

State of Alaska Seed Regulations



Alaska Administrative Code:
Title 11, Chapter 34

Title 11, Alaska Administrative Code,

Chapter 34: ***Plant Health and Quarantine***



Article 1:

[10. Labeling](#)

[20. Prohibited and restricted noxious weeds](#)

[30. Weed seed as agricultural seed](#)

[40. Sampling procedure for purity and germination tests](#)

[45. Duties and authority of the director](#)

[50. Germination and purity tests](#)

[60. Laboratory fees and schedule](#)

[70. Code of Federal Regulations](#)

[75. Prohibited acts](#)

[77. Weed seeds in shipment](#)

[80. Penalties](#)

[85. When penalties not applicable](#)

[90. Records](#)

[100. Expense of treatments](#)

Article 2:

- [105. Quarantine officers](#)
- [110. Pest certificate fees](#)
- [115. Appeals from director's decision](#)
- [120. Federal-state cooperation](#)
- [125. Inspection stations](#)
- [130. Quarantine regulations: inspections](#)
- [135. Form of certain regulations](#)
- [140. New pests](#)
- [145. Permits for pest shipment](#)
- [150. Notification of quarantined articles](#)
- [155. Release from inspection](#)
- [160. Right to inspect](#)
- [165. Labeling and certificates](#)
- [170. Destruction or treatment of pests](#)
- [180. Treatment of appliances](#)

Article 4:

- [400. Definitions](#)

SEED REGULATIONS: 11 AAC 34.010

11 AAC 34.010.

Labeling

(a) Each lot or package of agricultural seed sold or offered for sale within the state must bear on it or have attached to it in a conspicuous place, a legibly written or printed label or tag, in English, providing the following information:

- (1) the commonly accepted name of the kind and variety of the seed;
- (2) the country or state where the seed was grown;
- (3) the total percentage by weight of pure seed;
- (4) the total percentage by weight of all weed seed;

- (5) the total percentage by weight of inert matter;
- (6) the total percentage by weight of other crop seed;
- (7) the name and approximate number per pound of each kind of restricted noxious weed seed, as listed in 11 AAC [34.020](#);
- (8) the percentage of germination of the agricultural seed, together with the month and year the seed was tested;
- (9) the percentage of hard seed, if any is present;
- (10) the name and address of the person labeling the seed or selling, offering, or exposing the seed for sale within the state; and
- (11) the lot number or other lot identification.

(b) Each lot of mixed agricultural seed sold or offered for sale within the state must bear on it or have attached to it in a conspicuous place, a legibly written or printed label or tag, in English, providing the following information:

- (1) that the seed is a mixture;
- (2) the name and variety and total percentage by weight of each kind of agricultural seed present in order of predominance;
- (3) the total percentage by weight of other crop seed less than five percent of the mixture; and
- (4) the information listed in (a)(4), (a)(5), (a)(7), (a)(8), (a)(10), and (a)(11) of this section.

(c) Vegetable seed in a container of one-half pound or more sold or offered for sale within the state must bear on the container or have attached to the container in a conspicuous place, a legibly written or printed label or tag, in English, providing the following information:

- (1) the name of the kind and the variety and total percentage by weight; and
- (2) the information listed in (a)(4) - (a)(8), (a)(10), and (a)(11) of this section.

(d) Vegetable seed in a container of less than one-half pound sold or offered for sale within the state and which meets the germination standards and tolerances in 7 U.S.C. 1551 - 1611 (Federal Seed Act) must bear on the container or have attached to the container in a conspicuous place, a legibly written or printed label or tag, in English, providing the following information:

- (1) the name of the kind and variety of the seed;
- (2) the name and address of the person or firm labeling the seed, or selling, offering, or exposing the seed for sale within the state;
- (3) the year the seed was packed; and
- (4) the lot number or other identification.

(e) Vegetable seed in a container of less than one-half pound sold or offered for sale within the state and which does not meet the germination standards and tolerances in 7 U.S.C. 1551 - 1611 (Federal Seed Act) must be labeled, in English,

to provide the information required by (d) of this section and the following:

- (1) percentage of germination;
- (2) percentage of hard seed, if applicable; and
- (3) the phrase “substandard germination” in not less than eight-point type.

