

CHAPTER 16
CERTIFICATION

Authority
N.J.S.A. 4:1-21.7.

Source and Effective Date
R.1991 d.28, effective January 22, 1991.
See: 22 N.J.R. 3285(a), 23 N.J.R.

Executive Order No. 66(1978) Expiration Date
Chapter 16, Certification will expire on January 22, 1996.

Chapter Historical Note

All provisions of this chapter were filed and effective prior to September 1, 1969.

1976 Revisions: Subchapter 14 became effective September 1, 1976 as R.1976 d.273. See: 8 N.J.R. 367(a), 8 N.J.R. 451(b).

1980 Revisions: Amendments became effective May 12, 1980 as R.1980 d.210. See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).

1985 Revisions: This chapter was readopted pursuant to Executive Order No. 66(1978), effective May 7, 1985 with amendments effective June 3, 1985, as R.1985 d.278. See: 17 N.J.R. 636(a), 17 N.J.R. 1403(b).

Pursuant to Executive Order No. 66(1978), Chapter 16, Certification expired on May 7, 1990. Chapter 16 was adopted as new rules by R.1991 d.28, effective January 22, 1991. See: Source and Effective Date.

Prior rulemaking activity in Chapter 16, Certification:

SUBCHAPTER 2.

- 2:16-2.2 Certifying organizations in New Jersey
Amended by R.1985 d.278, effective June 3, 1985.
See: 17 N.J.R. 636(a), 17 N.J.R. 1403(b).
(b): "Cook College" substituted for "The College of Agriculture and Environmental Science."
(c) deleted and (d) renumbered to (c).
- 2:16-2.4 Eligibility requirements for certification of crop varieties
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
- 2:16-2.5 Classes and sources of certified seed
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
- 2:16-2.7 Establishing source of seed
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
- 2:16-2.8 Qualifications for inspectors
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
- 2:16-2.14 Tags, seals and bags for seed stocks
As amended, R.1980 d.210, effective May 2, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
- 2:16-2.19 Seed treatment
Amended by R.1985 d.278, effective June 3, 1985.
See: 17 N.J.R. 636(a), 17 N.J.R. 1403(b).

"Cook College" substituted for the "New Jersey College of Agriculture".

- 2:16-2.22 Failure to comply with the certification regulations
Amended by R.1985 d.278, effective June 3, 1985.
See: 17 N.J.R. 636(a), 17 N.J.R. 1403(b).
(b) substantially amended.
- 2:16-2.23 Application for certification
Amended by R.1985 d.278, effective June 3, 1985.
See: 17 N.J.R. 636(a), 17 N.J.R. 1403(b).
Address changed from "P.O. Box 188" to "CN 330". The text "the New Jersey Crop Improvement Cooperative Association) for fees" is deleted.
- 2:16-2.24 Dates for filing application
Amended by R.1985 d.278, effective June 3, 1985.
See: 17 N.J.R. 636(a), 17 N.J.R. 1403(b).
(a) 9: "July 15" changed to "July 1".
- 2:16-2.27 Seed conditioning
Amended by R.1985 d.278, effective June 3, 1985.
See: 17 N.J.R. 636(a), 17 N.J.R. 1403(b).
"Conditioners" substituted for "processors".
- 2:16-2.32 Blending of seeds; risk of certification; requirements
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
Amended by R.1985 d.278, effective June 3, 1985.
See: 17 N.J.R. 636(a), 17 N.J.R. 1403(b).
"Conditioner" substituted for "processor".
- 2:16-2.33 Conditioners requirements for certifications
Amended by R.1985 d.278, effective June 3, 1985.
See: 17 N.J.R. 636(a), 17 N.J.R. 1403(b).
"Conditioner" substituted for "processor".
- 2:16-2.37 Educational responsibilities
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
Amended by R.1985 d.278, effective June 3, 1985.
See: 17 N.J.R. 636(a), 17 N.J.R. 1403(b).
"Cook College" substituted for "the College of Agriculture".
- 2:16-2.38 Charges for blending and repackaging certified seed
Amended by R.1985 d.278, effective June 3, 1985.
See: 17 N.J.R. 636(a), 17 N.J.R. 1403(b).
"Conditioner" substituted for "processor".
- 2:16-2.39 Grower's or vendor's guarantee
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
- 2:16-2.40 Interpretation and change of rules by Foundation Seed Committee
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
Amended by R.1985 d.278, effective June 3, 1985.
See: 17 N.J.R. 636(a), 17 N.J.R. 1403(b).
"Cook College" substituted for "the New Jersey College of Agriculture".
- 2:16-2.41 Definitions of terms
R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
- 2:16-2.42 Limitations of generations
R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).

SUBCHAPTER 3. (RESERVED)

Authority

Amendments which deleted the text of this subchapter were adopted pursuant to authority of N.J.S.A. 4:1-21.7 and were filed and became effective on May 12, 1980, as R.1980 d.210. See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).

SUBCHAPTER 4. CORN, FIELD (COMMERCIAL HYBRIDS)

- 2:16-4.2 Commercial hybrids defined
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
- 2:16-4.4 Field inspection
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
- 2:16-4.8 Isolation requirement
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
- 2:16-4.9 Detasseling requirements
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
- 2:16-4.10 Pollen restorer
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).

SUBCHAPTER 5. SWEET CORN (INBRED LINES)

- 2:16-5.3 Field inspections
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
Amended by R.1985 d.276, effective June 3, 1985.
See: 17 N.J.R. 639(a), 17 N.J.R. 1404(b).
"Cook College" substituted for "The New Jersey College of Agriculture".

SUBCHAPTER 6. SWEET CORN (SINGLE CROSS HYBRIDS)

- 2:16-6.3 Field inspections
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
- 2:16-6.7 Samples and sampling procedures
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
Amended by R.1985 d.275, effective June 3, 1985.
See: 17 N.J.R. 639(b), 17 N.J.R. 1404(c).
"Cook College" substituted for "The New Jersey College of Agriculture".

SUBCHAPTER 7. SMALL GRAINS (WHEAT, RYE, BARLEY, OATS)

- 2:16-7.6 Field standards; specific requirements
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
- 2:16-7.8 Seed standards
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
Amended by R.1985 d.274, effective June 3, 1985.
See: 17 N.J.R. 640(a).
Footnote (2) is table was substantially amended.

SUBCHAPTER 8. (RESERVED)

Historical Note

All provisions of this subchapter, "Potatoes, Late Crop", were filed and became effective prior to September 1, 1969. This subchapter expired May 12, 1985 pursuant to Executive Order 66(1978).

SUBCHAPTER 9. SOYBEANS

- 2:16-9.3 Land requirements
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
- 2:16-9.6 Field standards; specific requirements
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).

SUBCHAPTER 10. VEGETABLES

- 2:16-10.2 Eligibility requirements
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
- 2:16-10.10 Seed conditioning
Amended by R.1985 d.272, effective June 3, 1985.
See: 17 N.J.R. 641(b), 17 N.J.R. 1405(c).
"Conditioned" substituted for "processed".

