

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER g: SEEDS

PART 230  
ILLINOIS SEED LAW

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EXHIBIT A	Example of Label or Tag for Container of Agricultural, Vegetable or Other Seeds

AUTHORITY: Implementing and authorized by The Illinois Seed Law (Ill. Rev. Stat. 1987, ch. 5, par. 401 et seq.).

SOURCE: Adopted and codified at 5 Ill. Reg. 6956, effective July 1, 1981; notice of codification at 5 Ill. Reg. 10520; amended at 8 Ill. Reg. 8174, effective May 29, 1984; amended at 12 Ill. Reg. 10437, effective July 1, 1988; emergency amendments at 13 Ill. Reg. 4015, effective March 9, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 10499, effective June 16, 1989.

**Section 230.10 Methods of Sampling, Inspecting, Analyzing, Testing and Examining Agricultural, Vegetable, and Other Seeds and Tolerances to be Followed in the Administration of the Act**

The terms used in seed testing and the methods of sampling, inspecting, analyzing, testing and examining agricultural, vegetable and other seeds and

the tolerances to be followed in the administration of the Act shall be in accord with those of the Federal Seed Act (7 U.S.C. 1551 et seq.) and/or those adopted effective July 1, 1955 and as subsequently amended by the Association of Official Seed Analysts.

#### **Section 230.20 Prohibited (Primary) Noxious Weed Seeds**

The following list of prohibited noxious weed seeds is hereby established:

<u>Common name</u>	<u>Scientific name</u>
Bindweed, field	Convolvulus arvensis
Cress, hoary	Cardaria draba
Johnsongrass*	Sorghum halepense
Knapweed, Russian	Centaurea picris
Sowthistle, perennial	Sonchus arvensis
Spurge, leafy	Euphorbia esula
Thistle, Canada	Cirsium arvense
Tussock, Serrated	Nassella Trichotoma

\*NOTE: Johnsongrass includes Sorghum Almum (Sorghum alnum) and all seeds indistinguishable from Johnsongrass.

(Source: Amended at 13 Ill. Reg. 10499, effective June 16, 1989)

#### **Section 230.30 Restricted (Secondary) Weed Seeds**

The following list of restricted noxious weed seeds is hereby established:

<u>Common name</u>	<u>Scientific name</u>
Buckhorn	Plantago lanceolata
Bullnettle (Horsenettle)	Solanum carolinense
Carrot, wild	Daucus carota
Daisy, oxeye	Chrysanthemum leucanthemum
Dock, curled	Rumex crispus
Dodders	Cuscuta spp.
Garlic, wild	Allium vineale L.
Giant foxtail	Setaria faberi
Mustards	Brassica juncea, B. kaber and B. nigra
Onion, wild	Allium canadense L.
Rape, bird	Brassica campestris
Quackgrass	Agropyron repens

#### **Section 230.40 Label Requirements**

The label or tag for each container of agricultural, vegetable or other seeds as defined in the Act shall contain the seed analysis information required in Section 4 of the Act, be in compliance with prohibitions in Sections 5 and 5.1 of the Act, and comply with rules pertaining to labeling required under the Federal Seed Act (7 U.S.C. 1551 et seq.) and the following:

- a) The name of the kind or kind and variety for each agricultural seed component present, either separately or collectively in excess of 5 percent of the whole, and the percentage by weight of each in the order of its predominance. Where more than one

component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label or tag. Except, a blend of two or more varieties of a kind may be sold as a blend or mixture; provided, that:

