

Ag 20

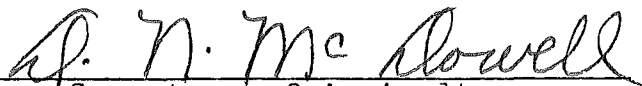
STATE OF WISCONSIN            )  
  ) SS  
DEPARTMENT OF AGRICULTURE )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I, D. N. McDowell, Secretary of Agriculture, and custodian of the official records of the State of Wisconsin Department of Agriculture, do hereby certify that the annexed order amending and repealing and recreating rules relating to agricultural and vegetable seeds, Wis. Adm. Code chapter Ag 20, was duly adopted by this department on January 20, 1969.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand at Madison, Wisconsin, this 20th day of January, 1969.

  
Secretary of Agriculture

Docket No. 812

ORDER OF THE DEPARTMENT OF AGRICULTURE  
AMENDING AND REPEALING AND RECREATING RULES

Pursuant to authority vested in the Department of Agriculture by sections 93.07 (1) and 94.45 (3) and (6), Wis. Stats., the Department of Agriculture hereby amends, repeals, renumbers, and repeals and recreates rules as follows:

1. Sections Ag 20.01 to Ag 20.08 of the Wisconsin administrative code are repealed and recreated to read:

Ag 20.01 Procedures, standards, and tolerances. Except as otherwise provided, the methods and procedures used by the department for the sampling and analysis of seed for purity, germination and noxious weed seed content; the standards of germination of vegetable seed; and the tolerances for permitted variations between seed analysis data shown on the label of any lot of seed and actual percentages and rates of occurrence as determined by the department from an analysis of an inspector's sample of the same lot of seed, shall be as prescribed by the Rules for Testing Seed, published by the Association of Official Seed Analysts, effective July 1, 1965. The book containing such rules may be obtained from Dr. Louis N. Bass, National Seed Storage Laboratory, Colorado State University, Fort Collins, Colorado 80521, who is secretary-treasurer of the Association of Official Seed Analysts. A copy of the book is on file at the offices of the department of agriculture, secretary of state, and revisor of statutes.

Ag 20.02 Germination. The combined total of the percentage of germination and the percentage of hard seed may be included on

the seed analysis label in addition to the individual percentage of germination and the percentage of hard seed as required on the label.

Ag 20.03 Fine-textured grasses. The names of the kinds of seed to be listed as fine-textured grasses under section 94.39(2)(b), Wis. Stats., are:

- (1) Colonial bentgrass (*Agrostis tenuis*).
- (2) Creeping bentgrass (*Agrostis palustris*).
- (3) Velvet bentgrass (*Agrostis canina*).
- (4) Kentucky bluegrass (*Poa pratensis*).
- (5) Rough bluegrass (*Poa trivialis*).
- (6) Wood bluegrass (*Poa nemoralis*).
- (7) Canada bluegrass (*Poa compressa*).
- (8) Red fescue (*Festuca rubra*).
- (9) Chewings fescue (*Festuca rubra* var. *commutata*).
- (10) Sheep fescue (*Festuca ovina*).

Ag 20.04 Sweetclover. White blossom sweetclover seed containing 5% or more of mottled seed shall not be labeled as white blossom sweetclover seed but shall be labeled sweetclover seed.

Ag 25.05 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, provided each container is clearly identified by the lot number corresponding to the lot number shown on the invoice or analysis label.

Ag 20.06 Relabeling for germination. (1) Seed on which the

germination test has expired (12 months after date of test) may be relabeled in any manner which will clearly show all required label information, including the name and address of the person who relabeled the seed.

(2) It shall be the responsibility of the seed dealer having possession of seed on which germination data has expired to withdraw such seed from sale and identify it as expired seed until it has been retested and relabeled with current information.

Ag 20.07 Labels to accompany sample. (1) All samples drawn from any lot of seed by a department inspector and forwarded to the state seed laboratory for analysis shall be accompanied by one or more of the original labels pertaining to the lot of seed sampled, and for this purpose department inspectors may remove existing labels from any package or container of seed sampled and replace them with a replacement label bearing the same information as contained on the original label.

(2) When an entire package is not taken as a sample, or the original label cannot be removed without damage to the package or container, the owner or custodian of the seed shall furnish a duplicate label or a true copy thereof, on request of the department inspector.

Ag 20.08 Test reports. (1) Reports of tests made by the state seed laboratory shall not be used in any way which would infer that the department recommends or guarantees any lot of seed, or that the sample tested is representative of the entire lot. Test reports made on seed samples submitted to the state seed laboratory

are applicable only to the sample tested and do not assure that the sample is representative of the lot.

(2) The use of the words "state tested" or "state" or the name "State of Wisconsin Department of Agriculture" or "State Seed Laboratory", or words of similar import, shall not be used in advertising, selling or labeling of seed in any way to give the impression that the state or any of its subdivisions guarantees or assumes responsibility for any data on any seed label or for the quality of any lot of seed.

