**Purpose:** to add a clarification statement on how to classify contaminating species found during a purity analysis that are not included in Volume 3.

**Current/Proposed Rule:** (proposed changes indicated in red text)

**Volume. 3, Introduction Section, Cautions pages.**

1. *The purpose of this handbook is to clarify the designation of a seed that is an unintended contaminant in a seed lot, in which case it must be determined if the contaminating seed is a weed or other crop.* Pure seed is the species intended to be part of the seed lot and is therefore listed under the pure seed component on the label. All other species found in a seed lot are considered contaminating species and shall be classified based on the chosen “spp. Class” for the pure seed component tested.

2. If the species of the pure seed component is not listed in the classification section of Rules Volume 3, contaminants found in the sample shall be classified as those of a similar pure seed species listed. If the species of the pure seed component is listed as “W” only under the “spp. class,” the species shall be classified according to its intended use. Classification of all contaminating species shall be based on the chosen “spp. class.”

3. *If the species of contaminating seed(s) found in a sample is not listed in the classification section of Rules Volume 3, such contaminants shall be classified as those of a similar contaminating species (either as “C” or “W”) under the “spp. class” for the pure seed component tested.*

Note: the remaining current subsections 3, 4, 5, and 6 are renumbered as follows:

4. When seeds of indistinguishable species are found as contaminants and may be classified either as weed or other crop depending on the species they belong to, they shall be regarded as *weeds*. For example, the seeds of lettuce, *Lactuca sativa*, cannot always be distinguished from seeds of weedy species of *Lactuca*.

5. Seed lots that move in commerce are subject to the individual seed laws and regulations promulgated by State, Province, or Federal governments. The user of this handbook must be aware that differences occur among these laws and regulations and that the user is responsible for being familiar with these documents. Copies of these documents are available from the seed related sections of each governmental unit.

6. State, Province, or Federal governments may consider certain species to be noxious weeds. For the determination of noxious weed status refer to Appendix C, Noxious Weed Lists. CAUTION: It is the responsibility of the Rules Volume 3 user to keep Appendix C updated. If a species listed as a noxious weed is found as a contaminant in a seed lot that either is in or being sent to one of these government units, the contaminating species should be listed as a *weed* regardless of its classification under the contaminating species category.

7. There is a dilemma associated with multiple classifications of species under Format for Rules Volume 3, item four (page v) when the pure seed species is classified in two or more groups (e.g., A and R) and the contaminating species is not uniformly classified under the associated groups.

**Harmonization statement:** Under the Federal Seed Act Regulations (FSA), contaminants found during a purity analysis and considered Other Crop Seeds include seeds of plants grown as crops unless recognized as weed seeds by applicable laws, or regulations, or by general usage. The Weed Seed classification under the FSA includes species recognized as weed seeds by the law or rules and regulations of the State into which the seed is offered for transportation or transported; or by the law or
rules and regulations of Puerto Rico, Guam, or District of Columbia into which transported, or District of Columbia in which sold; or found by the Secretary of Agriculture to be detrimental to the agricultural interests of the United States, or any part thereof. Since seed laws in most states recognize the AOSA Rules as the primary methods and procedures for seed testing related to labeling of seed, the method by which the contaminating species are determined to be other crop seed or weed seed is provided under Volume 3 of the AOSA Rules. Thus, the proposed clarification statement will assist with assigning other crop seed or weed seed classifications for seeds of contaminating species that are not currently included in the Volume 3 classification table. The Canadian Methods and Procedures rely upon the listing of crop kinds in the Grade Tables for contaminants considered as other crop seeds (exceptions are described in sec. 3.9.3 of the M&P) and contaminating species not found in the Grade Tables are generally classified as weed seeds. The ISTA Rules classify all contaminants under the single category of other seeds.

**Supporting Evidence:** A request was made to the Purity Subcommittee by Minnesota Crop Improvement Association for clarification on how to classify contaminating species not listed in Volume 3 of the AOSA Rules. Although the AOSA Rules Volume 3 (2018) contains classification guidelines for 2,869 taxa representing 147 plant families, occasionally contaminants are found during purity analyses that are not listed in the Volume 3 classification table. This fact can cause a dilemma when attempting to classify contaminants as other crop seed or weed seed. Many states have seed laws limiting the percentage of weed seeds present in marketable seed lots; therefore, the Rules must provide an appropriate method to classify such contaminants.

**Submitted By:** Deborah Meyer, Purity Subcommittee AOSA Co-chair ([deborah.meyer@cdfa.ca.gov](mailto:deborah.meyer@cdfa.ca.gov)) and Gil Waibel, Purity Subcommittee SCST Co-chair ([waibel@indianacrop.org](mailto:waibel@indianacrop.org)), and Jennifer Pernsteiner, Minnesota Crop Improvement Association.

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