- 1) the kind name followed by the statement, "Varieties Not Stated", shall be shown conspicuously on the label or tag, and
  - 2) if the seed comes within the definition of "hybrid" in the Federal Seed Act (7 U.S.C. 1551 et seq.) or Rules (7 C.F.R. 201.2(y) and 201.11a), and as amended in future amendments, the seed may be labeled as "hybrid."
- b) Origin (State or foreign country), if known, of alfalfa, red clover, white clover and field corn (except hybrid corn). If the origin is unknown, the fact shall be stated.
- c) For agricultural or vegetable seed sold from vehicles, bins or other bulk containers, to which the purchaser has access before buying, to examine the seed and the label thereof, a complete label shall be attached to such vehicle, bin, or other bulk container in a conspicuous place on the exterior of said container or a placard conspicuously displayed with the information required in Sections 4.0 through 5.1 of the Illinois Seed Law and this rule. All seed must be packaged in the presence of the purchaser. A label or tag meeting all requirements of the Illinois Seed Law and Rules shall be supplied to the purchaser if the seed is from one container and/or one lot and in quantities of:
- 1) Agricultural seed or any mixture thereof, 10 pounds or more.
  - 2) Lawn and/or Turf Grass seed or any mixture thereof, 4 pounds or more.
  - 3) NOTE: The labeling requirements for vegetable seeds sold in bulk quantities of 1 pound or more shall be deemed to have been met if the seed is weighed from a properly labeled container in the presence of the purchaser.
- d) Net Weight. All net weight labeling shall be consistent with the requirements of the Illinois Weights and Measures Act (Ill. Rev. Stat. 1979, Ch. 147, paragraph 101 et seq.) and its Rules. The net weight information must appear on the container and may also appear on the seed label or tag if desired.
- e) Certified Agricultural and Vegetable Seeds. Each such container of certified seed, if offered for sale as certified seed, shall meet all the requirements for agricultural or vegetable seeds and in addition shall have attached thereto a tag issued for such seed by the certifying agency.
- f) Sample Label For Single Agricultural Seed. The label shown in Exhibit A is for a single agriculture seed and provides for a suitable arrangement of required labeling data. This label may be used for hybrid corn or a special label may be used omitting Origin, Hard Seed, and Total Germination And Hard Seed on the label. The label shown in Exhibit A may be used for mixtures of

agricultural seeds by adding extra lines for the components, germination and test dates (under the Kind of Seed). Where grown (origin) is required for alfalfa, red clover, white clover, and field corn (except hybrid corn). If the origin is unknown, the fact shall be stated.

#### **Section 230.50 Relabeling Seed After Expiration of Germination Date**

When agricultural seeds, as defined in the Act, remain in the inventory of a distributor or dealer after the germination test has expired the seed must be removed from sale or relabeled. New percentages of germination, hard seeds or dormant seeds, total germination and hard seed, and the new date of germination may be entered on the labels or tags previously attached to the seed only if these items are inserted in such a way as to be clearly legible and the old percentages of germination, hard seeds or dormant seeds, total germination and hard seed, and date of germination are completely obliterated. In all cases where such changes are necessary, the attachment of new labels or tags is advised. The person upon whose premises the seed is located shall be held responsible for obtaining the new test and for subsequent relabeling of the seed.

(Source: Amended at 12 Ill. Reg. 10437, effective July 1, 1988)

#### **Section 230.60 Prohibitions**

It is unlawful for any person to sell, offer for sale, expose for sale or transport for sale any agricultural seeds as defined in the Act for seeding purposes within this State without meeting the requirements listed in Sections 4, 5 and 5.1 of the Act and the following:

- a) No agricultural seed (including mixture) shall contain or consist of prohibited (primary) noxious weed seeds.
- b) No agricultural seed or mixtures of same shall contain restricted (secondary) noxious weed seeds either singly or collectively in greater numbers than the proportions of 1 to 1000 agricultural seeds.
- c) The 36 month germination test period for agricultural and vegetable seeds labeled and packed in hermetically sealed containers shall not apply unless all the conditions and standards prescribed in the Federal Seed Act (7 U.S.C. 1551 et seq.) and Rules (7 C.F.R. 201.36(c) through 201.36(e)), and as hereinafter may be amended, have been met.
- d) For seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quantity of seed without removing the seeds from the medium, mat, tape, or device, a statement to indicate the minimum number of seeds and the size of container shall appear on the label.

