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## Article 3. Inspection and Sampling

### 3871. Classification of Samples.

- (a) An official sample is a sample drawn by an enforcement officer in the manner prescribed by Section 3872 and 3873 for the purpose of determining whether the seed is in compliance with the provisions of the California Seed Law, Section 52251 *et seq.*, Food and Agricultural Code.
- (b) A certification sample is a sample drawn by an agent of a recognized seed certifying agency, or by an enforcement officer acting upon the request of such agency, in accordance with the rules and regulations of such agency.
- (c) A quarantine sample is a sample submitted for testing for noxious-weed seed examination by a Commissioner or a plant quarantine officer.
- (d) A service sample is a sample submitted for testing for an individual or firm.
- (e) A miscellaneous sample is any sample not otherwise classified.

### 3872. Sampling.

- (a) Procedure. The following procedure shall be followed for securing official samples and is recommended for all other samples:
  - (1) General.
    - (A) Approximately equal portions shall be taken from fairly evenly distributed parts of the quantity of seed to be sampled. Access shall be had to all parts of that quantity. When more than one trierful of seed is drawn from a container, each successive trierful shall be from evenly separated parts of the container. When more than one handful is taken from a container the handfuls shall be taken from well-separated parts.
    - (B) For free-flowing seed in bags or bulk, a probe or trier long enough to sample any portion of the bag shall be used.
    - (C) Non-free-flowing seeds, such as certain grass seed, or uncleaned seed, difficult to sample with a probe or trier, shall be sampled by thrusting the hand into the bulk and withdrawing representative portions. Protective gloves shall be worn when sampling treated seed.
    - (D) As the seed is sampled, each portion shall be examined and if there appears to be a lack of uniformity, the portions shall not be combined but shall be retained as separate samples to determine such lack of uniformity as may exist.
    - (E) When the portions appear to be uniform, they shall be combined to form a composite sample.
    - (F) If a sealed container is opened or probed for inspection, the inspector shall reseal the container with a suitable seal indicating the purpose for which the container was opened.
    - (G) If a label is removed, the inspector shall affix to the container a tag on which the label statements have been copied.
  - (2) Bulk. Bulk seeds shall be sampled by inserting a long probe or thrusting the hand into the bulk, as circumstances require, in at least seven fairly uniformly distributed parts of the quantity being sampled.
  - (3) Bags.
    - (A) In quantities of six bags or less each bag shall be sampled.
    - (B) In quantities of more than six bags, five bags plus at least 10 percent of the number of bags in the lot shall be sampled. Regardless of the size it is not necessary that more than 30 bags be sampled.
    - (C) Samples shall be drawn from unopened bags except under circumstances where the identity of the seed has been preserved.
  - (4) Other Containers.
    - (A) In sampling seed in sealed containers, such as vegetable seed in packets, or lawn seed in boxes, when it is not practical to sample by other means, one or more entire unopened containers shall be taken.
    - (B) If requested by the custodian, sealed containers of single component seeds, containing more weight than needed for the official sample, shall be opened on the premises and the

CALIFORNIA CODE OF REGULATIONS  
Extracts Pertaining to Seed Inspection

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sample taken in the presence of the custodian. The remainder of the contents of the opened container shall be left with the custodian.

(C) Seed in containers, other than bags, when it is practical to sample by a probe without breaking the seal, shall be sampled in the same manner as seed in bags.

(D) Regardless of the type of container, the sample in the aggregate shall not be less than the quantity specified in subsection (b) of this section.

(b) Size of Sample. The following are minimum weights of official samples of seed to be submitted for analysis, test, or examination:

(1) Agricultural Seed.

(A) Four ounces (114 grams) of bentgrasses, red fescues, blue-grasses, white or alsike clover, or seeds not larger than these.

(B) Eight ounces (227 grams) of red clover, alfalfa, ryegrasses, brome-grasses, meadow or tall fescues, wheat-grasses or seeds of similar size.

(C) One pound (454 grams) of sudangrass, subclover, sugar beet, or seeds of similar size.

(D) Two pounds (908 grams) of cereals, vetch, safflower, sorghum, or seeds of similar or larger size.

(2) Vegetable Seed.

(A) One-eighth ounce (3.54 grams) of celery, lettuce, onion, cabbage or seeds not larger than these.

(B) One-half ounce (14.18 grams) of pepper, eggplant or seeds of similar size.

(C) One ounce (28.35 grams) of spinach, radish, table beet, muskmelon, or seeds of similar size.

