4) All seeds treated with a poisonous substance, if the amount remaining with the seed is in excess of a tolerance recognized by the U.S. Department of Agriculture, or treatment for which no tolerance or exemption from tolerance is recognized by the U.S. Department of Agriculture, shall be conspicuously colored to prevent their subsequent inadvertent use for purposes other than for seeding.

(b) Seed treated with a mercurial or similarly toxic substance, if any amount remains with the seed, shall be labeled to show a statement such as "Poison," "Poison Treated," or "Treated with Poison". The word "Poison" shall be in type no smaller than eight points and shall be in red letters of a distinctly contrasting background. In addition, the label shall show a representation of a skull and crossbones at least twice the size of the type used for the word "Poison" and the statement indicating that the seed has been treated.

(c) Seed treated with other harmful substances (other than mercurials or similarly toxic substances), if the amount remaining with the seed is harmful to humans or other vertebrate animals, shall be labeled to show the appropriate toxicity category signal word (i.e. danger, warning, caution) in type no smaller than eight points, followed by the statement "Do not use for food, feed, or oil purposes" in type no smaller than eight points. Seed treated with substances other than mercurials or similarly toxic substances in containers of four ounces or less need not be labeled to show the caution statement.

(d) Seed commingled with treated seed shall be labeled "treated," and the percentage of treated seed and the substance used shall be stated.

(e) If the seed is treated with an inoculant, the date beyond which the inoculant is not to be considered effective (date of expiration) shall be declared on the label.

(f) This Section establishes the minimum requirements for labeling or tagging of treated seeds in accordance with the North Carolina Seed Law.

*History Note:* Authority G.S. 106-277.15;  
Eff. June 1, 1989;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

**02 NCAC 48C .0128      MINIMUM HYBRID STANDARDS**

For seed labeled as hybrid, the minimum hybridity for field corn, grain sorghum and tobacco shall be 95 percent. For other kinds of seed labeled as hybrid, the minimum hybridity shall be 75 percent.

*History Note:      Authority G.S. 106-277.15;  
                         Eff. June 1, 1991;  
                         Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

**02 NCAC 48C .0129      VARIETY LABELING**

The variety name shall be stated on the seed analysis label for the following kinds of seed:

- (1)      cotton;
- (2)      field corn;
- (3)      peanuts;
- (4)      soybeans;
- (5)      tobacco; and
- (6)      wheat.

*History Note:      Authority G.S. 106-277.15;  
                         Eff. February 1, 1996;  
                         Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*