#### **Section 230.70 Seed Permit**

It is unlawful for any person to sell, offer for sale, expose for sale or transport for sale any seed, as defined in this Act, for seeding purposes within this State without meeting the requirements listed in Section 10 of the Act and the following:

- a) Application for a seed permit shall be submitted on a form approved and furnished by the Department of Agriculture and shall be accompanied by a check, draft or money order in the amount provided as follows:
- 1) Retail seed dealer.....\$10.00
  - 2) Wholesale seed dealer.....\$30.00
  - 3) Seed broker.....\$30.00
  - 4) Seed merchant (will be issued both a wholesale and retail permit).....\$40.00
  - 5) Operator(s) of public auction sale or similar type consignment sale.....\$30.00
- b) As a further requirement, any person who does not have a fixed place of business or who is traveling, peddling or is an itinerant, who sells or offers for sale seed in this State shall comply with all the requirements of the Act and the Rules promulgated pursuant thereto.
- c) A separate permit shall be required for each location and facility which distributes seed in or into this State and meets the requirements of Section 10 of The Illinois Seed Law (Ill. Rev. Stat. 1987, ch. 5, par. 410).
- d) Persons selling, offering or exposing for sale seed of their own production, provided that such seed is sold and delivered only on the farm or premises where grown, are exempt from the permit requirement by Section 10.3(b) of the Act. However, all seed sold by the above-named persons shall be labeled on the basis of tests performed by the Illinois State Seed Laboratory or a commercial seed laboratory personally supervised by a registered seed technologist.
- e) Label requirements and tests for labeling shall be in accordance with The Illinois Seed Law and the rules promulgated pursuant thereto.

(Source: Amended at 12 Ill. Reg. 10437, effective July 1, 1988)

**Section 230.80 Fee Charges for Requested Official Seed Sampling and for Seed Samples Submitted for Purity Analysis, Noxious Weed Test and Germination Test**

There are three tests: the purity analysis, which includes an Illinois noxious weed seed examination, the germination test, and the noxious weed seed test.

- a) Samples for seed testing shall be tested in the order of receipt during the period between July 1 to June 30 of each year and charges made in accordance with the fee schedule established under Section 230.80.
- b) Fee charges for each seed sample submitted for purity analysis shall be as follows:
  - 1) \$5.00 each for timothy, clovers, alfalfas, cereal grains,

- vetch, oil seed crops, such as soybeans, rape, sunflowers and such other oil seed crops, and sudangrass.
- 2) \$6.00 each for redtop, bluegrasses, bentgrasses, smooth brome, ryegrass, fescues, and native grasses (see Section 230.150).
  - 3) Seed Mixtures. The charge for seed mixtures (in which more than one kind of crop seed is present to the extent of 5% or more) is the total of the fee for the kind of crop seed in the mixture having the highest fee and 50% of the fees applicable to the other kinds in the mixture.
  - 4) The charge for kinds not listed will be comparable to a similar kind.
  - 5) The State Seed Laboratory shall not be obligated to analyze for purity and/or test for germination any uncleaned, unprocessed, and other time-consuming sample, or any sample which obviously does not meet State Seed Law requirements.
- c) Fee charges for germination tests of seed shall be as follows:
- 1) \$8.00 each for seed mixtures and native grasses (see Section 230.150).
  - 2) \$4.00 each for agricultural, vegetable and other seeds as defined in the Act.
- d) Fee charges for a noxious weed seed test shall be \$5.00 per sample.
- e) Samples which do not indicate the test desired will be given both purity analysis and germination test and charged accordingly. Samples submitted for a noxious weed seed test will be given an Illinois noxious weed seed examination unless other states' noxious weed seed examinations are specified.
- f) Additional test charges:
- 1) An additional charge of \$15.00 will be made for each "Rush" test sample. When speed is important, a "Rush" order insures that tests are begun the day your sample arrives (except for weekends and holidays).
  - 2) A purity analysis can usually be completed within a few hours unless a complex mixture of seeds is involved. A request for a phone report will be fulfilled. All telephone reports will be made "collect" to person requesting the tests.
- g) Billing procedure and analysis invoice:
- 1) Billing procedure for testing fees. Persons submitting samples will receive a statement for services performed by the State Seed Laboratory at the end of each month.
  - 2) Said seed analysis invoice will be mailed at the end of the

month testing was completed. Fees are due and payable 30 days after receipt of invoice.

