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MEMORANDUM

TO: Stephen McMurry, Executive Director, Director of Fertilizer and Seed Programs

FROM: Emily Caudill, Regulations Compiler

RE: Proposed Amendment and New Regulation – 012 KAR 001:134, 012 KAR 001:144, 012 KAR 001:149, and 012 KAR 001:164.

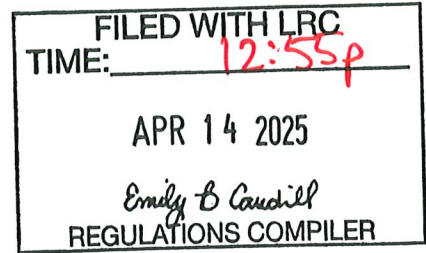
DATE: April 14, 2025

A copy of each administrative regulation listed above is enclosed for your files. These regulations are tentatively scheduled for review by the Administrative Regulation Review Subcommittee at its **JULY 2025** meeting. We will notify you of the date and time of this meeting once it has been scheduled.

Pursuant to KRS 13A.280, **if** comments are received during the public comment period, a Statement of Consideration or a one-month extension request for these regulations is due **by noon on July 15, 2025**. Please reference KRS 13A.270 and 13A.280 for other requirements relating to the public hearing and public comment period and Statements of Consideration.

If you have questions, please contact us at RegsCompiler@LRC.ky.gov or (502) 564-8100.

Enclosures



1 AGRICULTURAL EXPERIMENT STATION

2 (New Administrative Regulation)

3 12 KAR 1:164. Germination standards for vegetable seed.

4 RELATES TO: KRS 250.021, 250.031, 250.041, 250.051, 250.061, 250.071,
5 250.081, 250.091, 250.101, 250.111

6 STATUTORY AUTHORITY: KRS 250.081

7 CERTIFICATION STATEMENT: This is to certify that this administrative
8 regulation complies with the requirements of 2025 RS HB 6, Section 8.

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.081(1)(c)9 requires the
10 director to prescribe administrative regulations governing topics that are necessary to
11 secure the efficient enforcement of KRS 250.021 to 250.111. This administrative
12 regulation establishes germination standards for vegetable seed.

13 Section 1. Germination standards for vegetable and herb seed listed in this
14 section shall be as follows:

15 Kind	Percent
16 Anise	50
17 Artichoke	60
18 Asparagus	70
19 Asparagus Bean	75
20 Basil, Sweet	70
21 Bean, Garden	70

1	Bean, Lima	70
2	Bean, Runner	75
3	Beet	65
4	Broadbean	75
5	Broccoli	75
6	Brussels Sprouts	70
7	Burdock, Great	60
8	Cabbage	75
9	Cabbage, Tronchuda	70
10	Cantaloupe (See Musk- melon)	
11	Caraway	55
12	Cardoon	60
13	Carrot	55
14	Cauliflower	75
15	Celeraic	55
16	Celery	55
17	Chard, Swiss	65
18	Chervil, Salad	65
19	Chicory	65
20	Chinese Cabbage	75
21	Chives	50
22	Citron	65
23	Collards	80

1	Coriander	70
2	Corn, Pop	75
3	Corn, Sweet	75
4	Cornsalad	70
5	Cowpea	75
6	Cress, Garden	75
7	Cress, Upland	60
8	Cress, Water	40
9	Cucumber	80
10	Dandelion	60
11	Dill	60
12	Eggplant	60
13	Endive	70
14	Fennel, Florence	60
15	Fennel, Sweet	50
16	Kale	75
17	Kale, Chinese	75
18	Kale, Siberian	75
19	Kohlrabi	75
20	Leek	60
21	Lettuce	80
22	Marjoram, Sweet	50
23	Muskmelon	75

1	Mustard	75
2	Mustard, Spinach	75
3	Okra	50
4	Onion	70
5	Onion, Welsh	70
6	Oregano	60
7	Pak-Choi	75
8	Parsley	60
9	Parsnip	60
10	Pea	80
11	Peanut	60
12	Pepper	55
13	Pumpkin	75
14	Radish	75
15	Rhubarb	60
16	Roquette	60
17	Rosemary	30
18	Rutabaga	75
19	Sage	60
20	Salsify	75
21	Savory, Summer	55
22	Sorrel	65
23	Soybean	75

1	Spinach	60
2	Spinach, New Zealand	40
3	Squash	75
4	Thyme	50
5	Tomato	75
6	Tomato, Husk	50
7	Turnip	80
8	Watermelon	70

9 Section 2. The germination standard for all other vegetable and herb seed for
10 which standards have not been established in Section 1 of this administrative regulation
11 shall be fifty (50) percent.

APPROVED: 4-9-2025

A handwritten signature in cursive script, reading "James C. Matthews". The signature is written in black ink and is positioned above a horizontal line.

Dr. James C. Matthews, Associate Dean for Research
Agricultural Experiment Station

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on June 26, 2025, at 1:30 pm EST, at the Division of Regulatory Services, 1600 University Ct. Lexington, KY 40546. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stephen McMurry, Executive Director, Division of Regulatory Services, 103 Regulatory Services Building, Lexington, KY 40546-0275, phone 859-257-2785, fax 859-323-9931.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

12 KAR 1:164

Contact Person: Stephen McMurry

Phone: 859-257-2785

Email: smcmurry@uky.edu

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes germination standards for vegetable seed.

(b) The necessity of this administrative regulation: Pursuant to KRS 250.081, the director establishes germination standards for labeling purposes of vegetable and herb seed.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes germination standards for labeling vegetable seed.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will establish germination standards for vegetable seed.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

(b) The necessity of the amendment to this administrative regulation:

(c) How the amendment conforms to the content of the authorizing statutes:

(d) How the amendment will assist in the effective administration of the statutes:

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All firms which label vegetable seed will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Regulated entities will see no additional actions to comply with the regulation as these are national standards.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional cost will be associated to the industry.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This will enable firms to have a standard consistent with national procedures.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

- (a) Initially: No cost
- (b) On a continuing basis: No continuing costs

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Division of Regulatory Services' regular annual budget is the source funding

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No, everyone is treated the same.

FISCAL IMPACT STATEMENT

12 KAR 1:164

Contact Person: Stephen McMurry

Phone: 859-257-2785

Email: smcmurry@uky.edu

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 250.081

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 250.021 to 250.111

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: University of Kentucky, Division of Regulatory Services

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No other affected entities

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:
For the first year: None
For subsequent years: None
2. Revenues:
For the first year: None
For subsequent years: None
3. Cost Savings:
For the first year: None
For subsequent years: None

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other affected entities

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: Only entities which sell seed in KY could have a fiscal impact due to this regulation.

(b) Methodology and resources used to reach this conclusion: Understanding of the Kentucky Seed law and Regulations.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not have a major economic impact as defined by KRS 13A.010(13)

(b) The methodology and resources used to reach this conclusion: Understanding of the Kentucky Seed law and Regulations.