

Seed Administrative Penalty Matrix

TABLE I: GERMINATION, HARD, DORMANT, AND/OR PURE LIVE SEED VIOLATIONS

VIOLATIONS: False labeling regarding germination or pure live seed (Texas Agriculture Code §61.018).

- Germination below tolerance.
- Pure Live Seed below tolerance.
- Hard/Dormant Seed below tolerance.

Violations in which germination and/or pure live seed exceed two times the tolerance will receive a Stop Sale Order in addition to an Administrative Penalty regardless of prior violations.

Percent In Excess of Tolerance	First Level	
1 - 5%	\$100	2nd Level: \$20 additional, not to exceed \$1500
6 - 10%	\$175	
11 - 15%	\$250	3rd Level: \$60 additional
16% and over	\$270 plus \$20 for every increment in excess of tolerance, not to exceed \$1000	3rd Level and over tolerance 6% or more: \$60 additional + SS 4th Level: \$100 additional 4th Level and over tolerance 6% or more: \$100 additional + SS

SS = Stop Sale

TABLE II: PURITY COMPONENT VIOLATION: PURE SEED, INERT MATTER, OTHER CROPS, WEED SEED

VIOLATIONS:

- False labeling as to pure seed, inert matter, other crop seed or weed seed (Texas Agriculture Code §61.018).
- Failure to label all components in excess of five percent with respective pure seed and germination percentage as required by Texas Agriculture Code §61.004 of Texas Agriculture Code §61.005.

Violations in which pure seed and/or weed seed exceeds three times the tolerance will receive a Stop Sale Order in addition to an Administrative Penalty regardless of prior violations.

Percent in Excess of Tolerance	First Level	
0.01% - 0.50%	\$75	2nd Level: \$ 50 additional, not to exceed \$1000
0.51% - 1.00%	\$100	
1.01% - 1.50%	\$125	3rd Level: \$100 additional
1.51% - 2.00%	\$150	3rd Level and over tolerance 6% or more:
2.01% - 2.50%	\$175	\$100 additional + SS
2.51% - 3.00%	\$200	
3.01% - 3.50%	\$225	4th Level: \$150 additional
3.51% - 4.00%	\$250	4th Level and over tolerance 6% or more:
4.01% - 4.50%	\$275	\$150 additional + SS
4.51% - 5.00%	\$300	
5.01% - 6.00%	\$325	
Over 6%	\$350 plus \$50 per each additional 1% variance*, not to exceed \$600	

SS = Stop Sale

*Fractions of percentage point will be rounded to nearest whole number.

TABLE III: NOXIOUS WEED SEED LABELING VIOLATIONS

VIOLATION:

- False labeling regarding amount of noxious weed seed (Texas Agriculture Code §61.018).

Violations in which the restricted noxious weed seed exceeds the tolerance and twenty percent of the limitation per pound (excluding restricted noxious weed seed with name and number) will receive a Stop Sale Order in addition to an Administrative Penalty regardless of prior violations.

Number in Excess of Tolerance	Restricted Category A	Restricted Category B	Restricted Category C	Restricted Category D	Prohibited Category E	
1 to 10	\$60	\$80	\$105	\$150	SS & \$250	2nd Level: \$100 additional
11 to 20	\$80	\$100	\$125	\$200	SS & \$350	
21 to 30	\$100	\$120	\$145	\$250	SS & \$450	
31 to 40	\$120	\$140	\$165	\$300	SS & \$550	3rd Level: \$200 additional
41 to 50	\$150	\$160	\$185	\$350	SS & \$650	
51 to 60	\$170	\$180	\$215	\$400	SS & \$750	4th Level: \$300 additional
61 to 70	\$190	\$200	\$245	\$450	SS & \$1000	
71 to 80	\$210	\$220	\$275	\$500	SS & \$1500	
81 to 90	\$230	\$250	\$305	\$550	SS & \$2000	
91 to 100	\$250	\$270	\$335	\$600	SS & \$2500	
101 to 200	\$300	\$370	\$435	\$700	SS & \$3000	
201 to 300	\$350	\$470	\$535	\$800	SS & \$3500	
301 to 400	\$400	\$570	\$635	\$900	SS & \$4000	
400 to 500	\$450	\$670	\$735	\$1000	SS & \$4500	
500 and over	\$500	\$770	\$835	\$1100	SS & \$5000	

SS = Stop Sale

TABLE IV: NOXIOUS WEED SEED IN EXCESS OF LIMITATION PER POUND

VIOLATION:

- Offering for sale seed labeled to contain noxious weed seed in excess of allowed limitation per pound (Texas Agriculture Code §61.018).