SUBCHAPTER 11. (RESERVED)

Historical Note

All provisions of this subchapter, Tomatoes, were filed and became effective prior to September 1, 1969. This subchapter expired May 12, 1985 pursuant to Executive Order 66(1978).

SUBCHAPTER 12. (RESERVED)

Historical Note

All provisions of this subchapter, Strawberry Plants, were filed and became effective prior to September 1, 1969. This subchapter expired May 12, 1985 pursuant to Executive Order 66(1978).

SUBCHAPTER 13. TURFGRASS SOD

- 2:16-13.2 Type of certifying organization
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
Amended by R.1985 d.271, effective June 3, 1985.
See: 17 N.J.R. 642(a), 17 N.J.R. 1405(d).
"Cook College" substituted for "The College of Agriculture".
- 2:16-13.4 Eligibility requirements for certification
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
Amended by R.1985 d.271, effective June 3, 1985.
See: 17 N.J.R. 642(a), 17 N.J.R. 1405(d).
"Cook College" substituted for "the College of Agriculture".
- 2:16-13.5 Sources of certified turfgrass sod
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
Amended by R.1985 d.271, effective June 3, 1985.
See: 17 N.J.R. 642(a), 17 N.J.R. 1405(d).
"Cook College" substituted for "the College of Agriculture".
- 2:16-13.6 Establishing the source of seed or propagating material
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
- 2:16-13.13 Pest control required
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
- 2:16-13.15 Failure to comply with the certification regulations
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
Amended by R.1985 d.271, effective June 3, 1985.
See: 17 N.J.R. 642(a), 17 N.J.R. 1405(d).

- "Cook College" substituted for "the College of Agriculture".
- 2:16-13.16 Application for certification
Amended by R.1985 d.271, effective June 3, 1985.
See: 17 N.J.R. 642(a), 17 N.J.R. 1405(d).
"CN330" substituted for "P.O. Box 1888".
- 2:16-13.20 (Reserved)
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
- 2:16-13.21 Land requirements
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
- 2:16-13.24 Field standards; specific requirements
As amended, R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
- 2:16-13.26 Seed standards for New Jersey certified sod production
R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
Amended by R.1985 d. 271, effective June 3, 1985.
See: 17 N.J.R. 642(a), 17 N.J.R. 1405(d).
"CN330" substituted for "P.O. Box 1888".
- 2:16-13.27 Minimum seed standards acceptable for certified sod production
R.1980 d.210, effective May 12, 1980.
See: 12 N.J.R. 170(a), 12 N.J.R. 302(a).
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SUBCHAPTER 1. BLUEBERRY PLANTS

2:16-1.1 Certification of blueberry plants

All blueberry growers selling propagating wood, rooted cuttings or plants must be certified. Certification shall be based on the inspection of all nursery plants, cutting beds and of enough mother plants to ensure adequate supplies of cutting wood for sale and for own propagation. The rules shall be as set forth in this subchapter.

2:16-1.2 Application for participation

Application for the program shall be made by one year preceding the establishment of the cutting bed to the Supervisor of Nursery Inspection, Division of Plant Industry, New Jersey Department of Agriculture, CN 330, Trenton, N.J. 08625.

2:16-1.3 Qualifications for mother plants; removal of diseased or infested plants

- (a) Mother plants shall be clearly marked for variety.
- (b) A row, partial row or rows of established plants of each variety to be propagated are to be cut to a maximum of 24 inches from the ground annually to provide propagating wood.
- (c) Mother plants, to qualify, shall not have more than a total of one-half of one percent stunt disease for the season.
- (d) Plants showing symptoms of blueberry stunt disease or virus diseases such as shoestring, mosaic and ringspot are to be tagged by the inspectors and removed by the grower within 24 hours after notification. Plants showing symptoms of blueberry stunt are to be sprayed by the grower to control sharpnosed leafhoppers prior to removal.

(e) Plants found infested with injurious insects shall not be certified until infested plants are removed or the infestation controlled.

(f) If mother plants are bordered on one side or on both sides by field bushes, five rows on either side of the mother row or rows will be inspected.

2:16-1.4 Qualification for nursery plants; removal of diseased plants

- (a) Nursery plants, to qualify as certified, shall not have more than three-quarters of one per cent stunt for the season.
- (b) Where varieties within the nursery field show different percentages of stunt, the tolerances in (a) above are nevertheless applicable to each variety.
- (c) Plants infected with stunt and other virus diseases shall be tagged and removed by the grower within 24 hours after notification.

2:16-1.5 Time of inspection and insecticide application

(a) All mother plants, rooted cuttings and nursery plants shall be sprayed or dusted twice a year to control the sharpnosed leafhopper, the carrier of stunt disease. The timing of these applications and the material to be used shall be recommended by the New Jersey Agricultural Experiment Station. The grower shall notify the Division of Plant Industry, New Jersey Department of Agriculture, CN 330, Health-Agriculture Bldg., John Fitch Plaza, Trenton, 08625, the same day spray or dust application is made.

(b) The times of inspections are as follows:

1. First inspection during May and June;
2. Second inspection during August, September and October; and
3. Additional inspections as deemed necessary by the Department.

2:16-1.6 Procedure for handling cuttings, cutting beds and plant nurseries

- (a) Cuttings shall be clearly marked for variety.
- (b) A record of the number of cuttings set in the cutting beds by varieties shall be kept by the grower.
- (c) Propagators whose plantings have not been certified the preceding year or those who buy additional cutting wood shall procure the same from fields approved for certification. A bill of sale shall be presented on demand showing the source and quantity of said purchase.
- (d) Cutting beds shall be isolated 50 feet from uncertifiable plants unless prior arrangement has been made with the Department to alter that standard.

2:16-1.7 Procedure for handling nursery rows

- (a) The same provisions that apply to the cutting bed, apply to the nursery rows (see N.J.A.C. 2:16-1.6).
- (b) An inventory of the plants by varieties remaining unsold in the nursery rows at the end of the shipping year shall be kept by the grower.

2:16-1.8 Issuance of inspection certificates

Upon fulfillment of the requirements of this subchapter, the grower is entitled to the certificate of inspection of the New Jersey Department of Agriculture.

SUBCHAPTER 2. SEED, GENERAL CERTIFICATION STANDARDS

2:16-2.1 Applicability of certification standards

The standards set forth in this subchapter are applicable to all crops eligible for certification for genetic purity and identity, and, in conjunction with the standards for the individual crops found in the subchapters applying to those crops, shall constitute the standards for the certification of crops in New Jersey.

2:16-2.2 Certifying organizations from New Jersey

- (a) The New Jersey Department of Agriculture is the official seed certification agency in the state of New Jersey.

(b) Cook College, Rutgers—The State University is the agricultural research and extension agency for seed certification.

- (c) These two organizations independently cooperate in the certification program.

2:16-2.3 Purpose of certification

The purpose of certification is to maintain and make available to the public, high quality seed and propagating material of superior crop varieties so grown and distributed as to insure genetic identity, genetic and mechanical purity and a minimum of seed-borne diseases.

