

Agricultural Marketing Service, USDA

§ 201.2

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DEFINITIONS

§ 201.1 Meaning of words.

Words in the regulations in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

[5 FR 28, Jan. 4, 1940]

§ 201.2 Terms defined.

When used in the regulations in this part the terms as defined in section 101 of the Act, unless modified in this section as provided in the Act, shall apply with equal force and effect. In addition, as used in this part:

(a) *The Act*. The term "Act" means the Federal Seed Act approved August 9, 1939 (53 Stat. 1275; 7 U.S.C. 1551-1611 as amended);

(b) *Person*. The term "person" includes an individual partnership, corporation, company, society, association, receiver, trustee, or agent;

(c) *Secretary*. The term "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead;

(d) *Hearing Clerk*. The term "Hearing Clerk" means the Hearing Clerk, United States Department of Agriculture, Washington, DC;

(e) *Respondent*. The term "respondent" means a person against whom a complaint is issued;

(f) *Examiner*. The term "examiner" means an employee of the Department of Agriculture, designated by the Secretary to conduct hearings under the Act, and this part;

(g) *FEDERAL REGISTER*. The term "FEDERAL REGISTER" means the publication provided by the Act of July 26, 1935 (49 Stat. 500), and acts supplementary thereto and amendatory thereof;

(h) *Agricultural seeds*. The term "agricultural seeds" means the following kinds of grass, forage, and field crop seeds, that are used for seeding purposes in the United States:

Agroticum—× *Agrotiticum* Cif. & Giacom.