- h) The State Seed Laboratory shall furnish a copy of the laboratory report on an Official Seed Sample to the person from whom the sample was obtained and to the wholesaler when the sample does not meet The Illinois Seed Law (Ill. Rev. Stat. 1987, ch. 5, par. 401 et seq.) and/or Federal Seed Law (7 U.S.C.A. 1551 et seq. (1973 & West Supp. 1974-1987)) requirements. On Official Samples which do meet the requirements, a laboratory report shall be furnished only to the person from whom the sample was obtained.
- i) If requests are made for additional copies of seed test reports on submitted seed samples, there shall be an additional charge of \$5.00 per copy.
- j) A fee of \$25.00 per hour will be charged to persons who request an official sample to be obtained by the Department for purposes of analysis. The rate per hour will commence upon arrival of Department personnel and cease upon the departure of such personnel.
- k) The Department will refuse service to persons whose unpaid accounts are 120 days or more past due.

(Source: Amended at 12 Ill. Reg. 10437, effective July 1, 1988)

#### **Section 230.90 Sampling in the Administration of the Act**

- a) General Procedure.
  - 1) In order to secure a representative sample, equal portions shall be taken from evenly distributed parts of the quantity of seed 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 shall be taken from a bag, the handfuls shall be taken from well-separated points.
  - 2) Free-flowing seed.
    - A) For free-flowing seed in bags or bulk, a probe or trier shall be used.
    - B) For small free-flowing seed in bags a probe or trier long enough to sample all portions of the bag should be used.
  - 3) Non-free flowing seed, such as certain grass seed or uncleaned seed, 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.
  - 4) As the seed is sampled, each portion shall be examined. If there appears to be lack of uniformity, the portions shall

not be combined into a composite sample but shall be retained as separate samples or combined as to form individual-container samples to determine such lack of uniformity as may exist.

- 5) When the portions appear to be uniform, they shall be combined to form a composite sample.
- b) Bulk. Bulk seeds 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 in bags of a size customarily used for such seed.
- c) Bags.
- 1) For lots of six bags or less, each bag shall be sampled. A total of at least five trierfuls shall be taken.
  - 2) 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 to sample more than thirty bags. Example:
 

No. Bags in Lot-----	7	10	23	50
No. Bags to Sample--	6	6	7	10

  

No. Bags in Lot-----	100	200	300	400
No. Bags to Sample---	15	25	30	30
  - 3) Samples shall be drawn from unopened bags, when available. Samples may be drawn from open bags if unopen bags are not available and the identity of seed has been preserved. When sampling open bags, probe the lower portion of the bag if possible. The seed near the opening of the bag may be contaminated by customers and others. Check the name of the kind and the lot number of each bag before probing to avoid mixing lots.
- d) Small Containers. In sampling seed in small containers which it is not practical to sample as required in subsection (c), entire unopened containers may be taken in sufficient number to supply a minimum size sample as required in subsection (e) of this Section. The sample may consist of the contents of one container, or two or more containers when combined.
- e) Size of Sample. The following are minimum sizes of samples of agricultural seed to be submitted for purity analysis and germination test. For germination test only submit one-half the following required quantities:
- 1) Two ounces (56 grams) of grass seed such as timothy, redtop, bluegrass, or seeds not larger than these.
  - 2) Five ounces (140 grams) of red clover, sweetclover, alsike, alfalfa or seeds of similar size.

- 3) Eight ounces (224 grams) of fescue, ryegrass or seeds of similar size, except 12 ounces (336 grams) of smooth brome.
  - 4) Thirty-six ounces (1000 grams) of wheat, rye, barley, soybeans, corn, or seeds of similar or larger size.
  - 5) Vegetable seed samples shall consist of at least 400 seeds per sample for germination purposes.
- f) Information to be Given on Sample for Testing.
- 1) Name and address of owner.
  - 2) Kind of seed.
  - 3) Variety (if known).
  - 4) Lot number or other stock identification.
  - 5) Year grown, month of harvest (if known), and where grown.
  - 6) Type test desired (whether purity only, germination only, or both).
  - 7) Information as to year grown, month of harvest (if known), and where grown must accompany each sample of seed sent for testing. If the seed is old and only a check of germination is desired, the analyst will not waste time and delay your laboratory report, in retesting if first germination percentage is low. The State Seed Laboratory also needs this information on new seed since some must be prechilled for germination.
- g) Forwarding Samples to Seed Laboratory.
- 1) Samples of seed on which tests are desired should be sent to the Illinois Department of Agriculture, Division of Plant Industries and Consumer Services, Bureau of Laboratories, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281. Each sample should be carefully identified with the kind, variety, and lot number of the seed it represents and the name and address of the person submitting the sample. Be sure your seed packets are break-proof and sift-proof. Send your samples by first class mail or parcel post.
  - 2) Specific instructions must be provided concerning the type of test or analysis desired. Also if there are any special instructions for billing, providing extra copies of the report, "Rush" test, etc., they should be indicated either on the sample container or in the covering letter.
  - 3) The time required for testing depends upon two factors. One is the number of other samples being received by the laboratory at the time the sample arrives and the other is the time required to complete the test requested. Usually tests can be started within 1 to 3 days after the sample is