Limitation per Pound 300	Limitation per Pound 100	Limitation per Pound 20	Limitation per Pound 1	Limitation per Pound "Prohibited"
\$100 and Stop Sale	\$200 and Stop Sale	\$300 and Stop Sale	\$400 and Stop Sale	\$500 and Stop Sale

TABLE V: RESTRICTED NOXIOUS WEED SEED IN ANY COMBINATION IN EXCESS OF 500 PER POUND (Texas Agriculture Code §61.018)

Restricted Category B	Restricted Category C	Restricted Category D
\$200 and Stop Sale	\$300 and Stop Sale	\$400 and Stop Sale

NOXIOUS WEED SEED CATEGORIES:

RESTRICTED - CATEGORY A

<u>Common Name</u>	<u>Scientific Name</u>	<u>Limitation per Pound</u>
annual bluegrass	<i>Poa annua</i>	name and number
bermudagrass	<i>Cynodon dactylon</i>	name and number
Johnsongrass	<i>Sorghum halepense</i>	name and number
morningglory	<i>Ipomoea spp.</i>	name and number
passion flower or maypop	<i>Passiflora incarnata</i>	name and number

RESTRICTED - CATEGORY B

<u>Common Name</u>	<u>Scientific Name</u>	<u>Limitation per Pound</u>
bracted plantain and buckhorn plantain	<i>Plantago aristata</i> <i>Plantago lanceolata</i>	300
cheat or chess	<i>Bromus secalinus and</i> <i>Bromus commutatus</i>	300
common giant mustard	<i>Rapistrum rugosum</i>	300
corncockle	<i>Agrostemma githago</i>	300
darnel and/or Persian ryegrass	<i>Lolium temulentum</i> <i>Lolium persicum</i>	300
dock and sorrel	<i>Rumex spp.</i>	300
horsenettle and purple nightshade	<i>Solanum carolinense</i> <i>Solanum elaeagnifolium</i>	300
puncturevine	<i>Tribulus terrestris</i>	300
wild carrot	<i>Daucus carota</i>	300
wild mustards and wild turnips	<i>Brassica and</i> <i>Sinapis spp.</i>	300
wild oat and/or feral oat	<i>Avena fatua</i> (L.) <i>Avena spp. (feral oat)</i>	300

RESTRICTED - CATEGORY C

<u>Common Name</u>	<u>Scientific Name</u>	<u>Limitation per Pound</u>
blessed thistle	<i>Cnicus benedictus</i>	100
blueweed	<i>Helianthus ciliaris</i>	100
Canada thistle	<i>Cirsium arvense</i>	100
dodder	<i>Cuscuta spp.</i>	100
giant foxtail	<i>Setaria faberi</i>	100
quackgrass	<i>Elytrigia repens</i>	100
Russian knapweed	<i>Centaurea repens</i>	100
wild onion and/or wild garlic	<i>Allium spp.</i>	100
wild radish	<i>Raphanus raphanistrum</i>	100

RESTRICTED - CATEGORY D

<u>Common Name</u>	<u>Scientific Name</u>	<u>Limitation per Pound</u>
blessed milk thistle	<i>Silybum marianum</i> (L.)	20
goatgrass	<i>Aegilops spp.</i>	20
red rice	<i>Oryza sativa var</i>	1

PROHIBITED CATEGORY E

<u>Common Name</u>	<u>Scientific Name</u>	<u>Limitation per Pound</u>
balloonvine	<i>Cardiospermum halicacabum</i> (L.)	prohibited
castor	<i>Ricinus communis</i>	prohibited
cocklebur	<i>Xanthium spp.</i>	prohibited
field bindweed	<i>Convolvulus arvensis</i>	prohibited
hedge bindweed	<i>Calystegia sepium</i>	prohibited
itchgrass	<i>Rottboellia cochinchinensis</i>	prohibited
nutsedge	<i>Cyperus rotundus and Cyperus esculentus</i>	prohibited
nutsedge tubers	<i>Cyperus spp.</i>	prohibited
serrated tussock	<i>Nassella trichotoma</i>	prohibited
tropical soda apple	<i>Solanum viarum</i> (Dunal)	prohibited

TABLE VI: GROWOUT VIOLATIONS (Texas Agriculture Code §61.018)

GROWOUT CATEGORY A: Minor mislabeling

- Pure seed, including variety, found to be mislabeled less than two times the tolerance.