- Alfalfa—*Medicago sativa* L. subsp. *sativa*
 Alfilaria—*Erodium cicutarium* (L.) L'Her.
 Alyceclover—*Alysicarpus vaginalis* (L.) DC.
 Bahiagrass—*Paspalum notatum* Flügge
 Barley—*Hordeum vulgare* L. subsp. *vulgare*
 Barrelclover—*Medicago truncatula* Gaertn.
 Bean, adzuki—*Vigna angularis* (Willd.) Ohwi & H. Ohashi var. *angularis*
 Bean, field—*Phaseolus vulgaris* L. var. *vulgaris*
 Bean, mung—*Vigna radiata* (L.) R. Wilczek var. *radiata*
 Beet, field—*Beta vulgaris* L. subsp. *vulgaris*
 Beet, sugar—*Beta vulgaris* L. subsp. *vulgaris*
 Beggarweed, Florida—*Desmodium tortuosum* (Sw.) DC.
 Bentgrass, colonial—*Agrostis capillaris* L.
 Bentgrass, creeping—*Agrostis stolonifera* L.
 Bentgrass, velvet—*Agrostis canina* L.
 Bermudagrass—*Cynodon dactylon* (L.) Pers. var. *dactylon*
 Bermudagrass, giant—*Cynodon dactylon* (L.) Pers. var. *aridus* J.R. Harlan & de Wet
 Bluegrass, annual—*Poa annua* L.
 Bluegrass, bulbous—*Poa bulbosa* L.
 Bluegrass, Canada—*Poa compressa* L.
 Bluegrass, glaucantha—*Poa glauca* Vahl
 Bluegrass, Kentucky—*Poa pratensis* L.
 Bluegrass, Nevada—*Poa secunda* J. Presl
 Bluegrass, rough—*Poa trivialis* L.
 Bluegrass, Texas—*Poa arachnifera* Torr.
 Bluegrass, wood—*Poa nemoralis* L.
 Bluejoint—*Calamagrostis canadensis* (Michx.) P. Beauv.
 Bluestem, big—*Andropogon gerardi* Vitman
 Bluestem, little—*Schizachyrium scoparium* (Michx.) Nash
 Bluestem, sand—*Andropogon hallii* Hack.
 Bluestem, yellow—*Bothriochloa ischaemum* (L.) Keng var. *ischaemum*
 Bottlebrush-squirreltail—*Elymus elymoides* (Raf.) Swezey
 Brome, field—*Bromus arvensis* L.
 Brome, meadow—*Bromus biebersteinii* Roem. & Schult.
 Brome, mountain—*Bromus carinatus* var. *marginatus* (Steud.) Barworth & Anderton
 Brome, smooth—*Bromus inermis* Leyss. subsp. *inermis*
 Broomcorn—*Sorghum bicolor* (L.) Moench
 Buckwheat—*Fagopyrum esculentum* Moench
 Buffalograss—*Bouteloua dactyloides* (Nutt.) Columbus
 Buffelgrass—*Cenchrus ciliaris* L.
 Burclover, California—*Medicago polymorpha* L.
 Burclover, spotted—*Medicago arabica* (L.) Huds.
 Burnet, little—*Sanguisorba minor* Scop.
 Buttonclover—*Medicago orbicularis* (L.) Bartal.
 Camelina—*Camelina sativa* (L.) Crantz subsp. *sativa*
 Canarygrass—*Phalaris canariensis* L.
 Canarygrass, reed—*Phalaris arundinacea* L.