received. However, during the heavy testing period, January - February - March - April, this may be extended to a week or more before samples can be tested. The time required for germination tests may be as long as a month or more for some kinds of seed. The average germination testing period is between 7 to 10 days.

(Source: Amended at 12 Ill. Reg. 10437, effective July 1, 1988)

#### **Section 230.100 Labeling Treated Seed**

All seed treated as defined in Section 4 of the Act shall be labeled to show the following:

- a)
  - 1) Contents of label. Any agricultural seed or any mixture thereof or any vegetable seed or any mixture thereof for seeding purposes that has been treated shall be labeled in type no smaller than 8 points to indicate that the seed has been treated and to show the name of any substance or a description of any process (other than application of a substance) used in such treatment in accordance with this rule; for example:

Treated with \_\_\_\_\_  
(Name of substance or process)

or \_\_\_\_\_ Treated  
(Name of Substance or process)
  - 2) If the substance used in such treatment in the amount remaining with the seed is harmful to humans or other vertebrate animals, the seed shall also bear a label containing additional statements as required by paragraphs (c) and (d) of this rule. The label shall contain the required information in any form that is clearly legible and complies with the Act and its rules. The information may be on the analysis tag, or label, or on a separate tag, or it may be printed in a conspicuous manner on a side or top of the container.
- b) Name of substance. The name of any substance as required by paragraph (a) of this rule shall be commonly accepted coined, chemical (generic), or abbreviated chemical name. Commonly accepted coined names are free for general use by the public, are not private trademarks, and are commonly recognized as names of particular substances, such as thiram and captan. An example of a commonly accepted chemical (generic) name is hexachlorbenzene.
- c) All Highly Toxic Substances.
  - 1) Seed treated with a highly toxic substance, if any amount remains with the seed, shall be labeled to show a representation of a skull and crossbones at least twice the size of the type used for information required to be on the label under paragraph (a) and shall also include in red letters on a background of distinctly contrasting color a statement worded substantially as follows: "This seed has

been treated with Poison," "Poison treated," or "Poison." The word "Poison" shall appear in type no smaller than 8 points.

- 2) Any amount of substances remaining with the seed is considered harmful within the meaning of this rule.
- d) Other harmful substances. If a substance, other than one which would be classified as a highly toxic substance under paragraph (c) of this rule, is used in the treatment of seed, and the amount remaining with the seed is harmful to humans or other vertebrate animals, the seed shall be labeled with an appropriate caution statement in type no smaller than 8 point worded substantially: "Do not use for food," "Do not use for feed," "Do not use for oil purposes" or "Do not use for food, feed, or oil purposes."
- e) No treated seed shall be re-packaged and sold without proper warning labels.
- f) Any substance used in the treatment of seed grains or seed which might be used for feed or human consumption, which is of a toxic nature, shall be colored so as to be readily discernible as required by rules of the Federal Food, Drug and Cosmetic Act, as amended (21 U.S.C. 301 et seq.).
- g) In the case of seed in bulk, the information required on the labels of packaged seed shall appear on the container and the invoice or other records accompanying and pertaining to such seed.

#### **Section 230.110 Plant Variety Protection Act**

- a) The Illinois Department of Agriculture through written cooperative agreement with the United States Department of Agriculture is authorized and empowered to carry out the provisions of the "Plant Variety Protection Act" (7 U.S.C. 2321 et seq.) and its Rules (7 C.F.R. 108.1 et seq.).
- b) All persons subject to the Plant Variety Protection Act shall keep all such records and seed samples as required by that Act and its Rules.
- c) The Department in carrying out the provisions of the Plant Variety Protection Act and its Rules within the State will where applicable use the provisions of the Illinois Seed Law and its Rules.