2:16-2.4 Classes and sources of certified seed

(a) Four classes of seed are recognized in seed certification, namely breeder, foundation, registered and certified. These classes are defined as follows:

1. Breeder seed is seed of vegetative material directly controlled by the originating or the sponsoring plant breeder or institution and which provides the source for the initial and recurring increase of foundation seed.
2. Foundation seed is the progeny of breeders or foundation seed so handled as to maintain specific genetic identity and purity. Foundation seed may be the progeny of foundation seed only after approval has been granted by the Department.
3. Registered seed is the progeny of foundation seed that is so handled as to maintain genetic identity and purity, and that has been approved and certified by the Department. This class of seed shall be of a quality suitable for the production of certified seed.
4. Certified seed is the progeny of foundation or registered seed that is so handled as to maintain genetic identity and purity and that has been approved and certified by the Department.

(b) The Department may permit a grower to grow certified seed from lots of foundation, registered or certified seed which were fully inspected but rejected for certification because of factors such as germination or weed contamination which do not involve genetic identity and purity of germ plasm.

- (c) In cases where seed planted for the production of foundation, registered or certified seed is obtained from another person, documentary evidence, such as the certification tags; the number of bushels planted, the invoice or sales record, and any other data shall be submitted to the Department to establish the source of seed.

2:16-2.5 Limitation of generations

- (a) The number of generations through which a variety may be multiplied shall be limited to that specified by the originating breeder or owner of the variety, and shall not

exceed two generations beyond the foundation seed class with the following exceptions:

1. Recertification of the certified class shall be permitted for older varieties where foundation seed is not maintained.

2. The production of an additional generation of the certified class only shall be permitted on a one-year basis, when an emergency is declared prior to the planting season by the Department stating that the foundation and registered seed supplies are not adequate to plant the needed certified acreage of the variety. The permission of the originating or sponsoring plant breeder, institution, firm or owner of the variety, if existent, shall be obtained. The additional generation of certified seed to meet the emergency need is ineligible for recertification.

2:16-2.6 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise. The following definitions apply to all crops:

“Association of Official Seed Certifying Agencies” is the national association of certifying agencies.

“Certifying agency” means an agency authorized under the laws of a state, territory or possession to officially certify seed and which has standards approved by the United States Secretary of Agriculture to assure the genetic purity and identity of the seed certified.

“Conditioner” means any person or organization who has requested the Department to collect samples, perform tests, and make inspections in order to have seed labeled as certified or interagency certified.

“Conditioning” means the mechanical handling of the seed from harvest until marketing, and includes cleaning, sizing, applying a seed treatment, bagging or any other operation in the handling of the seed before marketing.

“Contaminant” means any seed or plant not of the kind or variety being considered.

“Department” means the New Jersey Department of Agriculture, Bureau of Seed Certification and Control.

“Grower” means any person or organization who applies for the inspection of a crop entered for certification, produces the crop in accordance with the certification regulations for that crop, and who accepts the responsibility for the production and management of the seed crop as well as all related financial obligations.

“Kind” means one or more related species which singularly or collectively is known by one common name.

“Lot” means a definite quantity of seed identified by a lot number, each portion or bag of which is uniform within recognized tolerance for the factor appearing in the labeling. For certified small grains and soybeans, the size of the lot shall be limited to 1,000 bushels.

“Noxious weeds” means the list of weeds found and defined in the Rules of the New Jersey State Seed Law at N.J.A.C. 2:21, Noxious Weed Seeds, pursuant to N.J.S.A. 4:8-17.24, and include:

1. “Prohibited noxious weeds”: bindweed, hedge bindweed, quackgrass, Canada thistle, and horsenettle.

2. “Restricted noxious weeds”: dodder, corn cockle, wild onion, wild garlic, cheat, Bermuda grass, and Johnsongrass and other perennial sweet sorghum spp.

“Official sample” means a sample taken by a representative of the Department using sampling techniques recognized by the Association of Official Seed Certifying Agencies.

“Off-type” means plants or seeds which do not conform to the description of the characteristics of the variety as supplied by the breeder or sponsoring institutions or organizations.

“Other varieties” means plants and seed of the same kind that can be differentiated from the variety that is being certified, but shall not include variations which are characteristic of the variety as described by the breeder or which are caused by environmental conditions.

“Plant breeder” means a person or organization actively engaged in the breeding or maintenance of varieties of plants.

“Protected variety” means one for which the breeder or sponsoring organization has filed application with the United States Plant Variety Protection Office.

“Roguing” means the pulling out or otherwise removing unwanted plants or weeds from a field planted for seed.

“Seed” as used in these rules and standards shall be understood to include all propagating materials.

“Variant” means seeds or plants which are distinct within the variety but occur naturally in the variety, are stable and predictable, and were originally a part of the variety as released. They are not considered as off-types.

“Variety” or “Cultivar” means an assemblage of cultivated individuals which are distinguished by any characters (morphological, cytological, chemical, or others) significant for the purpose of agriculture, forestry or horticulture and which, when reproduced (sexually or asexually) or reconstituted, retain their distinguishing features.

2:16-2.7 Eligibility requirements for certification of crop varieties

(a) All varieties that are approved by the Department are eligible for certification.

(b) All varieties that are certified by any other agency which is a member of, or recognized by, the Association of Official Seed Certifying Agencies may be considered for certification at the request of a grower.

(c) For varieties not approved by other certifying agencies, the breeder or sponsoring institution or organization shall describe and document in the application for certification submitted to the Department those characteristics of the variety which give it distinctness and merit by supplying the following information.

1. The name of the variety;
2. A statement concerning the variety's origin and the breeding procedure used in its development;
3. A detailed description of the morphological, physiological and other characteristics of the plants and seed that distinguish it from other varieties;
4. Evidence supporting the identity of the variety, such as comparative yield data, insect and disease resistance, or other factors supporting the identity of the variety;
5. A statement delineating the geographic area or areas of adaptation of the variety;
6. A statement of the plans and procedures for the maintenance of seed classes, including the number of generations through which the variety may be multiplied;
7. A description of the manner in which the variety is constituted when a particular cycle of reproduction or multiplication is specified;
8. Any additional restrictions on the variety specified by the breeder with respect to geographic area of seed production, age of stand or other factors affecting genetic purity; and
9. A sample of the variety as marked.

(d) The information required in (c) above shall be submitted to the Bureau of Seed Certification and Control for consideration. Upon the approval of the Department, the variety shall be accepted for certification.

(e) At the time a variety is accepted for certification, a sample of seed of the generation or generations requested by the Department shall be submitted by the sponsor. These samples shall be retained to provide appropriate control samples against which all future releases of stock seed will be tested to establish varietal characteristics.

2:16-2.8 Qualification for inspectors

Inspection work shall be performed only by persons who have been trained and approved by the Department.

2:16-2.9 Handling crop prior to inspection; field boundaries

(a) Roguing of off-type plants, objectionable crop plants and weeds whose seed are inseparable is required prior to field inspection.

(b) Field boundaries shall also be designated prior to field inspection.

2:16-2.10 Restriction on number of varieties

Only one variety of the same crop shall be grown for seed production on a farm except upon prior approval of the Department.