(f) Any agricultural or vegetable seed treated with toxic substances must be labeled to provide the information required by (a) - (e) of this section and the following:

- (1) a word or statement, in type no less than eight points, that the seed has been treated;
- (2) the commonly accepted coined or chemical name of the applied substances; and
- (3) a caution statement and appropriate poison symbol if the applied substance presents a hazard to human or animal health.

(g) Seed packed in hermetically sealed containers must be labeled to provide the information required by (a) - (f) of this section and the following:

- (1) that the container is hermetically sealed;
- (2) that the seed has been preconditioned as to moisture content;
- (3) that the germination test is valid for a period of not more than 24 months from the date of germination test for seed offered for sale on a wholesale basis, and for a period of not more than 36 months for seed offered for sale at retail; and
- (4) that the germination of seeds at the time of packaging was equal to or above standards and tolerances prescribed in the 7 U.S.C. 1551 - 1611 (Federal Seed Act).

(h) Agricultural seeds, mixed agricultural seeds, or bulk vegetable seeds, are exempt from the provisions of this section when

- (1) the seeds are grown in or sold within the state to be recleaned before being sold, exposed, or offered for sale for seeding purposes;
- (2) the seeds are held for purposes of recleaning; or
- (3) the seeds are held or sold for milling for food or for feeding purposes only.

(i) Tetrazolium viability test results are not considered valid germination tests for the purposes of labeling as required by this section.

(j) Hybrid seed, as defined in 7 C.F.R. 201.2(y), must be labeled in accordance with provisions of 7 C.F.R. 201.11(a).

History: In effect before 7/28/59;
am 3/2/78, Register 65;
am 10/28/83, Register 88

Authority:

[AS 03.05.010](#) , [AS 03.05.030](#) , [AS 44.37.030](#)

11 AAC 34.020.

Prohibited and restricted noxious weeds

(a) The following are prohibited noxious weeds:

- (1) **Bindweed, field** (*Convolvulus arvensis*);
- (2) **Fieldcress, Austrian** (*Rorippa austriaca*);
- (3) **Galensoga** (*Galensoga parviflora*);
- (4) **Hempnettle** (*Galeopsis tetrahit*);
- (5) **Horsenettle** (*Solanum carolinense*);
- (6) **Knapweed, Russian** (*Centaurea repens*);
- (7) **Lettuce, blue-flowering** (*Lactuca puichella*);
- (8) **Orange Hawkweed** (*Hieracium aurantiacum*);
- (9) **Purple Loosestrife** (*Lythrum salicaria*);
- (10) **Quackgrass** (*Agropyron repens*);
- (11) **Sowthistle, perennial** (*Sonchus arvensis*);
- (12) **Spurge, leafy** (*Euphorbia esula*);
- (13) **Thistle, Canada** (*Cirsium arvense*);
- (14) **Whitetops** and its varieties (*Cardaria drabe*, *C. pubescens*, *Lepidium latifolium*).

(b) The following are restricted noxious weeds, with their maximum allowable tolerances:

- (1) **Annual bluegrass** (*Poa annua*), 90 seeds per pound;
- (2) **Blue burr** (*Lappula echinatat*), 18 seeds per pound;
- (3) **Mustard** (*Brassica kaber, juncea*), 36 seeds per pound;
- (4) **Oats wild** (*Avena fatua*), seven seeds per pound;
- (5) **Plantain, buckhorn** (*Plantago sp.*), 90 seeds per pound;
- (6) **Radish** (*Raphanus raphanistrum*), 27 seeds per pound;
- (7) **Toadflax, yellow** (*Linaria vulgaris*), one seed per pound;
- (8) **Vetch, tufted** (*Vicia cracca*), two seeds per pound;
- (9) **Wild Buckwheat** (*Polygonum convovulus*), two seeds per pound.

History: In effect before 7/28/59;
am 3/2/78, Register 65;
am 10/28/83, Register 88;
am 7/28/2007, Register 183

Authority:

[AS 03.05.010](#) , [AS 03.05.030](#) , [AS 44.37.030](#)

11 AAC 34.030.

Weed seed as agricultural seed

The following seeds, when occurring incidentally in agricultural and vegetable seeds, are classed as weed seeds, except when sold alone or as a specific constituent of a definite seed mixture:

- Black Medic (*Medicago lupulina*);
- Cardoon (*Cynara cardunculus*);
- Dandelion (*Taraxacum* species);
- Lupine (*Lupinus* species);
- Pigweed (*Amaranthus* species);
- Radish (*Raphanus sativus*);
- Rape (*Brassica campestris* and *napus*);
- Sunflower (*Helianthus annuus*);
- Yarrow (*Achillea millefolium*); and
- Tufted Vetch (*Vicia cracca*).