 Carpetgrass—*Axonopus fissifolius* (Raddi) Kuhlms.
 Castorbean—*Ricinus communis* L.
 Chess, soft—*Bromus hordeaceus* L.
 Chickpea—*Cicer arietinum* L.
 Clover, alsike—*Trifolium hybridum* L.
 Clover, arrowleaf—*Trifolium vesiculosum* Savi
 Clover, berseem—*Trifolium alexandrinum* L.
 Clover, cluster—*Trifolium glomeratum* L.
 Clover, crimson—*Trifolium incarnatum* L.
 Clover, Kenya—*Trifolium semipilosum* Fresen.
 Clover, ladino—*Trifolium repens* L.
 Clover, lappa—*Trifolium lappaceum* L.
 Clover, large hop—*Trifolium campestre* Schreb.
 Clover, Persian—*Trifolium resupinatum* L.
 Clover, red or
 Red clover, mammoth—*Trifolium pratense* L.
 Red clover, medium—*Trifolium pratense* L.
 Clover, rose—*Trifolium hirtum* All.
 Clover, small hop or suckling—*Trifolium dubium* Sibth.
 Clover, strawberry—*Trifolium fragiferum* L.
 Clover, sub or subterranean—*Trifolium subterraneum* L.
 Clover, white—*Trifolium repens* L. (also see Clover, ladino)
 Clover—(also see Alyceclover, Burclover, Buttonclover, Sourclover, Sweetclover)
 Corn, field—*Zea mays* L. subsp. *mays*
 Corn, pop—*Zea mays* L. subsp. *mays*
 Cotton—*Gossypium* spp.
 Cowpea—*Vigna unguiculata* (L.) Walp. subsp. *unguiculata*
 Crambe—*Crambe hispanica* L. subsp. *Abyssinica*
 Crested dogtail—*Cynosurus cristatus* L.
 Crotalaria, lance—*Crotalaria lanceolata* E. Mey.
 Crotalaria, showy—*Crotalaria spectabilis* Roth
 Crotalaria, slenderleaf—*Crotalaria brevidens* Benth. var. *intermedia* (Kotschy) Polhill
 Crotalaria, striped or smooth—*Crotalaria pallida* Aiton
 Crotalaria, sunn or sunn hemp—*Crotalaria juncea* L.
 Crownvetch—*Securigera varia* (L.) Lassen
 Dallisgrass—*Paspalum dilatatum* Poir.
 Dichondra—*Dichondra repens* J.R. Forst. & G. Forst.
 Dropseed, sand—*Sporobolus cryptandrus* (Torr.) A. Gray
 Emmer—*Triticum turgidum* L. subsp. *dicocon* (Schränk) Thell.
 Fescue, Chewing's—*Festuca rubra* L. subsp. *commutata* Gaudin
 Fescue, hair—*Festuca filiformis* Pourr.
 Fescue, hard—*Festuca trachyphylla* (Hack.) Krajina
 Fescue, meadow—*Festuca pratensis* Huds.
 Fescue, red—*Festuca rubra* L. subsp. *rubra*
 Fescue, sheep—*Festuca ovina* L.
 Fescue, tall—*Festuca arundinacea* Schreb.
 Flatpea—*Lathyrus sylvestris* L.
 Flax—*Linum usitatissimum* L.
 Foxtail, creeping—*Alopecurus arundinaceus* Poir.
 Foxtail, meadow—*Alopecurus pratensis* L.