2:16-2.11 Harvested fields ineligible for certification

If a field is harvested before inspection, that crop automatically becomes ineligible for certification.

2:16-2.12 Seed house or bin inspection of seed

One or more inspections of harvested lots of seed from inspected fields shall be made at any time by representatives of the Department who shall have the authority to reject from certification any lot not protected from mixture or which is not identified.

2:16-2.13 Seed testing results basis for certification

(a) Analyses and tests of official samples of seed and definitions of analytical terms shall be in accordance with the Rules for Testing Seed of the Association of Official Seed Analysts. A copy of these rules is on file at the office of the Bureau of Seed Certification and Control, Division of Plant Industry, New Jersey Department of Agriculture, CN 330, Trenton, NJ 08625.

(b) The seed analyses from the official laboratory of the Bureau of Seed Certification and Control shall be the basis for certification.

2:16-2.14 Tags, seals, and bags for seed stocks

(a) All stocks when sold as certified seed shall have an official tag properly affixed, according to the type of tag, to each container. Sealing requirements will depend upon the crop and methods of handling.

(b) Tags shall identify the certifying agency, show a lot number, the variety name, and the kind and class of seed.

(c) The certification label or tag which is attached to the bag serves as evidence of the genetic identity and purity of the seed contained therein.

1. A blue tag shall be used to designate certified class seed.

2. A purple tag shall be used for registered class seed.

3. A white tag shall be used for foundation class seed and breeders seed.

(d) All official certification tags and seals shall be affixed to seed containers under the supervision of, or by a representative of the Department.

(e) All certified classes of seed shall be packaged in new bags approved by the Department.

2:16-2.15 Substandard seed in emergencies

(a) The Department recognizes that in an emergency, such as unfavorable weather conditions, seed necessary for the production of a crop could be lost if regular certification standards were strictly enforced. Therefore, under such circumstances, seed failing to meet certification standards other than those affecting genetic purity may be certified, provided there is no injury to the reputation of certified seed.

(b) The certification tags or labels attached to such seed in (a) above shall show clearly the respects in which the seed does not meet the regular certification standards.

2:16-2.16 Seed appearance

Seed having met the specific field and bin requirements can still be rejected from certification if the appearance of the seed is such as to give discredit to the certified seed program, for example, discoloration or non-uniformity.

2:16-2.17 Contaminating crops and weeds shall be controlled

Every field for which certification is requested shall show that precaution has been taken to control contaminating crops, varieties, noxious weeds, and other plants whose seeds are indistinguishable or inseparable with available cleaning equipment from seed of the particular crop being inspected.

2:16-2.18 Difficulty of inspection may cause certification rejection

Fields with excessive lodging or other conditions which make it difficult to perform complete and thorough field inspections may be rejected from certification.

2:16-2.19 Seed treatment

If certified seed is treated with a pesticide, or if treatment is required to meet certification germination standards, the substances used shall be those registered for seed treatment use by the New Jersey Department of Environmental Protection under the Pesticide Control Code, N.J.A.C. 7:30.

2:16-2.20 Precautions taken to control seed-borne diseases

(a) Every field for which certification is requested shall show evidence that precaution has been taken to control seed-borne diseases.

(b) The field at the time of inspection shall not contain seed-borne diseases beyond the tolerances established in the field standards for the individual crops.

(c) The representative sample of the finished seed lot, at the discretion of the Department, may be subjected to laboratory examination for disease.

2:16-2.21 Complying with Federal and State seed laws

The grower or conditioner who makes the initial sale of the finished lot of certified seed shall be responsible for complying with all seed laws and any other applicable laws of the states to which he ships the seed and the Federal Seed Act (7 U.S.C. 1551-1611) if he ships the seed interstate.

2:16-2.22 Failure to comply with the certification rules

(a) A grower willfully failing to comply with the certification rules covering the production of New Jersey certified products may forfeit the right to produce certified products in the future.

(b) In cases of forfeiture as mentioned in (a) above, the grower may file a notice of appeal with the New Jersey Secretary of Agriculture. The Secretary may hold hearings upon the violation pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Rules of Practice, N.J.A.C. 1:1-1.

2:16-2.23 Application for certification

(a) Certification application forms may be obtained from the Bureau of Seed Certification and Control of the New Jersey Department of Agriculture, CN 330, Trenton, New Jersey 08625.

(b) Separate application forms shall be filed for each class of a particular variety and crop.

2:16-2.24 Dates for filing application

Dates of application for participation in the certification programs shall be those found in the standards for the kind of crop to be certified.

2:16-2.25 Maps of farms

To facilitate the work of the Department, maps giving field location, isolation distances and any other important facts that would be helpful to the inspector shall accompany the application.

2:16-2.26 General requirements for seed conditioners

(a) Only commercial or custom seed conditioning plants approved by the Department are eligible to condition certified seed.

(b) All conditioning plants shall have the equipment and facilities necessary to perform the cleaning or mixing operations requested without introducing admixtures or contaminants.

(c) All conditioners of certified seed shall request an inspection of the cleaning equipment when changing from one variety to another.

2:16-2.27 Transfer of uncleaned seed

(a) Provision has been made for the transfer of uncleaned seed in bulk for certification if necessary, provided the following procedures are used:

1. It is the responsibility of the grower to notify the Department to be at the grower's farm before or at the time the seed is to be moved from the farm.
2. The grower shall supply the Department with the name of the purchaser, the exact amount of seed and the date of delivery to the purchaser.
3. The purchaser shall notify the Department when he expects to receive the seed into his warehouse so the Department inspector can be on hand to inspect the seed as it is received.
4. The purchaser shall supply a copy of the official weight receiving form and a report of the cleaning waste weight.
5. The seed shall be tagged by the Department inspector or under his or her supervision when certification is completed. Analysis tags shall include the producer's number. Seed shall be identified with the producer at all times.

(b) The rules regarding seed moved in bulk apply to the first buyer only. No further transfer in bulk is permitted. If the first buyer does not complete certification, the seed becomes ineligible for certification.

(c) Seed is not recognized as certified until it is cleaned and tagged.

2:16-2.28 Reinspection of carry-over seed; one-year limitation

(a) In order to maintain its certified status, certified seed that is carried over from the previous year shall be resampled and tested for germination by the Department. The germination test results shall meet the minimum requirements for the kind of seed in question.

(b) For carry over seed meeting the above requirements, a new analysis tag shall be affixed.

(c) Certified seed shall be eligible for recertification for one year, only, after the year of production.

2:16-2.29 Grower's or vendor's guarantee

The grower or vendor guarantees to the first buyer that the seed to which the certification tag is attached is a part of the lot of seed designated on the analysis tag, and inspected in the field by a representative of the Department and found to conform to the standards published in this chapter.

2:16-2.30 Certification fees

(a) Certification fees are determined by the Secretary of the New Jersey Department of Agriculture.

(b) The schedule of fees is found at N.J.A.C. 2:16-9.

(c) Charges for certification will be billed at the end of the calendar year.

SUBCHAPTER 3. INTERAGENCY TURFGRASS CERTIFICATION

2:16-3.1 Application and amplification of general certification standards

The rules contained in this subchapter supplement the general certification seed standards N.J.A.C. 2:16-2, established by the State Board of Agriculture, and apply specifically to the interagency certification of seed.