(D) Four ounces (114 grams) of asparagus, New Zealand spinach, watermelon or seeds of similar size.

(E) One pound (454 grams) of pea, garden bean, pumpkin, corn or seeds of similar size.

(F) Two and one-half pounds (1.14 kilograms) of lima bean, runner bean, horsebean, or seeds of similar or larger size.

When a purity analysis is requested to determine the percentage by weight of any sample of vegetable seed, the minimum weight of the sample shall be not less than the minimum weight required for an official sample of agricultural seed of similar size.

(c) Preparation of Official Sample.

(1) A "description of sample" form, provided by the Department, shall be completed for each sample, and a label or facsimile label shall be attached to the original copy.

(2) For seed sampled in bags or bulk the sample shall be enclosed in an official sample bag, properly identified by the appropriate portion of the "description of sample" form and sealed with an official seal. If requested by the custodian, or other financially interested party, the sample shall be divided and a portion left on the premises.

(3) For seed sampled in packets or other sealed containers, where the entire container is taken as the sample, the sample may be submitted without being enclosed in an official sample bag; provided the appropriate portion of the "description of sample" form is firmly attached to the container or containers submitted as a sample.

(4) All samples shall be plainly marked outside with an appropriate identification, and, if treated, shall be clearly labeled to indicate the treatment.

(5) Samples of treated seed shall be double bagged with an inner bag of plastic. The outer container shall be clearly marked to indicate the treatment material and under the remarks section of the "description of sample" form reference to treatment labeling shall be made, such as "properly labeled as to (generic or common name/s) treatment." Any documents accompanying the official sample shall not be placed inside the plastic bag.

(d) Return of Official Sample. Any portion of the sample not used in making the tests shall be returned to the owner at his expense, if requested within 60 days of sampling.

**3873. Forwarding Sample.**

(a)\* An official sample and the "description of sample" form, accompanied by a label, shall be sent to *California Department of Food and Agriculture, Plant Pest Diagnostics Center, Seed Laboratory, 3294 Meadowview Road, Sacramento, California 95832-1448.*

(b)\* All other samples may be placed in any suitable nonsealed container, and forwarded to the *California Department of Food and Agriculture, Plant Pest Diagnostics Center, Seed Laboratory, 3294 Meadowview Road, Sacramento, California 95832-1448,* except as provided in subsection (c).

(c) Certification samples should be forwarded to the seed-certifying agency for which they were drawn.

*\*Changes (1995) reflecting the renaming of Plant Pest Diagnostics Branch, formerly known as Analysis and Identification Branch, its relocation to the facility designated as the Plant Pest Diagnostics Center and the current arrangements for the forwarding of official samples are not reflected in the official text of the California Code of Regulations.*

## Article 4. Certification

**3875. Seed-Certifying Agencies.**

(a) Recognized Agency. The Secretary, after consultation with the Director of the University of California Agricultural Experiment Station, as provided in Section 52401 of the Food and Agricultural Code, finds that the following is qualified to certify as to variety, type, strain, and other genetic characters of agricultural and vegetable seeds, and is hereby officially approved and recognized as a seed-certifying agency within the meaning of the California Seed Law:

California Crop Improvement Association, a nonprofit corporation incorporated under the laws of the State of California.

(b) Official agencies authorized by law to certify as to matters of fact respecting agricultural or vegetable seeds are not construed to be "seed-certifying agencies" within the meaning of Section 52482, Food and Agricultural Code, and such certification does not authorize representation of seed so certified as "certified seed" unless expressly provided by law.

**3876. Cooperation with Seed-Certifying Agencies.** All services performed at the request of and in cooperation with an officially recognized seed-certifying agency shall be performed in accordance with the rules and regulations of that agency, insofar as consistent with the provisions of the law.

**3877. Fees for Certification Services.**

(a) Schedules. The fees for certification services performed by the Secretary are shown in Section 4603(f). The fees for certification services performed by Commissioners may be established as provided in Section 52422, Food and Agricultural Code, and in this regulation.

(b) Approval of Schedules. Each Commissioner, before establishing a schedule of fees for certification services performed under the provisions of Section 52422, Food and Agricultural Code, is required to submit the proposed schedule to the Secretary for approval. Schedules of fees submitted for approval should be based on the approximate cost of the services.

(c) Transmittal. Claims for fees according to the approved schedule may be submitted directly to the seed-certifying agency, and payment of fees for services performed by a Commissioner may be transmitted directly to the Commissioner for such disposition as may be directed by the board of supervisors.