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- Galletagrass—*Pleuraphis jamesii* Torr.
 Grama, blue—*Bouteloua gracilis* (Kunth) Griffiths
 Grama, side-oats—*Bouteloua curtipendula* (Michx.) Torr.
 Guar—*Cyamopsis tetragonoloba* (L.) Taub.
 Guineagrass—*Megathyrsus maximus* (Jacq.) B. K. Simon & S. W. L. Jacobs
 Hardinggrass—*Phalaris aquatica* L.
 Hemp—*Cannabis sativa* L. subsp. *sativa*
 Indiangrass, yellow—*Sorghastrum nutans* (L.) Nash
 Indigo, hairy—*Indigofera hirsuta* L.
 Japanese lawngress—*Zoysia japonica* Steud.
 Johnsongrass—*Sorghum halepense* (L.) Pers.
 Kenaf—*Hibiscus cannabinus* L.
 Kochia, forage—*Bassia prostrata* (L.) A. J. Scott
 Kudzu—*Pueraria montana* (Lour.) Merr. var. *lobata* (Willd.) Sanjappa & Predeep
 Lentil—*Lens culinaris* Medik. subsp. *culinaris*
 Lespedeza, Korean—*Kummerowia stipulacea* (Maxim.) Makino
 Lespedeza, sericea or Chinese—*Lespedeza cuneata* (Dum. Cours.) G. Don
 Lespedeza, Siberian—*Lespedeza juncea* (L. f.) Pers.
 Lespedeza, striate—*Kummerowia striata* (Thunb.) Schindl.
 Lovegrass, sand—*Eragrostis trichodes* (Nutt.) Alph. Wood
 Lovegrass, weeping—*Eragrostis curvula* (Schrud.) Nees
 Lupine, blue—*Lupinus angustifolius* L.
 Lupine, white—*Lupinus albus* L.
 Lupine, yellow—*Lupinus luteus* L.
 Manilagrass—*Zoysia matrella* (L.) Merr.
 Medic, black—*Medicago lupulina* L.
 Milkvetch or cicer milkvetch—*Astragalus cicer* L.
 Millet, browntop—*Urochloa ramosa* (L.) T. Q. Nguyen
 Millet, foxtail—*Setaria italica* (L.) P. Beauv. subsp. *italica*
 Millet, Japanese—*Echinochloa esculenta* (A. Braun) H. Scholz
 Millet, pearl—*Cenchrus americanus* (L.) Morrone
 Millet, proso—*Panicum miliaceum* L. subsp. *miliaceum*
 Molassesgrass—*Melinis minutiflora* P. Beauv.
 Mustard, black—*Brassica nigra* (L.) W.D.J. Koch
 Mustard, India—*Brassica juncea* (L.) Czern. var. *juncea*
 Mustard, white—*Sinapis alba* L. subsp. *alba*
 Napiergrass—*Cenchrus purpureus* (Schumach.) Morrone
 Needlegrass, green—*Nassella viridula* (Trin.) Barkworth
 Oat—*Avena byzantina* K. Koch, *A. sativa* L., *A. nuda* L.
 Oatgrass, tall—*Arrhenatherum elatius* (L.) J. Presl & C. Presl subsp. *elatius*
 Orchardgrass—*Dactylis glomerata* L.
 Panicgrass, blue—*Panicum antidotale* Retz.
 Panicgrass, green—*Megathyrsus maximus* (Jacq.) B. K. Simon & W. L. Jacobs
 Pea, field—*Pisum sativum* L. var. *arvense* (L.) Poir.
 Peanut—*Arachis hypogaea* L.
 Poa trivialis—(see Bluegrass, rough)
 Radish—*Raphanus sativus* L.
 Rape, annual—*Brassica napus* L. var. *napus*
 Rape, bird—*Brassica rapa* L. subsp. *oleifera*
 Rape, turnip—*Brassica rapa* L. subsp. *oleifera*
 Rape, winter—*Brassica napus* L. var. *napus*
 Redtop—*Agrostis gigantea* Roth
 Rescuegrass—*Bromus catharticus* Vahl var. *catharticus*
 Rhodesgrass—*Chloris gayana* Kunth
 Rice—*Oryza sativa* L.
 Ricegrass, Indian—*Achnatherum hymenoides* (Roem. & Schult.) Barkworth
 Roughpea—*Lathyrus hirsutus* L.
 Rye—*Secale cereale* L. subsp. *cereale*
 Rye, mountain—*Secale strictum* (C. Presl) C. Presl subsp. *strictum*
 Ryegrass, annual or Italian—*Lolium multiflorum* Lam.
 Ryegrass, intermediate—*Lolium × hybridum* Hausskn.
 Ryegrass, perennial—*Lolium perenne* L.
 Ryegrass, Wimmera—*Lolium rigidum* Gaudin
 Safflower—*Carthamus tinctorius* L.
 Sagewort, Louisiana—*Artemisia ludoviciana* Nutt.
 Sainfoin—*Onobrychis viciifolia* Scop.
 Saltbush, fourwing—*Atriplex canescens* (Pursh) Nutt.
 Sesame—*Sesamum indicum* L.
 Sesbania—*Sesbania exaltata* (Raf.) A.W. Hill
 Smilo—*Oloptum miliaceum* (L.) Röser & Hamasha
 Sorghum—*Sorghum bicolor* (L.) Moench
 Sorghum alnum—*Sorghum × alnum* L. Parodi
 Sorghum-sudangrass—*Sorghum × drummondii* (Steud.) Millsp. & Chase
 Sorgrass—Rhizomatous derivatives of a johnsongrass × sorghum cross or a johnsongrass × sudangrass cross
 Southernpea—(See Cowpea)
 Sourclover—*Melilotus indicus* (L.) All.
 Soybean—*Glycine max* (L.) Merr.
 Spelt—*Triticum aestivum* L. subsp. *spelta* (L.) Thell.
 Sudangrass—*Sorghum × drummondii* (Steud.) Millsp. & Chase
 Sunflower—*Helianthus annuus* L.
 Sweetclover, white—*Melilotus albus* Medik.
 Sweetclover, yellow—*Melilotus officinalis* Lam.
 Sweet vernalgrass—*Anthoxanthum odoratum* L.
 Sweetvetch, northern—*Hedysarum boreale* Nutt.
 Switchgrass—*Panicum virgatum* L.
 Teff—*Eragrostis tef* (Zuccagni) Trotter
 Timothy—*Phleum pratense* L.
 Timothy, turf—*Phleum nodosum* L.
 Tobacco—*Nicotiana tabacum* L.
 Trefoil, big—*Lotus uliginosus* Schkuhr
 Trefoil, birdsfoot—*Lotus corniculatus* L.