History: In effect before 7/28/59;
am 3/2/78, Register 65;
am 10/28/83, Register 88

Authority:

[AS 03.05.010](#) , [AS 03.05.030](#) , [AS 44.37.030](#)

11 AAC 34.040.

Sampling procedure for purity and germination tests

(a) A sample of seed chosen by an authorized agent of the division of agriculture for the purpose of determining whether or not the seed meets the requirements of this chapter is known as an “official sample,” and must be drawn in a manner to represent as nearly as possible the entire lot from which it is taken.

(b) Official samples of seed shall be taken according to procedures which conform as nearly as practicable to those used by the United States Department of Agriculture pursuant to 7 C.F.R. 201.39 - 201.44.

History: In effect before 7/28/59;
am 3/2/78, Register 65

Authority:

[AS 03.05.010](#) , [AS 03.05.030](#) , [AS 44.37.030](#)

11 AAC 34.045.

Duties and authority of the director

(a) The duty of enforcing this chapter and of carrying out its provisions and requirements is vested in the director. The duties and authority of the director include the following:

- (1) to sample, inspect, make analyses of, and test any agricultural or vegetable seed held, transported, sold, offered, or exposed for sale within the state for planting purposes, at the time, place, and to the extent the director finds necessary to determine whether the seed is in compliance with this chapter;
 - (2) to sample, inspect, make analyses of any tree, shrub, or flower seed held, transported, sold, offered, or exposed for sale within the state for planting purposes, at the time, place, and the extent as the director may find necessary to determine whether the seed is in compliance with this chapter;
 - (3) to issue and enforce a written stop sale order or to issue a violation notice, whichever the director determines applicable, to the possessor or owner of any lot of agricultural, vegetable, tree, shrub, or flower seed which is found to be in violation of this chapter; and
 - (4) to prohibit the further sale, processing, or movement of seed, except on approval of the director, until evidence is obtained that shows that the requirements of this chapter have been complied with and a release from the stop sale order has been issued for the seed.
- (b)** When seed is denied further sale, processing, or movement under (a)(3) and (a)(4) of this section, the owner or processor of the seed has the right to appeal to a court of competent jurisdiction in the locality in which the seeds were found in violation, asking for a judgment as to the justification of the order and for the discharge of the seed from the order prohibiting the sale, processing, or movement, in accordance with the findings of the court.
- (c)** The provisions of (a)(3) and (a)(4) of this section do not limit the right of the director to proceed as authorized by other sections of this chapter.
- (d)** For the purpose of carrying out the provisions of this chapter, the director or his authorized agents, may
- (1) enter upon any public or private premises during regular business hours in order to access seeds and associated records maintained under this chapter, and any truck or other conveyer by land, water, or air at any time when the conveyer is accessible, for the same purposes; and
 - (2) either alone or in the presence of a representative or employee of the person whose premises are entered, examine and inspect any agricultural, vegetable, tree, shrub, or flower seed in possession, offered, or exposed for sale for planting purposes in this state, for compliance with this chapter.
- (e)** A sample taken under this section, and the report showing the results of the official test made on a sample, is prima facie evidence of the true condition of the entire lot from which the sample was taken.
- (f)** A copy of the results of any seed test from a sample taken under this section may be mailed to any person or his authorized representative, known to own, possess, or hold the seed from which the sample was taken.

History: Eff. 10/28/83, Register 88

Authority:

[AS 03.05.010](#) , [AS 03.05.030](#) , [AS 03.05.040](#) , [AS 03.05.050](#) , [AS 44.37.030](#)

11 AAC 34.050.

Germination and purity tests

Germination and purity tests of seeds must be conducted according to procedures which conform as nearly as practicable to those used by the United States Department of Agriculture pursuant to 7 C.F.R. 201.59 - 201.66.

Authority: [AS 03.05.010](#) , [AS 03.05.030](#) , [AS 44.37.030](#)

11 AAC 34.060.

Laboratory fees and schedule

(a) Germination and purity tests are performed at the Alaska Seed Testing Laboratory.