GROWOUT CATEGORY B: Serious mislabeling

- Pure seed, including variety, found to be mislabeled by two times or more than the tolerance.

Growout Categories	First Level	Second Level	Third Level	Fourth Level
A	\$100	\$200	\$300	\$400 - 600
B	\$250	\$450	\$500	\$550 - 750

TABLE VII: TECHNICAL VIOLATIONS

TECHNICAL CATEGORY A

- Minor false or misleading labeling as to kind, variety, brand, type, hybrid seed, seed treatment, Texas Permit Number, Texas Seed Fee Label, and/or analysis does not total 100% (Texas Agriculture Code §61.018).
- Complete labeling not given (lot number, origin, inert matter, crop seed, weed seed, and/or component in excess of 5%) as required by Texas Agriculture Code §61.018.
- Vegetable seed offered for sale in Texas with germination below the minimum standard must show the percentage of germination exclusive of hard seed, and the statement “Below Standard” on each packet as required by Texas Agriculture Code §61.005.
- Labels cannot be altered/changed as stated in Texas Agriculture Code §61.018.
- No acceptable variety name or the words “variety not stated” must be shown as required by Texas Agriculture Code §61.004.

TECHNICAL CATEGORY B

- False or misleading labeling not covered under Technical Category A as to kind, variety, net weight, pure live seed, seed treatment, name and address, test date, plant variety protected, and/or Texas Permit Number (Texas Agriculture Code §61.018).
- Complete labeling not given (pure seed, germination, test date, kind, net weight, noxious weed seed per pound, and/or name and address of labeler) as required by Texas Agriculture Code §61.018
- Information on label not plainly written or printed in English (Texas Agriculture Code §61.004/Texas Agriculture Code §61.005).
- No Texas Tested Seed Fee Label attached or Texas Permit Number as required by Texas Agriculture Code §61.011.
- No valid vegetable seed license as required by Texas Agriculture Code §61.013.
- Selling seed labeled as containing prohibited noxious weed seed is prohibited from sale as required by Texas Agriculture Code §61.018.

- Failure to test seed for germination within the prescribed period prior to offering for sale as required by Texas Agriculture Code §61.009.
- No labeling of seed treatment substance or process as required by Texas Agriculture Code §61.006

TECHNICAL CATEGORY C

- Seed not tested for germination as required by Texas Agriculture Code §61.018.
- Seed is not labeled as required by Texas Agriculture Code §61.018.
- Representing seed as being certified seed without an official label issued by a seed-certifying agency as required by Texas Agriculture Code §61.007.
- Texas Certified, Registered, Foundation, or Texas Tested Seed Labels must not be altered or reused in any way (Texas Agriculture Code §61.018).

TECHNICAL CATEGORY D

- Failure to comply with a Stop Sale order (Texas Agriculture Code §61.018).
- Seed not being sold as a class of certified seed as required by federal law as required by Texas Agriculture Code §61.007.
- Failure to label variety name when seed being represented as certified seed as required by Texas Agriculture Code §61.007.
- Seed represented as being certified seed, but no official certified labels are attached to containers as required by Texas Agriculture Code §61.007.

TECHNICAL VIOLATION PENALTIES

Technical Categories	First Level	Second Level	Third Level	Fourth Level
A	NNC	\$100	\$150	\$200
B	SS & \$150	SS & \$250	SS & \$300	SS & \$500
C	SS & \$200	SS & \$300	SS & \$400	SS & \$600
D	SS & \$2000	SS & \$3000	SS & \$4000	SS & \$5000

SS = Stop Sale

NNC = Notice of Non-Compliance