- Triticale— × *Triticosecale* A. Camus (*Secale* × *Triticum*)
- Vaseygrass—*Paspalum urvillei* Steud.
- Veldtgrass—*Ehrharta calycina* Sm.
- Velvetbean—*Mucuna pruriens* (L.) DC. var. *utilis* (Wight) Burck
- Velvetgrass—*Holcus lanatus* L.
- Vetch, common—*Vicia sativa* L. subsp. *sativa*
- Vetch, hairy—*Vicia villosa* Roth subsp. *villosa*
- Vetch, Hungarian—*Vicia pannonica* Crantz
- Vetch, monantha—*Vicia articulata* Hornem.
- Vetch, narrowleaf or blackpod—*Vicia sativa* L. subsp. *nigra* (L.) Ehrh.
- Vetch, purple—*Vicia benghalensis* L.
- Vetch, woollypod or winter—*Vicia villosa* Roth subsp. *varia* (Host) Corb.
- Wheat, common—*Triticum aestivum* L. subsp. *aestivum*
- Wheat, club—*Triticum aestivum* L. subsp. *compactum* (Host) Mackey
- Wheat, durum—*Triticum turgidum* L. subsp. *durum* (Desf.) Husn.
- Wheat, Polish—*Triticum turgidum* L. subsp. *polonicum* (L.) Thell.
- Wheat, poulard—*Triticum turgidum* L. subsp. *turgidum*
- Wheat × Agroticum—*Triticum* × *Agrotriticum*
- Wheatgrass, beardless—*Pseudoroegneria spicata* (Pursh) á. Löve
- Wheatgrass, crested or fairway crested—*Agropyron cristatum* (L.) Gaertn.
- Wheatgrass, crested or standard crested—*Agropyron desertorum* (Link) Schult.
- Wheatgrass, intermediate—*Thinopyrum intermedium* (Host) Barkworth & D.R. Dewey subsp. *intermedium*
- Wheatgrass, pubescent—*Thinopyrum intermedium* (Host) Barkworth & D.R. Dewey subsp. *barbulatum* (Schur) Barkworth & D.R. Dewey
- Wheatgrass, Siberian—*Agropyron fragile* (Roth) P. Candargy
- Wheatgrass, slender—*Elymus trachycaulus* (Link) Shinners subsp. *trachycaulus*
- Wheatgrass, streambank—*Elymus lanceolatus* (Scribn. & J.G. Sm.) Gould subsp. *riparius* (Scribn. & J.G. Sm.) Barkworth
- Wheatgrass, tall—*Thinopyrum elongatum* (Host) D.R. Dewey
- Wheatgrass, western—*Pascopyrum smithii* (Rydb.) Barkworth & D.R. Dewey
- Wildrye, basin—*Leymus cinereus* (Scribn. & Merr.) á. Löve
- Wildrye, Canada—*Elymus canadensis* L.
- Wildrye, Russian—*Psathyrostachys juncea* (Fisch.) Nevski
- Zoysia japonica—(see Japanese lawngrass)
- Zoysia matrella—(see Manilagrass)
- (i) *Vegetable seeds*. The term “vegetable seeds” means the seeds of the following kinds that are or may be grown in gardens or on truck farms and are or may be generally known and sold under the name of vegetable seeds:
- Artichoke—*Cynara cardunculus* L.
- Asparagus—*Asparagus officinalis* L.
- Asparagusbean or yard-long bean—*Vigna unguiculata* (L.) Walp. subsp. *sesquipedalis* (L.) Verdc.
- Bean, garden—*Phaseolus vulgaris* L. var. *vulgaris*
- Bean, Lima—*Phaseolus lunatus* L.
- Bean, runner or scarlet runner—*Phaseolus coccineus* L.
- Beet—*Beta vulgaris* L. subsp. *vulgaris*
- Broadbean—*Vicia faba* L. var. *faba*
- Broccoli—*Brassica oleracea* L. var. *italica* Plenck
- Brussels sprouts—*Brassica oleracea* L. var. *gemmifera* Zenker
- Burdock, great—*Arctium lappa* L.
- Cabbage—*Brassica oleracea* L. var. *capitata* L.
- Cabbage, Chinese—*Brassica rapa* L. subsp. *pekinensis* (Lour.) Hanelt
- Cabbage, tronchuda—*Brassica oleracea* L. var. *costata* DC.
- Cantaloupe—(see Melon)
- Cardoon—*Cynara cardunculus* L.
- Carrot—*Daucus carota* L. subsp. *sativus* (Hoffm.) Arcang.
- Cauliflower—*Brassica oleracea* L. var. *botrytis* L.
- Celeriac—*Apium graveolens* L. var. *rapaceum* (Mill.) Gaudin
- Celery—*Apium graveolens* L. var. *dulce* (Mill.) Pers.
- Chard, Swiss—*Beta vulgaris* L. subsp. *vulgaris*
- Chicory—*Cichorium intybus* L.
- Chives—*Allium schoenoprasum* L.
- Citron melon—*Citrullus lanatus* (Thunb.) Matsum. & Nakai var. *citroides* (L.H. Bailey) Mansf.
- Collards—*Brassica oleracea* L. var. *viridis* L.
- Corn, sweet—*Zea mays* L. subsp. *mays*
- Cornsalad—*Valerianella locusta* (L.) Laterr.
- Cowpea—*Vigna unguiculata* (L.) Walp. subsp. *unguiculata*
- Cress, garden—*Lepidium sativum* L.
- Cress, upland—*Barbarea verna* (Mill.) Asch.
- Cress, water—*Nasturtium officinale* R. Br.
- Cucumber—*Cucumis sativus* L.
- Dandelion—*Taraxacum officinale* F.H. Wigg.
- Dill—*Anethum graveolens* L.
- Eggplant—*Solanum melongena* L.
- Endive—*Cichorium endivia* L. subsp. *endivia*
- Favabean (see Broadbean)
- Gherkin, West India—*Cucumis anguria* L. var. *anguria*
- Kale—*Brassica oleracea* L. var. *viridis* L.
- Kale, Chinese—*Brassica oleracea* L. var. *alboglabra* (L.H. Bailey) Musil
- Kale, Siberian—*Brassica napus* L. var. *pabularia* (DC.) Rchb.
- Kohlrabi—*Brassica oleracea* L. var. *gongylodes* L.
- Leek—*Allium porrum* L.
- Lettuce—*Lactuca sativa* L.
- Melon—*Cucumis melo* L. subsp. *melo*
- Muskmelon—(see Melon).
- Mustard, India—*Brassica juncea* (L.) Czern.