2:16-3.2 Purpose

(a) The purpose of interagency certification is to provide a system for maintaining the genetic and mechanical purity of certified seed when repackaged or combined in mixtures of kinds or varieties.

(b) The requirements of this subchapter apply when the Department participates with an out-of-State certification agency in the seed certification process.

2:16-3.3 Definition

In addition to the definitions found at N.J.A.C. 2:16-2.6, the following definitions shall apply to interagency certification.

"Component" means a specific lot of a single variety that is used in a mixture.

"Interagency certified mixture" or "mixture" in this subchapter means different kinds of varieties of seed certified by the state of origin that have been:

1. Mixed under the Department's supervision, and
2. Found by the Department to have met the specific minimum seed standards set forth in this subchapter.

"Mixing Report" means a form used by the Department to list each component of a specific mixture and the lots and amounts used in the mixture.

"Official sample" means a sample taken by a representative of the Department using sampling techniques recognized by the Association of Official Seed Certifying Agencies.

"Sod quality" means seed which has met the quality standards established by the state of origin for use in cultivated sod and has been so labeled by the state of origin.

2:16-3.4 Interagency standards and procedures

(a) Varieties eligible for interagency certification shall be those approved by a member of the Association of Official Seed Certifying Agencies.

(b) Only seed certified by member agencies of the Association of Official Seed Certifying Agencies or agencies recognized by it may be used in the interagency certification program.

(c) The seed certification standards as adopted by the New Jersey Department of Agriculture for the kinds to be certified shall be applied to interagency certified seed. These standards are found in the subchapters of this chapter which relate to the kind of seed in question. In the absence of New Jersey standards, the seed standards of the state in which the seed was grown and certified shall be applied.

(d) Seed shall not be recognized for final certification by the Department unless it is received in containers carrying documentary evidence of its eligibility supplied by another certifying agency, including:

1. Variety and kind;
2. Amount of seed;
3. Class of seed; and
4. Inspection or lot number traceable to the previous certifying agency's records.

2:16-3.5 Prior approval of cooperating certification agencies not required

The Department shall not require advance approval of another certifying agency to engage in interagency certification activities unless the original certifying agency prohibits or limits such certification by a statement on its tag.

2:16-3.6 Conditioners' application and requirements for certification

(a) Conditioners desiring interagency certification of seed shall apply annually to the New Jersey Department of Agriculture and shall meet the requirements of this subchapter.

(b) Conditioners shall notify the Department far enough in advance of the date of mixing to allow for sampling and testing of component lots by the Department.

(c) The identity of the seed shall be maintained at all times.

2:16-3.7 Conditioners' facilities

(a) Facilities shall be available to perform the function requested without introducing contaminants or admixtures.

(b) Equipment used for making mixtures of turfgrasses shall have all areas which come into direct contact with the seed accessible for thorough cleaning by the conditioner and inspection by the Department.

2:16-3.8 Conditioners required records

(a) Records of all movement of seed and procedures shall be adequate to account for all incoming and finally certified seed. The records to be included are:

1. Receiving records of:
 - i. The variety and kind;
 - ii. The name and address of shipper;
 - iii. The shipper's lot number or inspection number;
 - iv. The date of shipment;
 - v. The date received;
 - vi. The weight received;
 - vii. The receiving lot number assigned by consignee; and
 - viii. The name and address of delivering carrier.
2. Record of mixing or rebagging, which shall include:
 - i. The variety and kind of each component;
 - ii. The lot number of each component;
 - iii. The lot number and name assigned to each mixture;
 - iv. The weight of each bag and number of bags used of each component;
 - v. The weight of each bag and number of bags in completed lot; and
 - vi. The date of mixing or rebagging.
3. Disposition of stock record of completed lot, which shall include:
 - i. The name of mixture and lot number;
 - ii. The weight of bags and number of bags in final lot;
 - iii. The invoice number and weight of each shipment made from the lot; and

- iv. The balance of lot remaining after each shipment; and
- 4. Invoice or other sales record, which shall include:
 - i. The name of mixture and lot number;
 - ii. The name and address of the buyer or consignee;
 - iii. The date sold or shipped; and
 - iv. The number of bags and weight of bags sold or shipped.

(b) Conditioners shall permit inspection by the Department of all records of all lots of the kind of seed certified, including both certified and non-certified lots.

2:16-3.9 Inspection of conditioning operations and records

The New Jersey Department of Agriculture shall make as many inspections of both seed and records as may be required to ascertain that only seed meeting the requirements of this subchapter is labeled with interagency certification tags.

2:16-3.10 Appointment of responsible individual

Approved conditioners who have met the requirements in N.J.A.C. 2:16-3.7 through 3.9 shall designate an individual who shall be responsible to the New Jersey Department of Agriculture for performing such duties as may be required.

2:16-3.11 Sampling and testing by the Department

(a) When mixing lots of seed for certification, the conditioner shall use only lots of seed pre-approved by the Department. Before approving of a lot, the Department shall:

- 1. Take an official sample of each component; and
- 2. Perform tests necessary to verify the eligibility of each component lot.

(b) After the different components have been mixed under the supervision of the Department, the conditioner shall permit the Department to take an official sample of each mixture to retain for reference.

(c) Samples of component lots to be certified as well as samples of finally certified lots shall be retained by the Department for three years.

2:16-3.12 Mixing procedures for certified turfgrass

(a) Before mixing, the conditioner shall ensure that:

- 1. All mixing equipment, pallets, scales and floor areas adjacent to and around the mixing area are clean and free from seed and foreign material.
- 2. Sufficient quantities of new containers are marked with the name of the mixture.

3. Sufficient quantities of properly completed analysis tags are prepared.

4. Analysis test reports for purity, germination, and sod quality, if applicable, from the state of origin shall be supplied for the Department's records for each lot of each component used in the mixture.

5. A mixing report shall be completed for the Department with the following information:

- i. The business name, address and phone number of the conditioner;
- ii. The lot number, state of origin and percentage of each component used;
- iii. The name, lot number and date of the mixture;
- iv. The weight of each package of the mixture and the total number of packages in the mixture;
- v. The starting and ending numbers of the certification labels used and the total number of certification labels issued;
- vi. A copy of the analysis label either printed on or attached to the report; and
- vii. The signature of the designated representative of the conditioner and the signature of the Department's representative at the completion of the mixing and packaging process.

6. Each component used is assembled in close proximity to the mixing area.

7. Each container of each component is clean and sealed, with a certification tag attached. No damaged containers shall be accepted.

8. Sufficient personnel are available to complete the mixing process.

(b) Before mixing, the Department representative shall:

- 1. Inspect all equipment for cleanliness;
- 2. Inspect the mixing area for cleanliness;
- 3. Inspect the new containers provided for the mixture to ensure that they are appropriate;
- 4. Inspect the analysis tags for completeness and accuracy; and
- 5. Inspect each component to ensure that the correct lots are present in the proper amounts, and that all containers of seed to be used in certified mixtures bear a certification tag.