(b) State residents may submit seed samples for routine testing free of charge if the samples are limited to three per year per person and are submitted before April 15 of the year.

(c) Samples submitted by residents in excess of three per year or after April 15, or submitted by nonresidents will be charged a service fee as determined by the director.

(d) Samples submitted by residents and nonresidents for germination tests requiring tetrazolium procedures will be charged a service fee to be determined by the director according to a fee schedule based upon the difficulty of the species being tested.

History: Eff. 3/2/78, Register 65

Authority:

[AS 03.05.010](#) , [AS 03.05.030](#) , [AS 44.37.030](#)

11 AAC 34.070.

Code of Federal Regulations

Except where in conflict with specific provisions of this chapter, the rules, regulations and recommendations pertaining to sampling procedures and germination and purity testing procedures and standards contained in 7 C.F.R. 201.39 - 201.44 and 201.59 - 201.66 are adopted by reference and made part of this chapter. Copies of these provisions may be obtained from the U.S. Government Printing Office, Washington, D.C. 20250. Any reference in these provisions to U.S. Government officials and agencies shall be construed to refer to the corresponding officials and agencies of the State of Alaska.

History: Eff. 3/2/78, Register 65

Authority:

[AS 03.05.010](#) , [AS 03.05.030](#) , [AS 44.37.030](#)

Editor's note: These regulations are adopted by reference. The official Rules and Regulations under the Federal Seed Act are published by the U.S. Department of Agriculture and are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20250

11 AAC 34.075.

Prohibited acts

(a) No person may sell, offer for sale, expose for sale, or transport for use in planting in the state any agricultural or vegetable seed that

(1) unless exempt under 11 AAC [34.010\(h\)](#), has not been labeled as required by 11 AAC [34.010](#);

(2) bears a false or misleading label;

(3) contains any prohibited noxious weed seed, except as allowed in (g) of this section;

(4) contains any restricted noxious weed seed in excess of the permissible tolerance per pound established under 11 AAC [34.020\(b\)](#), except as allowed in (g) of this section; or

(5) has not been tested within the 18 months preceding the sale, offering, or exposure for sale, or transportation, not including the calendar month in which the test was completed, except for hermetically sealed containers under 11 AAC [34.010\(g\)](#) (3), and except that

(A) the director will, in his discretion, allow a shorter period for kinds of seed which he finds, under ordinary conditions of handling, will not maintain a germination within the established limits of tolerance during the prescribed time period, or a longer period for kinds of seed which are packaged in a container and under conditions the director determines will, during the longer period, maintain the viability of the seed under ordinary conditions of handling;

(B) a person in possession of seed shall keep on file, available for department inspection, the original or duplicate copy of the latest test made of the seed which must show, in addition to the information required by this chapter, the date and name of the person making the test.

(b) No person may substitute uncertified seed for certified seed.

(c) No person may use tags or seals indicating certification other than as prescribed by the authorized certification agency unless the tuber, horticultural, vegetable, tree, shrub, flower, or cereal grain seed has been produced, tested, examined, and labeled in accordance with this chapter or the official certification agency of another state, territory, or country. No person may

(1) sell, offer for sale, expose for sale, advertise, or transport any tuber, plant, or seed, falsely representing it to be certified; or

(2) use in connection with a tuber, plant, or seed any tags or seals similar to

those used in official certification as established by this chapter.

(d) No person may hinder or obstruct in any way, any authorized person in the performance of his duties under this chapter.

(e) No person may sell, offer, or expose for sale, plant, transport or process any seed that is under a stop sale order issued under 11 AAC [34.045\(a\)](#) (3) or that is in violation of this chapter, without express approval of the director.

(f) No person may plant in this state any agricultural, vegetable, tree, shrub, or flower seed containing any prohibited noxious weeds listed in 11 AAC [34.020\(a\)](#) or any restricted noxious weeds in excess of the maximum allowable tolerances listed in 11 AAC [34.020\(b\)](#) , except as provided in 11 AAC [34.030](#), without express written approval of the director, or as provided in (g) of this section.