Mustard, spinach—*Brassica rapa* var. *perviridis* L.H. Bailey
 Okra—*Abelmoschus esculentus* (L.) Moench
 Onion—*Allium cepa* L. var. *cepa*
 Onion, bunching (see Onion, Welsh)
 Onion, Welsh—*Allium fistulosum* L.
 Pak-choi—*Brassica rapa* L. subsp. *chinensis* (L.) Hanelt
 Parsley—*Petroselinum crispum* (Mill.) A.W. Hill
 Parsnip—*Pastinaca sativa* L. subsp. *sativa*
 Pea—*Pisum sativum* L. subsp. *sativum*
 Pepper—*Capsicum* spp.
 Pe-tsai—(see Chinese cabbage).
 Pumpkin—*Cucurbita pepo* L., *C. moschata* Duchesne, and *C. maxima* Duchesne
 Radicchio (see Chicory)
 Radish—*Raphanus sativus* L.
 Rhubarb—*Rheum × hybridum* Murray
 Rutabaga—*Brassica napus* L. var. *napobrassica* (L.) Rchb.
 Sage—*Salvia officinalis* L.
 Salsify—*Tragopogon porrifolius* L.
 Savory, summer—*Satureja hortensis* L.
 Sorrel—*Rumex acetosa* L.
 Southernpea—(see Cowpea)
 Soybean—*Glycine max* (L.) Merr.
 Spinach—*Spinacia oleracea* L.
 Spinach, New Zealand—*Tetragonia tetragonoides* (Pall.) Kuntze
 Squash—*Cucurbita pepo* L., *C. moschata* Duchesne, and *C. maxima* Duchesne
 Tomato—*Solanum lycopersicum* L.
 Tomato, husk—*Physalis pubescens* L.
 Turnip—*Brassica rapa* L. subsp. *rapa*
 Watermelon—*Citrullus lanatus* (Thunb.) Matsum. & Nakai var. *lanatus*