(c) The Department representative shall be present during the mixing process and shall supervise the loading and bagging of the mixed lot after the components have been thoroughly mixed for the appropriate length of time.

(d) The Department representative shall have the sole responsibility to:

1. Draw an official sample of the completed mixture; and
2. Determine whether the mixer should be cleaned before the next seed mixture is made.

2:16-3.13 Minimum seed standards for Interagency Certification of turfgrass seed

(a) For turfgrass mixtures intended for use in New Jersey certified sod, the following shall apply:

1. Component lots shall be those designated as Sod Quality by the state of origin; the minimum seed standards for the components shall be those found in N.J.A.C. 2:16-7.24(a).
2. Varieties and mixtures of varieties shall be approved by Cook College, Rutgers, the State University as stated in N.J.A.C. 2:16-7.23(a).
3. It is the responsibility of the conditioner to inform the Department that the mixture is to comply with the New Jersey certified sod standards.
4. The seed analysis tag shall bear the statement "Eligible for New Jersey Certified Sod."

(b) For certified mixtures made for sod growers, other than those in (a) above, the components used shall be sod quality.

(c) The components for all other mixtures shall comply with the following seed standards:

Kind	Min. Pur.	Max. Oth. Var.	Min. Germ	Max.† Other Crop	Max Weed	Noxious Weed Seed
Kentucky Bluegrass	96%	2%	80%	.25%	.2%	None
Red Fescues (F. rubra vars.)	97%	2%	85%	.25%	.2%	None
Hard Fescues	97%	2%	85%	.25%	.2%	None
Tall Fescue	97%	2%	85%	.25%	.2%	None
Perennial Ryegrass	97%	2%	85%	.50%	.2%	None
Bentgrass††	98%	3%	85%	.25%	.2%	None
Rough Bluegrass	96%	2%	80%	.25%	.2%	None

† Up to 18 seeds per pound is the maximum amount of the following species: Annual bluegrass (*Poa annua*), big bluegrass (*Poa ampla*), Rough bluegrass (*Poa trivialis*), Meadow fescue (*Festuca elatior*), Tall fescue (*F. arundinacea*—except in lots containing tall fescue), Ryegrass (*Lolium* spp.—except in lots containing ryegrass), Bentgrass (*Agrostis* spp.—except in lots containing bentgrass), Timothy (*Phleum pratense*), Smooth Brome (*Bromus inermis*), Wild oat (*Avena fatua*), Foxtail (*Setaria* spp.), Panicum spp., Nutsedge (*Cyperus* spp.), Bermudagrass (*Cynodon dactylon*), Velvetgrass (*Holcus lanatus*).

Up to 90 seeds per pound is the maximum amount permitted of the following objectionable weed seeds: Dock and Sorrel (*Rumex* spp.), Plantain (*Plantago* spp.), Black medic (*Medicago lupulina*), Chickweeds (*Cerastium* spp. and *Stellaria* spp.), Field Pennycress (*Thlaspi arvense*), Wild carrot (*Daucus carota*), Speedwell (*Veronica* spp.), Spurge (*Euphorbia* spp.), Wood sorrel (*Oxalis stricta*), Yarrow (*Achillea millefolium*), Clover (*Trifolium* spp.).

†† Bentgrass purity and germination standards may be 96 percent minimum pure seed and 80 percent germination for specific varieties as determined by the certifying agency of the state of origin.

(d) In an emergency, and at the discretion of the Department, seed lots failing to meet these standards for other than genetic reasons may be used for interagency certified mixtures. Use of such lots shall be made only when the Department determines that there exists a serious shortage of seed meeting these standards.

2:16-3.14 Interagency certification tags and tagging

(a) Certification tags issued by the Department for interagency certified seed shall be serially numbered and shall show the class of seed.

(b) The analysis tags supplied by the conditioner shall carry the name of the mixture and the number of the lot, shall show clearly the certifying agencies involved and the kinds and varieties of seed, as well as conform to the labeling requirements of the New Jersey State Seed Law as found at N.J.S.A. 4:8-17.13 et seq.

2:16-3.15 Rejection of interagency certification component seed lots

(a) The Department shall reject any certified component seed lot for interagency certification that fails to meet the seed standards as described in this subchapter or that exhibits seed damage or contamination. This damage or contamination may include, but is not limited to:

1. Rodent or insect damage;
2. Moisture damage;
3. Disease;
4. Weed seeds;
5. Other crop seeds;
6. Inert matter; and
7. Any factor which may affect the performance or quality of the seed.

2:16-3.16 Charges for interagency certification

Charges for interagency certification services of the Department are found at N.J.A.C. 2:16-9.4.

SUBCHAPTER 4. SMALL GRAINS (WHEAT, RYE, BARLEY, OATS)

2:16-4.1 Application and amplification of general certification standards

The rules in this subchapter supplement the general certification seed standards, N.J.A.C. 2:16-2, established by the State Board of Agriculture and apply specifically to the certification of small grain seeds.

2:16-4.2 Dates for application

(a) The latest dates on which applications may be filed at the Department for small grains are as follows:

1. Winter wheat, April 1;
2. Winter barley, April 1;
3. Winter rye, April 1; and
4. Winter oats, April 1.

(b) Applications should be filed as far in advance of the deadline as possible.

2:16-4.3 Seed requirements

(a) Foundation seed of wheat and barley shall be treated for the control of loose smut.

(b) Registered seed shall be the progeny of foundation seed.

(c) Certified seed shall be the progeny of foundation or registered seed.

2:16-4.4 Land requirements

(a) A crop of small grain shall not be eligible for certification if planted on land on which the same kind of crop was grown the year previous, unless the previous crop was grown from certified seed of the same variety.

(b) No manure or contaminating material shall be applied one year preceding or during the establishment and productive period of the stand.

2:16-4.5 Field inspection by the Department

(a) A field inspection shall be made each year that a certified seed crop is produced.

(b) The field inspection shall be made after the crop is fully headed when varietal crop mixtures and other factors can be determined.

(c) A field harvested before inspection shall not be eligible for certification.

2:16-4.6 Field standards; general requirements

(a) The field shall be considered the unit of certification and a field cannot be divided for the purpose of certification. A strip of ground at least 10 feet in width and which is either mowed, uncropped or planted to some crop other than the one being inspected shall constitute a field boundary for the purpose of these standards. All grain from rejected fields or portions of fields shall be disposed of so that it cannot be used as certified seed.

(b) All rye fields producing certified seed shall be isolated by at least 660 feet from rye fields of any other variety or

fields of the same variety that do not meet the purity requirements for certification.

1. All fields used for the production of registered seed shall be isolated by at least 660 feet from fields of like grains.

2. No field of wheat or barley shall be eligible for certification within 660 feet of an adjacent field which contains one percent or more infection of loose smut.

(c) The field shall be clean of plants that produce objectionable weed seed, varietal mixtures and mixtures of other crops before the inspector arrives.