#### **Section 230.120 Sampling Small Containers in the Administration of this Act.**

Seed in small containers shall be sampled by taking the entire unopened containers in sufficient number to supply a minimum size Official Seed Sample as required by the Illinois Seed Law and/or the Federal Seed Act (7 U.S.C. 1551 et seq.). The contents of a single container or the combined contents of multiple containers of the same lot shall be considered representative of the entire lot of seed sampled. The person who sold, offered, or exposed the seed for sale shall furnish the small containers free of charge for the Official Seed Sample Tests.

#### **Section 230.130 Hybrid**

The labeling of hybrids shall be in accordance with the rules of the United States Department of Agriculture as currently set forth by virtue of the authority of the Federal Seed Act (7 C.F.R. 201.2(y) and 201.11a) Hybrid, and as amended in future amendments.

**Section 230.140 Germination Standards for Vegetable Seeds**

The following are minimum germination standards established for vegetable seeds which include any hard seeds in accordance with Section 4.4 of The Illinois Seed Law (Ill. Rev. Stat. 1987, ch. 5, par. 404.4):

	PERCENT
Artichoke	60
Asparagus	70
Asparagusbean	75
Bean, garden	70
Bean, lima	70
Bean, runner	75
Beet	65
Broadbean	75
Broccoli	75
Brussels sprouts	70
Burdock, great	60
Cabbage	75
Cabbage, tronchuda	75
Cantaloupe (See muskmelon)	
Cardoon	60
Carrot	55
Cauliflower	75
Celeriac	55
Celery	55
Chard, Swiss	65
Chicory	65
Chinese cabbage	75
Chives	50
Citron	65
Collards	80
Corn, sweet	75
Cornsalad	70
Cowpea	75
Cress, garden	75
Cress, upland	60
Cress, water	40
Cucumber	80
Dandelion	60
Eggplant	60
Endive	70
Kale	75
Kale, Chinese	75
Kale, Siberian	75
Kohlrabi	75
Leek	60
Lettuce	80
Muskmelon	75
Mustard, India	75
Mustard, spinach	75
Okra	50

Onion	70
Onion, Welsh	70
Pak-choi	75
Parsley	60
Parsnip	60
Pea	80
Pepper	55
Pumpkin	75
Radish	75
Rhubarb	60
Rutabaga	75
Salsify	75
Sorrel	65
Soybean	75
Spinach	60
Spinach, New Zealand	40
Squash	75
Tomato	75
Tomato, husk	50
Turnip	80
Watermelon	70

(Source: Amended at 12 Ill. Reg. 10437, effective July 1, 1988)

#### **Section 230.150 Native grasses**

The following list of native grasses is hereby established in accordance with Section 5 of The Illinois Seed Law (Ill. Rev. Stat. 1987, ch. 5, par. 405):

COMMON NAME	SCIENTIFIC NAME
Big Bluesteam	Andropogon gerardii
Indian Grass	Sorghastrum nutans
Switch Grass	Panicum virgatum
Little Bluesteam	Schizachyrium scoparium
Side Oats Grama	Bouteloua curtipendula
Nodding Wild Rye	Elymus canadensis

(Source: Amended at 12 Ill. Reg. 10437, effective July 1, 1988)

#### **Section 230.160 Grower's Declaration (Repealed)**

(Source: Repealed at 12 Ill. Reg. 10437, effective July 1, 1988)

#### **Section 230.170 Labeling of Seed Distributed to Wholesalers**

The labeling of seed supplied to a wholesaler or distributor may be on the invoice or an analysis label attached thereto.

#### **Section 230.180 Germination as to Mixtures**

The rules and methods adopted and approved by the Association of Official Seed Analysts of North America are adopted by the State Seed Laboratory for the testing and germination of all crop and vegetable seed, so long as they comply with the Illinois Seed Law. When samples of field seed contain less than 2% of such seed as alsike clover, ladino and white dutch clovers, or other seed of similar size, it will not be necessary to test such components for germination. When 100 seeds or less is found in excess of 2%, the germination

test shall be made from the seeds obtained and percentages taken. When less than 2% of any of the components are found, it will not be necessary to test for germination on such components.