(j) *Regulations.* The term “regulations” means the rules and regulations promulgated by the Secretary of Agriculture and the joint rules and regulations promulgated by the Secretary of the Treasury and the Secretary of Agriculture under the Act.

(k) *Joint regulations.* The term “joint regulations” means the joint rules and regulations promulgated by the Secretary of the Treasury and the Secretary of Agriculture.

(l) *Complete record.* (1) The term “complete record” means information which relates to the origin, treatment (including but not limited to coating, film coating, encrusting, or pelleting), germination, and purity (including variety) of each lot of agricultural seed transported or delivered for transportation in interstate commerce, or which relates to the treatment (including but not limited to coating, film coating, encrusting, or pelleting), germination, and variety of each lot of vegetable seed transported or delivered

for transportation in interstate commerce. Such information includes seed samples and records of declarations, labels, purchases, sales, cleaning, bulking, chemical or biological treatment, handling, storage, analyses, tests, and examinations.

(2) The complete record kept by each person for each treatment substance or lot of seed consists of the information pertaining to his own transactions and the information received from others pertaining to their transactions with respect to each treatment substance or lot of seed.

(m) *Declaration.* The term “declaration” means a written statement of a grower, shipper, processor, dealer, or importer giving for any lot of seed the kind, variety, type, origin, or the use for which the seed is intended.

(n) *Declaration of origin.* The term “declaration of origin” means a declaration of a grower or country shipper in the United States stating for each lot of agricultural seed (1) kind of seed, (2) lot number or other identification, (3) State where seed was grown and the county where grown if to be labeled showing the origin as a portion of a State, (4) quantity of seed, (5) date shipped or delivered, (6) to whom sold, shipped, or delivered, and (7) the signature and address of the grower or country shipper issuing the declaration. If the declaration is issued by a grower and the identity of the person delivering the seed is unknown to the receiver, the motor vehicle license number or other identification of the delivering agency should be entered on the declaration by the receiver. If a country shipper’s declaration includes seed shipped or delivered to him by another country shipper, it shall give for each lot the other country shipper’s lot number as included in the other country shipper’s declaration of origin.

(o) *Declaration of kind, variety, or type.* The term “declaration of kind, variety, or type” means a declaration of a grower stating for each lot of seed (1) the name of the kind, variety, or type stated in accordance with §§201.9 through 201.12, (2) lot number or other identification, (3) place where seed was grown, (4) quantity of seed, (5) date shipped or delivered, (6) to whom sold,

shipped or delivered, and (7) the signature and address of the grower issuing the declaration.

(p) *Mixture*. The term “mixture” means seeds consisting of more than one kind or variety, each present in excess of 5 percent by weight of the whole. A mixture of varieties of a single kind may be labeled as a blend.

(q) *Coated seed*. The term “coated seed” means any seed unit covered with a coating material.

(r) *Grower*. The term “grower” means any person who produces directly or through a growing contract, or is a seed-crop sharer in seed which is sold, offered for sale, transported, or offered for transportation.

(s) *Country shipper*. The term “country shipper” means any person located in a producing area who purchases seed locally for shipment to seed dealers or to other country shippers.

(t) *Dealer*. The term “dealer” means any person who cleans, processes, sells, offers for sale, transports, or delivers for transportation seeds in interstate commerce.

(u) *Consumer*. The term “consumer” means any person who purchases or otherwise obtains seed for sowing but not for resale.

(v) *Lot of seed*. The term “lot of seed” means a definite quantity of seed identified by a lot number, every portion or bag of which is uniform, within permitted tolerances, for the factors which appear in the labeling.

(w) *Purity*. The term “purity” means the name or names of the kind, type, or variety and the percentage or percentages thereof; the percentage of other agricultural seed; the percentage of weed seeds, including noxious-weed seeds; the percentage of inert matter; and the names of the noxious-weed seeds and the rate of occurrence of each.

(x) *Inoculant*. The term “inoculant” means a product consisting of microorganisms applied to the seed for the purpose of enhancing the availability or uptake of plant nutrients through the root system.

(y) *Hybrid*. The term “hybrid” applied to kinds or varieties of seed means the first generation seed of a cross produced by controlling the pollination and by combining (1) two or

more inbred lines; (2) one inbred or a single cross with an open pollinated variety; or (3) two selected clones, seed lines, varieties, or species. “Controlling the pollination” means to use a method of hybridization which will produce pure seed which is at least 75 percent hybrid seed. Hybrid designations shall be treated as variety names.

(z) *Conditioning*. For the purpose of section 203 (b)(2)(C) of the Act the term “conditioning” means cleaning, scarifying, or blending to obtain uniform quality, and other operations which would change the purity or germination of the seed and therefore require retesting to determine the quality of the seed, but does not include operations such as packaging, labeling, blending together of uniform lots of the same kind or variety without cleaning, or the preparation of a mixture without cleaning, any of which would not require retesting to determine the quality of the seed.