2:16-4.7 Field standards; specific requirements

The following table sets forth the maximum field standards for contamination by other varieties, crops, weeds and diseases:

Factor	Foundation	Registered	Certified
Other Varieties ¹	.01% (1 in 10,000)	.02% (1 in 5,000)	.05% (1 in 2,000)
Inseparable other crops ²	None	5 heads per acre	14 heads per acre
Objectionable weeds whose seeds are inseparable ³	None	None	None
Diseases:			
Loose smut	None	500 heads per acre	1,000 heads per acre
Smuts controllable with chemicals	.1% (1 in 1,000)	.1% (1 in 1,000)	.2% (2 in 1,000)
Other seed-borne diseases ⁴			

¹ Other varieties shall be considered to include off-type plants and plants that can be differentiated from the variety that is being inspected.

² Inseparable other crops shall include crop plants, the seed of which cannot be adequately removed by the usual method of cleaning. Rye in wheat and barley must be no more than five heads per acre in certified.

³ Objectionable weeds include radish, mustard, wild onion, Canada thistle, quack-grass, vetch, corn cockle and wild garlic.

⁴ In the event a seed-borne disease is judged to be detrimental to the seed quality, the inspector shall have the power to reject the field from certification.

2:16-4.8 Samples and sampling of seed

An official sample of each lot of seed, representative of the entire lot, shall be taken for laboratory analysis by a representative of the Department prior to being offered for sale as certified seed and shall meet the seed standards as found in N.J.A.C. 2:16-4.9.

2:16-4.9 Seed standards

The following table sets forth the seed standards for certified small grains.

Factor		Foundation	Standards Registered	Certified
Pure Seed	minimum	—	98.00%	98.00%
Other varieties	maximum	1 seed per 1,000 grms.	1 seed per 500 grms.	5 seeds per 500 grms.
Other small grain crops	maximum	1 seed per 500 grms. ¹	1 seed per 500 grms. ¹	2 seeds per 500 grms. ¹
Inert matter	maximum	2.00%	2.00%	2.00%
Restricted noxious weed seeds ²	maximum	None	None	None
Prohibited noxious weed seeds ³	maximum	None	None	None

Factor		Foundation	Standards Registered	Certified
Moisture	maximum	14.00%	14.00%	14.00%
Germination	minimum	90.00%	90.00%	90.00%

¹ No rye seed will be permitted in lots of barley, wheat or oats tested for certification.

² Restricted noxious weed shall include those listed at N.J.A.C. 2:21-4, Noxious Weed Seeds pursuant to N.J.S.A. 4:8-17.13 et seq. plus radish, mustard, vetch and curled dock.

³ Prohibited noxious weed seeds are those listed at N.J.A.C. 2:21-4, noxious weed seeds pursuant to N.J.S.A. 4:8-17.13 et seq. and can be found in N.J.A.C. 2:16-2.6.

SUBCHAPTER 5. SOYBEANS

2:16-5.1 Application and amplification of general certification standards

The rules in this subchapter supplement the general certification seed standards, N.J.A.C. 2:16-2 established by the State Board of Agriculture and apply specifically to the certification of soybean seed.

2:16-5.2 Restrictions on number of varieties

Two varieties of similar appearance shall not be grown in the same field nor binned in the same seed house.

2:16-5.3 Date of application

Application for growing certified soybeans shall be filed no later than July 1.

2:16-5.4 Land requirements

Soybeans shall be grown on land on which the previous crop was of another kind, or planted with a class of certified seed of the same variety or with a variety of a contrasting pubescence, flower or hilum color.

2:16-5.5 Field inspections by the Department

(a) Fields planted and entered for production of certified seed shall be inspected at least once, at a time when varietal purity can be determined.

(b) Fields harvested prior to field inspection shall not be eligible for certification.

2:16-5.6 Field standards; general requirements

(a) The field shall be considered the unit for certification, and a field cannot be divided for the purpose of certification.

(b) A strip of ground at least 10 feet in width and which is either mowed, uncropped or planted to some crop other than soybeans shall constitute a field boundary for the purpose of these standards.

(c) All grain from rejected fields or portions of fields shall be disposed of so that it cannot be used as certified seed.

2:16-5.7 Field standards; specific requirements

The following table sets forth the field standards for certified soybeans:

Factor		Standards Registered	Certified
Other Varieties ¹	maximum	.05% (1 in 2,000)	.10% (1 in 1,000)
Corn plants with developed seed	maximum	None	None
Objectionable weeds ²	maximum	None	None
Diseases ³	maximum	3	3

¹ Other varieties shall be considered to include off-type plants, and plants that can be differentiated from the variety that is being inspected.

² Objectionable weeds shall include all weed seeds which cannot be readily separated from soybeans.

³ In the event a seed-borne disease is judged to be detrimental to the seed quality, the inspector shall have the power to reject the field from certification.

2:16-5.8 Samples and sampling of seed

An official sample of each lot of seed, representative of the lot, shall be taken for laboratory analysis by a representative of the Department prior to being offered for sale as certified seed, and shall meet the seed standards as found in N.J.A.C. 2:16-5.9.

2:16-5.9 Seed standards

The following table sets forth the seed standards for certified soybeans:

Factor		Standards Registered	Certified
Pure seed	minimum	98.00%	98.00%
Other Varieties ¹	maximum	0.10% (1 in 1,000)	0.25% (2 in 1,000)
Inert matter	maximum	2.00%	2.00%
Other crops	maximum	None	1 seed per 500 grms.
Corn	maximum	None	None
Weed seed	maximum	1 seed per 500 grms.	2 seeds per 500 grms.
Objectionable weed seed ²	maximum	None	None
Moisture	maximum	14.00%	14.00%
Germination	minimum	80.00%	80.00%

¹ Off-colored beans due to environmental factors shall not be considered other varieties.

² Objectionable weeds shall include morning glory, bur-cucumber, spurred anoda, cocklebur, Jimson weed and all prohibited and restricted noxious weed seeds under the New Jersey State Seed Law (N.J.S.A. 4:8-17.24) as delineated at N.J.A.C. 2:21-4.1 and 4.2.

SUBCHAPTER 6. VEGETABLES

2:16-6.1 Application and amplification of general standards

Rules in this subchapter supplement the general certification seed standards, N.J.A.C. 2:16-2, established by the State Board of Agriculture and apply specifically to vegetable seeds.

2:16-6.2 Eligibility requirements

(a) The seed of a crop shall be submitted one year in advance of planting a crop for certification to the Department of Vegetable Crops of the New Jersey Agricultural Experiment Station at Cook College to be included in the Experiment Station varietal trials.

(b) A description shall be submitted to the New Jersey Department of Agriculture not later than May 1 of the year in which seed certification is requested of each variety, specifically setting forth its distinctiveness whereby a claim to the classification of a new variety is supported.

2:16-6.3 Application for certification

A grower desiring to produce certified vegetable seed shall contact the Bureau of Seed Certification and Control prior to the planting of the crop in order to determine the eligibility of the variety, the seed and the field for certification.

2:16-6.4 Seed house or bin inspection

Inspection of harvested lots of seed from inspected fields may be made at any time by a representative of the Department who shall have the authority to revoke from certification any lot not protected from mixture or which is not identified.

2:16-6.5 Samples and sampling of seed

(a) A representative sample of each lot of seed or propagating material as it is offered for sale shall be obtained by the Department for future quality reference.