(g) No person may use, sell, offer, expose for sale, give away, or transport for feeding, seeding, or mulching purposes any seed or grain screenings containing any prohibited noxious weed seed listed in 11 AAC [34.020\(a\)](#) or any restricted noxious weeds in excess of the maximum allowable tolerances listed in 11 AAC [34.020\(b\)](#), except as provided in 11 AAC [34.030](#), and except that the director may allow sale or transport of screenings for

(1) complete destruction;

(2) removal outside of the boundaries of the state;

(3) recleaning to the point of being in compliance with 11 AAC [34.020\(a\)](#) and (b); or

(4) processing to make the weed seed nonviable.

(h) No person may sell, offer, or expose for sale for seeding purposes, seed containing more than one and one-half percent by weight of all weed seed.

(i) No person may sell, offer, expose for sale or transportation, or transport a container or package of seed within this state unless the container or package of seed is labeled with a net contents statement, expressed by either weight, volume, or numerical count, except for seed being transported from an owner's field to a warehouse for storage, cleaning, or processing.

(j) No person may sell, offer for sale, or represent potatoes as seed potatoes unless the potatoes have been certified by the official seed certifying agency of the state or country of origin.

History: Eff. 10/28/83, Register 88;
am 10/28/87, Register 104

Authority:

[AS 03.05.010](#), [AS 03.05.030](#), [AS 44.37.030](#)

11 AAC 34.077.

Weed seeds in shipment

Whenever anything brought into a part of the state from another part of the state

or from any other state or foreign country is found to be infested with the seed of any prohibited noxious weed, the director will notify the owner or bailee of the shipment to return it to the point of shipment within 48 hours, and the owner or bailee of the shipment shall return it. If the director determines that the seeds can be destroyed by treatment, the shipment may, at the option and expense of the owner or bailee, be treated under the supervision of the director, and may be released after treatment.

History: Eff. 10/28/83, Register 88

Authority:

[AS 03.05.010](#) , [AS 03.05.030](#) , [AS 44.37.030](#)

11 AAC 34.080.

Penalties

Penalties for violation of this chapter are as provided in [AS 03.05.090](#).

Authority: [AS 03.05.010](#) , [AS 03.05.030](#) , [AS 03.05.090](#)

11 AAC 34.085.

When penalties not applicable

No person may be subjected to the penalties of [AS 03.05.090](#) for selling, offering, exposing for sale, or transporting in this state any agricultural or vegetable seed that;

(1) is incorrectly labeled or represented as to kind and variety or origin, and which cannot be identified except by a field test, when that person

(A) obtains an invoice or grower's declaration stating the kind, or kind and variety, and origin, if required;

(B) takes the invoice or grower's declaration in good faith; and

(C) takes other precautions as are reasonable to insure the identity of the seeds to be as stated;

(2) does not conform to the label on the container, but is within the tolerances authorized by the director under this chapter; or

(3) is in violation of this chapter, but is allowed sale or movement under specific written permission of the director.

History: Eff. 10/28/83, Register 88

Authority:

[AS 03.05.010](#) , [AS 03.05.030](#) , [AS 44.37.030](#)

11 AAC 34.090.

Records

Each person whose name appears on the label as handling agricultural or vegetable seed subject to this chapter shall keep for two years a complete record of each lot of agricultural or vegetable seed handled, and shall keep for two years a file sample of each lot of seed after final disposition of the lot. All records and samples pertaining to the shipment or shipments involved must be accessible for inspections by the director or his designated agent during customary business hours.

History: Eff. 10/28/83, Register 88

Authority:

[AS 03.05.010](#) , [AS 03.05.030](#) , [AS 44.37.030](#)

11 AAC 34.100.

Expense of treatments

Any treatment which may be required under the provisions of this chapter shall be at the risk and at the expense of the owner or persons in charge or in possession thereof at the time of treatment unless otherwise provided.

History: In effect before 7/28/59

Authority:

[AS 03.05.010](#) , [AS 03.05.030](#) , [AS 44.37.030](#)

ARTICLE 2

11 AAC 34.105.

Quarantine officers

(a) The director is an enforcing officer of all laws, rules and regulations relative to the prevention of the introduction into, or the spread within the state of pests.

(b) The director and such inspectors as he may appoint, holding valid certificates of eligibility for the office to which they have been appointed, are hereby designated State Plant Quarantine officers for the purpose of certifying to the pest condition or pest treatment of shipments, when certification as a condition of movement is officially required, and for the purpose of enforcing of laws, rules and regulations, relative to plant quarantine.