(aa) *Agricultural Marketing Service* means the Agricultural Marketing Service, United States Department of Agriculture.

(bb) *Breeder seed*. Breeder seed is a class of certified seed directly controlled by the originating or sponsoring plant breeding institution, or person, or designee thereof, and is the source for the production of seed of the other classes of certified seed.

(cc) *Foundation seed*. Foundation seed is a class of certified seed which is the progeny of Breeder or Foundation seed and is produced and handled under procedures established by the certifying agency, in accordance with this part, for producing the Foundation class of seed, for the purpose of maintaining genetic purity and identity.

(dd) *Registered seed*. Registered seed is a class of certified seed which is the progeny of Breeder or Foundation seed and is produced and handled under procedures established by the certifying agency, in accordance with this part, for producing the Registered class of seed, for the purpose of maintaining genetic purity and identity.

(ee) *Certified seed*. Certified seed is a class of certified seed which is the progeny of Breeder, Foundation, or Registered seed, except as provided in §201.70, and is produced and handled

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under procedures established by the certifying agency, in accordance with this part, for producing the Certified class of seed, for the purpose of maintaining genetic purity and identity.

(ff) *Off-type*. The term “off-type” means a plant or seed which deviates in one or more characteristics from that which has been described in accordance with § 201.68(c) as being usual for the strain or variety.

(gg) *Inbred line*. The term “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.

(hh) *Single cross*. The term “single cross” means the first generation hybrid between two inbred lines.

(ii) *Foundation single cross*. The term “foundation single cross” means a single cross used in the production of a double cross, a three-way, or a top cross.

(jj) *Double cross*. The term “double cross” means the first generation hybrid between two single crosses.

(kk) *Top cross*. The term “top cross” means the first generation hybrid of a cross between an inbred line and an open-pollinated variety or the first-generation hybrid between a single cross and an open-pollinated variety.

(ll) *Three-way cross*. The term “three-way cross” means a first generation hybrid between a single cross and an inbred line.

(mm) *Open-pollination*. The term “open-pollination” means pollination that occurs naturally as opposed to controlled pollination, such as by detasseling, cytoplasmic male sterility, self-incompatibility or similar processes.

(nn) *Coating material*. The term “coating material” means any substance that changes the size, shape, or weight of the original seed. Ingredients such as rhizobia, dyes, polymers, biologicals, and pesticides are not coating material for purposes of this part.

(oo) *Brand*. The term “brand” means a name, term, sign, symbol, or design, or a combination of them that identifies the seed of one seller or group of

sellers and differentiates that seed from the seed of other sellers.

[5 FR 28, Jan. 4, 1940]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 201.2, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.govinfo.gov.

ADMINISTRATION

§ 201.3 Administrator.

The Administrator of the Agricultural Marketing Service may perform such duties as the Secretary requires in enforcing the provisions of the Act and of the regulations in this part.

[85 FR 40579, July 7, 2020]

RECORDS FOR AGRICULTURAL AND VEGETABLE SEEDS

§ 201.4 Maintenance and accessibility.

(a) Each person transporting or delivering for transportation in interstate commerce agricultural or vegetable seed subject to the Act shall keep for a period of 3 years a complete record of each lot of such seed so transported or delivered, including a sample representing each lot of such seed, except that any seed sample may be discarded 1 year after the entire lot represented by such sample has been disposed of by such person.

(b) Each sample of agricultural seed retained shall be at least the weight required for a noxious-weed seed examination as set forth in § 201.46 and each sample of vegetable seed retained shall consist of at least 400 seeds. The record shall be kept in such manner as to permit comparison with the records required to be kept by other persons for the same lot of seed so that the origin, treatment (including, but not limited to, coating, film coating, encrusting, or pelleting), germination, and purity (including variety) of agricultural seed and the treatment (including, but not limited to, coating, film coating, encrusting, or pelleting), germination and variety of vegetable seed may be traced from the grower to the ultimate consumer and so that the lot of seed may be correctly labeled. The record shall be accessible for inspection by the authorized agents of the Secretary