

**§ 201.64**

| Mean (See § 201.59)               | Tolerance |
|-----------------------------------|-----------|
| 96 or over .....                  | 5         |
| 90 or over but less than 96 ..... | 6         |
| 80 or over but less than 90 ..... | 7         |
| 70 or over but less than 80 ..... | 8         |
| 60 or over but less than 70 ..... | 9         |
| Less than 60 .....                | 10        |

When only 200 seeds of a component in a mixture are tested 2 percent shall be added to the above germination tolerances.

[15 FR 2399, Apr. 28, 1950, as amended at 20 FR 7940, Oct. 21, 1955]

**§ 201.64 Pure live seed.**

The tolerance for pure live seed shall be determined by applying the respective tolerances to the germination plus the hard seed and the pure seed.

[5 FR 35, Jan. 4, 1940. Redesignated at 20 FR 7940, Oct. 21, 1955]

**§ 201.65 Noxious weed seeds in interstate commerce.**

Tolerances for rates of occurrence of noxious-weed seeds shall be recognized and shall be applied to the number of noxious-weed seeds found by analysis in the quantity of seed specified for noxious-weed seed determination in § 201.46, except as provided in § 201.16(b). Applicable tolerances are calculated by the formula,  $Y=X+1+1.96\sqrt{X}$ , where X is the number of seeds represented by the label or test and Y is the maximum number within tolerance.<sup>1</sup> Some tolerances are listed in the table. The number found as represented by the label or test (Column X) will be considered within tolerance if not more than the corresponding number in Column Y are found by analysis in the administration of the Act. For numbers of seeds greater than those in the table and in case of additional or more extensive analyses, a tolerance based on a degree of certainty of 5 percent (P=0.05) will be recognized.

| Number represented by the label or test (X) | Maximum number within tolerances (Y) | Number labeled or represented (X) | Maximum number within tolerances (Y) |
|---|--------------------------------------|-----------------------------------|--------------------------------------|
| 0   | 2                                    | 16                                | 24                                   |
| 1   | 4                                    | 17                                | 25                                   |

<sup>1</sup>Rates per pound or ounce must be converted to the equivalent number of seeds found in § 201.46, Table 1, Minimum weight for noxious-weed seed examination (grams).

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| Number represented by the label or test (X) | Maximum number within tolerances (Y) | Number labeled or represented (X) | Maximum number within tolerances (Y) |
|---|--------------------------------------|-----------------------------------|--------------------------------------|
| 2   | 6                                    | 18                                | 27                                   |
| 3   | 8                                    | 19                                | 28                                   |
| 4   | 9                                    | 20                                | 29                                   |
| 5   | 11                                   | 21                                | 30                                   |
| 6   | 12                                   | 22                                | 32                                   |
| 7   | 13                                   | 23                                | 33                                   |
| 8   | 14                                   | 24                                | 34                                   |
| 9   | 16                                   | 25                                | 35                                   |
| 10  | 17                                   | 26                                | 37                                   |
| 11  | 18                                   | 27                                | 38                                   |
| 12  | 20                                   | 28                                | 39                                   |
| 13  | 21                                   | 29                                | 41                                   |
| 14  | 22                                   | 30                                | 42                                   |
| 15  | 23                                   |                                   |                                      |

[5 FR 35, Jan. 4, 1940, as amended at 15 FR 2399, Apr. 28, 1950. Redesignated at 20 FR 7940, Oct. 21, 1955, as amended at 26 FR 10036, Oct. 26, 1961; 32 FR 12782, Sept. 6, 1967; 65 FR 1709, Jan. 11, 2000]

**§ 201.66 [Reserved]**

**CERTIFIED SEED**

**§ 201.67 Seed certifying agency standards and procedures.**

In order to qualify as a seed certifying agency for purposes of section 101(a)(25) of the Federal Seed Act (7 U.S.C. 1551(a)(25)) an agency must enforce standards and procedures, as conditions for its certification of seed, that meet or exceed the standards and procedures specified in § 201.68 through 201.78.

[38 FR 25662, Sept. 14, 1973]

**§ 201.68 Eligibility requirements for certification of varieties.**

The certifying agency shall require the originator, developer, or owner of the variety, or agent thereof, to make the following available when eligibility for certification is requested:

- (a) The name of the variety.
- (b) A statement concerning the variety's origin and the breeding procedure used in its development.
- (c) A detailed description of the morphological, physiological, and other characteristics of the plants and seed that distinguish it from other varieties.
- (d) Evidence supporting the identity of the variety, such as comparative yield data, insect and disease resistance, or other factors supporting the identity of the variety.