**Section 230.190 Disclaimers, Limited Warranties and Nonwarranties**

The use of a disclaimer, limited warranty, or nonwarranty clause in any invoice, advertising, labeling, or written, printed, or graphic matter, pertaining to any seed shall not constitute a defense, or be used as a defense in any way, in any prosecution or other proceeding brought under the provisions of the Act, or the rules made and promulgated thereunder. Nothing in this rule is intended to preclude the use of disclaimer, limited warranty, or nonwarranty clause as a defense in any proceeding not brought under the Act.

**Section 230.200 Use of the Department of Agriculture in Advertising**

No person, firm or corporation shall, in any manner, use for advertising purposes the name of the Illinois Department of Agriculture in connection with the sale of any agricultural seeds.

**Section 230.210 Seed Certifying Agency**

The University of Illinois Agricultural Experiment Station has appointed the Illinois Crop Improvement Association, the seed certifying agency in Illinois under the provisions of Section 9 of the Act. The Department of Agriculture will recognize as official the standards and rules for seed certification last established and authorized by the University of Illinois Agricultural Experiment Station and as carried out by its authorized agent, the Illinois Crop Improvement Association, under the authority granted in Section 9 of the Act, provided they are in compliance with the Illinois Seed Law and its Rules.

**Section 230.220 Uncleaned Seed**

Agricultural seeds shall be considered uncleaned if the total inert matter and weed seeds exceed 20% of the sample in cases of bluegrasses, redtop, bentgrasses, orchardgrass, creeping red fescue, and smooth brome; and 3% in all other agricultural seeds. Such seeds shall not be sold within this State.

(Source: Amended at 12 Ill. Reg. 10437, effective July 1, 1988)

**Section 230.230 Uncleaned Seed (Repealed)**

(Source: Repealed at 12 Ill. Reg. 10437, effective July 1, 1988)

**Section 230.240 Revocation of Permits**

Permits may be revoked by the Director of Agriculture, State of Illinois, for violation of the Illinois Seed Law or the Rules as promulgated by the Department.

**Section 230.250 Refusal to Issue Permit**

The Department may refuse to issue a permit to an applicant who has failed to comply with or abide by the Illinois Seed Law or the Rules promulgated by the Department.

**Section 230.260 Seed Contract**

In accordance with Section 11.1 of the Act, seed permit holders shall use "seed contracts" to represent the acquisition of agricultural seed from Illinois producers. Such contracts shall be organized on a calendar year basis and shall be maintained by the seed permit holder for at least two years after the close of the calendar year in which delivery was made against the contract.

**Section 230.270 Seed Disposition Report**

Section 11.2 of the Act requires all seed permit holders to produce a "seed disposition report." Such reports shall be produced on a calendar year basis and shall accompany the seed permit holder's annual renewal application. The seed disposition report shall express the total amount of each kind of seed. Furthermore, the seed disposition report must describe the method of disposal for all seed disposed of other than seed and, in the case of grain disposed of through a licensed Illinois grain dealer, the grain dealer's license number shall be recorded.

**Section 230.280 Removal of Seed Permit**

In no case, in his pursuit of enforcement action under Section 12 of the Act, shall the Director cause a seed permit to be removed from the permit holders premises without first notifying the permit holder in writing of his intention to remove the permit; said written notice to describe the specific conditions which have caused him to pursue that action.

**Section 230.EXHIBIT A Example of Label or Tag for Container of Agricultural,  
Vegetable or Other Seeds**

Kind of Seed _____	Variety _____	Lot No. _____
Origin _____	Germination _____	%
Pure Seed _____	% Hard Seed _____	%
Other Crop Seed _____	% Total Germination _____	
Inert Matter _____	% And Hard Seed _____	%
Weed Seed _____	% Date of Test _____	
Noxious Weed Seed (rate of occurrence) _____		
Net Weight* _____		
Name _____		
Address _____		
_____		

\*NOTE: Net Weight is optional on the label, please see 8 Ill. Adm. Code Section 230.40(d) for complete information on "Net Weight" labeling.