History: In effect before 7/28/59

Authority:

[AS 03.05.010](#) , [AS 03.05.030](#) , [AS 44.37.030](#)

11 AAC 34.110.

Pest certificate fees

The director may establish a schedule of fees for any or all classes of certificates to be paid by shippers requesting such certificates. Upon receipt of such scheduled fee, or in the event no schedule has been established, then upon request of the shipper it is the duty of the director to make such inspection as may be necessary to determine the facts required by the state or country of intended destination and to issue a certificate stating the facts determined; provided, that no fee shall be charged for certification required by any law, regulation, or requirement of the United States or of this state. The schedule of fees established for such certificates shall be based upon the approximate cost of the inspection made therefor.

History: In effect before 7/28/59

Authority:

[AS 03.05.010](#), [AS 03.05.030](#), [AS 44.37.030](#)

11 AAC 34.115.

Appeals from director's decision

(a) In cases relative to the prevention of the introduction into, or the dissemination within the state of pests, any interested person aggrieved by any action or order of the director may appeal in writing to the office of the director within five days after notice of action or order where there is no time limit upon such action or order, and in cases where a time limit is fixed, within such time limit. In cases where the director is empowered to, and does take summary action, no appeal may be taken.

(b) Appeals will be heard by the director within 10 days after receipt thereof upon notice to all interested parties and his decision shall be final.

History: In effect before 7/28/59

Authority:

[AS 03.05.010](#), [AS 03.05.030](#), [AS 44.37.030](#)

11 AAC 34.120.

Federal-state cooperation

Whenever quarantine regulations are established under this chapter, if there are any authorities or officers of the United States having authority to act in such matter, or any part thereof, the director shall notify such authorities or officers and seek their cooperation as far as possible. When any article is found to have been transported into this state from any other state, or district of the United States, in violation of the provisions of a quarantine established by the Secretary of Agriculture of the United States, such article shall be subject to seizure, destruction or other disposition to the same extent and in the same manner as if such article had originated in this state and was in violation of a provision of this chapter.

History: In effect before 7/28/59

Authority:

[AS 03.05.010](#), [AS 03.05.030](#), [AS 44.37.030](#)

11 AAC 34.125.

Inspection stations

To prevent the introduction into, or the spread within this state, of pests, the director may maintain at such places within this state as he deems necessary quarantine inspection stations for the purpose of inspecting all conveyances which might carry plants or other things which are or are liable to be infested or infected with pests.

History: In effect before 7/28/59

Authority:

[AS 03.05.010](#) , [AS 03.05.030](#) , [AS 44.37.030](#)

11 AAC 34.130.

Quarantine regulations: inspections

(a) The director may establish, maintain and enforce such quarantine regulations as he deems necessary to protect the agricultural industry of this state from pests, by establishing quarantine at the boundaries of this state or elsewhere within the state. He may make and enforce such rules and regulations as are necessary to prevent any plant or thing which is or is liable to be infested or infected by or which might act as a carrier of any pest, from passing over any quarantine line established and proclaimed pursuant to this chapter. The person conducting the inspection shall not permit any such plant or thing to pass over the quarantine line during quarantine, except upon a certificate of inspection and release signed by him.

(b) No person shall conceal from plant quarantine officers any plant or fail to present the same or any quarantined article for inspection at the request of such officer.

History: In effect before 7/28/59

Authority:

[AS 03.05.010](#), [AS 03.05.030](#), [AS 44.37.030](#)

11 AAC 34.135.

Form of certain regulations

All quarantine regulations involving another state, district, or foreign country will be adopted by the commissioner and will be approved and proclaimed by the

SEED REGULATIONS: 11 AAC 34.135 - 34.150

governor. A proclamation will be signed in duplicate. The original proclamation will be filed in the office of the lieutenant governor and a copy in the office of the director before it takes effect.

History: In effect before 7/28/59;
am 10/28/83, Register 88

Authority:

[AS 03.05.010](#), [AS 03.05.030](#), [AS 44.37.030](#)

11 AAC 34.140.

New pests

Upon information received by the director of the existence of any pest not generally distributed within this state he shall thoroughly investigate the existence and probability of the spread thereof. He may also establish, maintain and enforce quarantine and such other regulations as are in his opinion necessary to circumscribe and exterminate or prevent the spread of such pest. The director may disinfect, or take such other action with reference to, any plants or things infested or infected with, or which in his opinion may have been exposed to infection or infestation by, any such pest, as in his discretion shall seem necessary.

