



Georgia Department of Agriculture

Capitol Square • Atlanta, Georgia 30334-4201 •

Gary W. Black
Commissioner

DATE: March 22, 2017

ACTION: Notice of Intent to Consider Amendment of Rule 40-12-1-.01 and Adoption of Rule 40-12-5-.05

TO ALL INTERESTED PERSONS AND PARTIES:

Pursuant to the Official Code of Georgia Annotated, O.C.G.A. §§ 2-11-28 and 50-13-4, notice is hereby given that the Georgia Department of Agriculture will be accepting written comments regarding an amendment to current Rule 40-12-1-.01 entitled “Definitions” and adoption of new Rule 40-12-5-.05 entitled “Requirements for Non-Commercial Seed Sharing.” The Department will be accepting written comments from March 22, 2017, to close of business (4:30 p.m. EST) on April 21, 2017.

SYNOPSIS, MAIN FEATURES AND DIFFERENCES

The Department is proposing to amend current Rule 40-12-1-.01 entitled “Definitions” to provide a definition for ‘Non-Commercial Seed Sharing.’

The Department is also proposing to adopt a new Rule 40-12-5-.05 entitled “Requirements for Non-commercial Seed Sharing,” which will describe the label requirements, standards, and notice requirements for non-commercial seed sharing. Specifically, the rule will provide that each container of agricultural, vegetable, and flower seeds distributed for sowing purposes in a non-commercial setting shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag, in the English language, that conveys specific information.

The proposed Rule would also require that seed be free of foreign material, other than coatings or treatments, including germination medium, mulch, fertilizer, pre-planted containers, mats, tapes, or other planting devices; that no distributed container hold more than eight (8) ounces of agricultural seed or four (4) ounces of vegetable or flower seed; and that germination and purity analysis is not required, however if a germination or purity percentage is noted on the label, it must be noted whether or not the analysis was performed according to the AOSA rules for testing seed.

Likewise, the proposed rule would require that, at each location involved with non-commercial seed sharing, a legible and visible sign shall state that the seeds being distributed may not meet germination or varietal purity standards prescribed by the state seed law. The sign must also state that patented seed or varieties protected by the Plant Variety Protection Act will not be accepted or distributed without permission of the certificate holder.

COMMENT PERIOD AND ADDITIONAL INFORMATION:

The Department will be accepting written comments from March 22, 2017, to close of business (4:30 p.m. EST) on April 21, 2017. Comments will be considered on April 24, 2017. Please submit written comments to:

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Division Director, Plant Industry Division
Georgia Department of Agriculture
19 Martin Luther King, Jr. Drive, S.W.
Atlanta, Georgia 30334
Telephone Number: (404) 463-8617
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Interested persons may call or submit a written request to obtain a copy of the proposed rules. A copy of the synopsis and the proposed rules may be downloaded from the Georgia Department of Agriculture website at www.agr.georgia.gov.

This notice is given in compliance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-4.