2. Section Ag 20.09 of the Wisconsin administrative code is repealed.

3. Section Ag 20.10 of the Wisconsin administrative code is renumbered Ag 20.09.

4. Section Ag 20.11 of the Wisconsin administrative code is renumbered Ag 20.10 and amended to read:

Ag 20.10 Standards of germination. Standards of germination for vegetable seeds shall be:

Artichoke . . . . .	60%	Leek . . . . .	60%
Asparagus . . . . .	70%	Lettuce . . . . .	80%
Bean, garden . . . . .	70%	Muskmelon . . . . .	75%
Bean, lima . . . . .	70%	Mustard . . . . .	75%
Beets . . . . .	65%	Okra . . . . .	50%
Broccoli . . . . .	75%	Onion . . . . .	70%
Brussels sprouts . . . . .	70%	Parsley . . . . .	60%
Cabbage . . . . .	75%	Parsnip . . . . .	60%
Carrot . . . . .	55%	Peas . . . . .	80%
Cauliflower . . . . .	75%	Pepper . . . . .	55%
Celery and celeriac . . . . .	55%	Pumpkin . . . . .	75%
Chicory . . . . .	65%	Radish . . . . .	75%
Citron . . . . .	65%	Rhubarb . . . . .	60%
Collards . . . . .	80%	Rutabaga . . . . .	75%
Corn . . . . .	75%	Salsify . . . . .	75%
Cress, garden . . . . .	75%	Spinach . . . . .	60%
Cress, water . . . . .	40%	Spinach (New Zealand). . . . .	40%

Cucumber . . . . .	80%	Squash . . . . .	75%
Eggplant . . . . .	60%	Swiss chard . . . . .	65%
Endive . . . . .	70%	Tomato . . . . .	75%
Kale . . . . .	75%	Turnip . . . . .	80%
Kohlrabi . . . . .	75%	Watermelon . . . . .	70%

The rules contained herein shall take effect as provided in section 227.026, Wis. Stats.

Dated: January 20, 1969

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE

By /s/ D. N. McDowell  
Secretary of Agriculture



The State of Wisconsin  
Department of Justice  
Madison

ROBERT W. WARREN  
ATTORNEY GENERAL

January 13, 1969

Mr. D. N. McDowell, Director  
State Department of Agriculture  
Hill Farms State Office Building  
Madison, Wisconsin 53702

Re: Standards to be incorporated into Wisconsin  
Administrative Code, sections Ag 20.01 to Ag 20.08

Dear Mr. McDowell:

You have requested my consent pursuant to sec. 227.025, Wis. Stats., for the State of Wisconsin Department of Agriculture to incorporate by reference in its proposed rules Ag 20.01 to Ag 20.08, the Rules for Testing Seeds of the Association of Official Seed Analysts effective July 1, 1965.

It appears that your proposed rules are of limited public interest; that the publication to be incorporated by reference is readily available in publication form; that the reference in the proposed rules is specific; that incorporating the publication by reference would save considerable space and expense and that the Association of Official Seed Analysts meets the statutory definition of a technical society or organization of recognized national standing.

Accordingly, I hereby consent to the incorporation by reference in the proposed Rules Ag 20.01 through Ag 20.08.

Very truly yours,

*15/ Robert W. Warren*  
ROBERT W. WARREN  
Attorney General

*James J. Burke*  
JAMES J. BURKE  
Revisor of Statutes

*Standards are  
in metal file*

*cc: Mrs. Burke*

Mr. Burke:

Copy of the volume  
"Rules for Testing Seed"  
was sent to the Attorney  
General's Office, with  
request that it be for-  
warded to you.

Erv Voigt





State of Wisconsin \ DEPARTMENT OF AGRICULTURE



D. N. McDowell  
Secretary

F. J. GRIFFITH  
DEPUTY SECRETARY  
D. E. WILKINSON  
ASSISTANT SECRETARY  
HILL FARMS STATE OFFICE BUILDING  
MADISON, WISCONSIN 53702

November 20, 1968

Honorable Bronson C. La Follette  
Attorney General

Mr. James J. Burke  
Revisor of Statutes

Re: Incorporation by reference  
Wis. Adm. Code sec. Ag 20.01

Dear Sirs:

The Department of Agriculture has held a public hearing to consider revision of the rules relating to agricultural and vegetable seeds, and we now propose to issue an order, as set forth on the enclosed copy, repealing and recreating Wis. Adm. Code sections Ag 20.01 to Ag 20.08 relating to this subject. As you will note from section Ag 20.01, we propose to incorporate by reference a volume entitled "Rules for Testing Seed", published by the Association of Official Seed Analysts. This volume prescribes in detail the methods used by seed analysts throughout the United States in their laboratory work. Included are methods and procedures for the sampling and analysis of seed for purity, germination and noxious weed seed content; standards of germination of vegetable seed; and the tolerances for permitted variations between seed analysis data shown on the label of any lot of seed and actual percentages and rates of occurrence as determined by official analysis. The volume contains 112 pages, including many numerical tables.

We believe that the proposed incorporation by reference meets the conditions in section 227.025, Wis. Stats., in that the proposed rule is of limited public interest; the publication to be incorporated by reference is readily available in published form; the reference in the proposed rule is specific; incorporating the publication by reference would save considerable expense because of its length and technical composition; and the Association of Official Agricultural Chemists is a technical organization of recognized national standing. We therefore request your consent to incorporation by reference, in section Ag 20.01, of the above-cited volume. A copy of a letter showing the form of consent used in connection

Hon. Bronson La Follette  
Mr. James Burke  
Nov. 20, 1968  
Page 2

with previous incorporations by reference is enclosed. Also enclosed is a copy of the volume proposed to be so incorporated.

We shall very much appreciate your early consideration of this request.

Sincerely,

A handwritten signature in cursive script that reads "D. N. McDowell". The signature is written in dark ink and is positioned above the typed name.

D. N. McDowell  
Secretary of Agriculture

DNM:cs  
Enc. 3

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The rules contained herein shall take effect as provided in section 227.026, Wis. Stats.

Dated: \_\_\_\_\_

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE

By \_\_\_\_\_  
Secretary of Agriculture