History: In effect before 7/28/59

Authority:

[AS 03.05.010](#), [AS 03.05.030](#), [AS 44.37.030](#)

11 AAC 34.145.

Permits for pest shipment

No pest, live insect or disease may be imported into or shipped or transported within the state except for the purpose of identification, unless such shipment or transportation is authorized under written permit and the regulations of the director or the United States Department of Agriculture. Any unauthorized shipment shall be returned to the point of origin, shipped out of the state, or destroyed within 48 hours at the expense of the owner or bailee.

History: In effect before 7/28/59

Authority:

[AS 03.05.010](#) , [AS 03.05.030](#) , [AS 44.37.030](#)

11 AAC 34.150.

Notification of quarantined articles

Any person who transports, receives or imports into the state any things, or any

SEED REGULATIONS: 11 AAC 34.150 - 34.165

plants against which quarantine has been established and who fails immediately after the arrival thereof to notify the director of their arrival, and to hold them for immediate inspection by the director, without unnecessarily moving them, or placing them where they may be harmful, is in violation of this section.

History: In effect before 7/28/59

Authority: [AS 03.05.010](#), [AS 03.05.030](#), [AS 44.37.030](#)

11 AAC 34.155.

Release from inspection

The director may designate certain plants arriving from certain areas not for planting, propagation or ornamental purposes within this State which may be released without inspection, if he finds upon investigation that such plants from such areas are not liable to cause the introduction of pests into the state.

History: In effect before 7/28/59

Authority: [AS 03.05.010](#), [AS 03.05.030](#), [AS 44.37.030](#)

11 AAC 34.160.

Right to inspect

The officer making the inspection may enter at any time into any conveyance or place within the state where the said plants or things are located, to ascertain whether they are or are liable to be infested or infected with any pest.

History: In effect before 7/28/59

Authority: [AS 03.05.010](#) , [AS 03.05.030](#) , [AS 44.37.030](#)

11 AAC 34.165.

Labeling and certificates

Each shipment of plants, brought into this state, shall have legibly marked thereon in a conspicuous manner and place the name and address of the shipper or owner, the name of the person to whom the same is forwarded or shipped, or his agents, the name of the country or state where the contents were grown, and a statement of the contents therein. Also each shipment of plants, grown in a country or state which maintains inspection of plants, shall be accompanied by a copy of a current inspection certificate from such country or state.

History: In effect before 7/28/59

Authority: [AS 03.05.010](#), [AS 03.05.030](#), [AS 44.37.030](#)

11 AAC 34.170.

Destruction or treatment of pests

When any shipment of plants brought into this state is found infested or infected or there is reasonable cause to presume that it may be so infested or infected with any pest, the shipment shall be immediately destroyed by, or under the such pest may be exterminated by treatment or processing prescribed by the director, and it is determined by the inspecting officer that the nature of the pest is such that no damage can be caused to agriculture in this state through such treatment or processing, or procedure incidental thereto. In such case, the shipment may be so treated or processed at the expense of the owner or bailee in the manner, and within the time specified by the inspecting officer, under his supervision, and if so treated or processed, upon determination by the enforcing officer that the pest has been exterminated, the shipment may be released.

History: In effect before 7/28/59

Authority: [AS 03.05.010](#) , [AS 03.05.030](#) , [AS 44.37.030](#)

11 AAC 34.180.

Treatment of appliances

(a) To prevent the dissemination of pests through the agency of appliances, the director will, in his discretion, publish a list of pests that can be carried that way and designating the appropriate treatment for appliances.

(b) No person may ship or move any used appliances unless he furnishes to the director proof satisfactory to the director that the appliances have not been exposed to infestation or infection by any pests, or that the appliances have been treated immediately before shipment or movement in the manner designated by the director.

History: In effect before 7/28/59;
am 10/28/83, Register 88

Authority: [AS 03.05.010](#), [AS 03.05.030](#), [AS 44.37.030](#)

Definitions

11 AAC 34.400.

Definitions

The terms used in this chapter are construed to conform insofar as possible with the terms used in the Federal Seed Act (7 U.S.C. 1551 et seq.) and the regulations issued under that Act. Unless the context indicates otherwise, in this chapter

(1) “*advertisement*” means representation other than on labels, disseminated in

any manner or by any means relating to seed within the scope of these regulations;

(2) “*agricultural seeds*” means the seeds of all domesticated grasses and cereals, and of all legumes and other plants grown as turf, cover crops, forage crops, fiber crops or field crops and mixtures of the seeds;

(3) “*appliance*” means box, tray, container, ladder, tent, vehicle, implement, or any other article which is or may be used in connection with the planting, growing, harvesting, handling, or transportation of an agricultural commodity;

(4) “*bailee*” means a person who, by warehouse receipt, bill of lading, or other document of title, acknowledges possession of goods and contracts to deliver them;

(5) “*certified*,” as applied to bulblets, tuber, or horticultural plants or to agricultural, vegetable, tree, shrub, flower, or cereal grain seed, means inspected and labeled by and in accordance with the standards and rules and regulations of the official certification agency or in accordance with similar standards established by a similar authority in another state, country, or territory;

(6) “*certified seed potatoes*” means potatoes used for planting a crop, that have been officially certified as “foundation seed” or “certified seed” by an authorized inspector, in a manner approved by the director, or, in the case of seed imported into the state, meets the certification standards of the Association of Official Seed Certifying Agencies;

(7) “*commercial production*” means products not grown exclusively for use or consumption by the producer;

(8) “*director*” means the director of the division of agriculture, Department of Natural Resources, or the director’s authorized agent;

(9) “*flower seed*” includes seed of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts which is commonly sold under the name of flower seed in the state;

(10) “*labeling*” means all labels and other written, printed, or graphic representations in any form whatsoever, whether attached to, or accompanying and pertaining to any seed, whether in bulk or in containers and includes invoices;

(11) “*lot*” means a definite quantity of seed identified by a lot number or other mark, every portion of which is uniform within the recognized tolerances for the factors which appear in the labeling;

(12) “*mixed agricultural seeds*” means any lot of seeds that contains five percent or more by weight of each of two or more kinds of agricultural seeds;

(13) “*noxious weed*” means any species of plants, either annual, biennial, or perennial, reproduced by seed, root, underground stem, or bulblet, which when established is or may become destructive and difficult to control by ordinary means of cultivation or other farm practices; or seed of such weeds that is considered commercially inseparable from agricultural or vegetable seed;

(14) “*nursery stock*” means any plant for planting, propagation or ornamental use;

(15) “*other crop seed*” means that part of a lot or sample of seed that consists of the seed of cereal grain and agricultural and vegetable seeds other than those named on the label;

(16) “*packer*” means the person or firm putting the seed into its final container in preparation for sale as seed;

(17) “*person*” means a individual, partnership, corporation, company, society, association, or cooperative;

(18) “*pest*” means a form of animal life, plant life, or infectious, transmissible, or contagious disease of plants, that is or is liable to be dangerous or detrimental to the agricultural industry of the state;

(19) “*plant*” means a whole or part of a plant, tree, shrub, vine, fruit, vegetable, seed, bulb, stolon, tuber, corm, pip, cutting, scion, bud, graft, or fruit pip, and includes an article made from a plant;

(20) “*pure seed*,” “*germination*,” and other seed labeling and testing terms in common use are defined as the terms are defined in the Rules for Seed Testing (Volume 6, #2, 1981) published by the Association of Official Seed Analysts, Stone Printing Company, Lansing, Michigan, and in the Federal Seed Act (7 U.S.C. 1551 et seq.) and the regulations promulgated under it (7 C.F.R. 201 et seq.);

(21) “*restricted noxious weed seed*” means the seed of weeds which are very objectionable in fields, lawns, and gardens of this state, but which can be controlled by good cultural practices;

(22) “*shipment*” means an article or thing, which may be, is being, or has been transported from one place to another place;

(23) “*tree and shrub seed*” means seed of woody plants commonly known and sold as tree and shrub seeds in this state;

(24) “*vegetable seeds*” means the seeds of all crops which are being grown or which may be grown in gardens, privately or commercially, and which are generally known and sold under the name of vegetable seeds; and

(25) “*weed seed*” means a restricted noxious weed seed and any seed not included in the definition of agricultural seed when it occurs incidentally in agricultural or vegetable seeds.

History:

In effect before 7/28/59;
am 3/2/78, Register 65;
am 10/28/83, Register 88

Authority: [AS 03.05.010](#), [AS 03.05.030](#), [AS 44.37.030](#)