(b) The seed samples shall be maintained by the Department for a period of one year.

2:16-6.6 Seed appearance

Seed having met the requirements of N.J.A.C. 2:16-2 and this subchapter may still be rejected from certification if the appearance of the seed is a discredit to the certified seed program, for example discoloration or non-uniformity of seed.

2:16-6.7 Tags and seals

(a) All seed stocks when sold as certified shall have an official tag properly affixed to each container.

1. Containers of certified seed shall be sealed.
2. All official certification tags shall be secured from the Department and shall be affixed to seed containers, either by the grower or a representative of the Department, depending on circumstances involved.

(b) The certification tag which is attached to the bag serves as evidence of the genetic identity and genetic purity of the seed contained therein.

(c) Certified seed tags shall be white for foundation and breeder seed if tagged, purple for registered seed, and blue for the certified class.

2:16-6.8 Field and seed standards

(a) Field and seed standards for certified vegetable crops shall be those established by the Association of Official Seed Certifying Agencies.

(b) Copies of the standards for the kind to be certified may be obtained from the Bureau of Seed Certification and Control of the New Jersey Department of Agriculture, CN 330, Trenton, NJ 08625.

2:16-6.9 Sub-standard seed

(a) The Department recognizes that certain lots of seed that may be desirable for the advancement of a particular variety would be lost if regular certification standards were adhered to; therefore, under such circumstances seed failing to meet certain standards other than those affecting genetic purity may be certified by the Department provided there is no adverse effect to the reputation of certified seed.

(b) The certification tag attached to such seed shall clearly show the respects in which the seed does not meet the regular certification standards.

2:16-6.10 Seed conditioning

(a) Seed eligible for final certification shall be conditioned by equipment approved by the Department.

(b) Minimum equipment shall include a cleaner with self-cleaning screens, and facilities for cleaning elevator legs, boots and other parts coming into direct contact with the seed.

SUBCHAPTER 7. TURFGRASS SOD

2:16-7.1 Application and amplification of general standards

The rules in this subchapter supplement the general certification standards found at N.J.A.C. 2:16-2, and are applicable to all species of turfgrass sod that are eligible for certification. They shall constitute the standards for certification of sod in New Jersey.

2:16-7.2 Type of certifying organization

(a) Cook College of Rutgers, The State University is the agricultural research and extension agency for turf certification.

(b) The New Jersey Department of Agriculture is the official certification agency and assumes the regulatory or enforcement work in turf production.

2:16-7.3 Purpose of certification

The purpose of sod certification shall be to maintain and make available to the public, through certification, high quality sod of superior types of turfgrasses so grown and distributed as to insure genetic identity and purity and high degree of freedom from weeds, injurious insects, disease, nematodes and other pests.

2:16-7.4 Eligibility requirements for certification

(a) Only those species, varieties and mixtures that are approved by the Turfgrass Extension Specialist, Cook College, Rutgers, the State University shall be eligible for certification.

(b) A list of eligible species, varieties and mixtures for sod produced from seed shall be established and maintained by the Turfgrass Extension Specialist and shall be revised as needed to include newly approved varieties.

(c) The list in (b) above shall be available from the Bureau of Seed Certification and Control of the New Jersey Department of Agriculture, CN 330, Trenton, NJ 08625.

2:16-7.5 Sources of certified turfgrass sod

(a) The only recognized class of certified sod shall be Certified (Blue tag). Seed or other propagating material used for the establishment of certified turfgrass sod shall be in accordance with the following specified sources.

(b) For turfgrass sod established from seed, certified shall be the progeny of sod quality foundation, registered or certified seed lots that have been approved by the Department and that have been so handled by the sod grower as to maintain genetic identity and purity.

(c) For turfgrass sod established from vegetative material, certified shall be the progeny of foundation of registered stock that has been approved and certified by the Department and that has been so handled by the sod grower as to maintain genetic identity and purity. Certified shall be the progeny of certified stock only after approval has been granted by the Turfgrass Extension Specialist of Cook College and the Bureau of Seed Certification and Control.

2:16-7.6 Establishing the source of seed or propagating material

In those cases where the seed or propagating material planted for production of certified sod is obtained from another person, documentary evidence, such as a certification tag, sales record, and other written memoranda shall be submitted to the Department to establish the source.

2:16-7.7 Qualifications for inspectors

Inspection work shall be performed only by inspectors who have been trained and approved by the Department.

2:16-7.8 Handling of crop prior to inspection

(a) Roguing of off-type plants, objectionable crop plants and weeds is required prior to field inspection.

(b) Field boundaries shall be designated prior to field inspection.

2:16-7.9 Harvesting shall prevent certification

If a field is harvested before inspection, that crop automatically becomes ineligible for certification.

2:16-7.10 Labels for certified stock; evidence of identity

(a) All stocks, when sold as certified, shall have an official certification tag properly affixed to the invoices.

(b) The certification label which is attached serves as evidence of the genetic identity and purity contained therein. The blue label will be used to designate certified.

2:16-7.11 Appearance of sod

Sod having met the specific field requirements can still be rejected from certification if the appearance is such as to give discredit to the certified reputation.

2:16-7.12 Contaminating crops and weeds

(a) To qualify for certification each field shall be under such management as to be free of contamination from other turfgrass species, crops and weeds.

(b) Fields with conditions which make it difficult to perform complete and thorough field inspections may be rejected from certification.

2:16-7.13 Pest control required

(a) Every field within the certifying program shall be maintained free of diseases, nematodes and other pests.

(b) Fields to qualify for certification shall be free from injurious turfgrass insects.

2:16-7.14 Complying with Federal and State laws

Responsibility for any obligations, other than those concerned with certification, arising from the sale or shipment of sod which has been certified, rests with the grower or subsequent handler making the sale or shipment.

2:16-7.15 Application for certification

(a) Application forms for the production of certified sod may be obtained by the sod grower from the Bureau of Seed Certification and Control.

(b) The completed application form shall be sent to the Bureau of Seed Certification and Control, New Jersey Department of Agriculture, CN 330, Trenton, New Jersey 08625.

2:16-7.16 Dates for filing application

Applications shall be filed at the office of the certifying agency no later than March 1, and should be filed as far in advance of the deadline as possible.

2:16-7.17 Maps of production areas

To facilitate the work of the Department, it is suggested that maps accompany the application form giving field locations, isolation distances and any other important facts that would be helpful to the inspector.

2:16-7.18 Land requirements

(a) A field to be eligible for the production of certified sod shall have been inspected prior to planting and found free of all other perennial grasses.

(b) In all cases, a field found eligible for the production of certified sod shall be free of injurious insects, unacceptable weeds as found in N.J.A.C. 2:16-7.21, and volunteer plants of other varieties or species of turfgrass.

2:16-7.19 Sod Inspections

(a) Inspections during the growing season shall be made by the Department for genetic purity and identity, the presence of other perennial grasses, noxious, unacceptable and other objectionable weeds as found in N.J.A.C. 2:16-7.21, and insects and diseases.

(b) After fields have met the requirements for certification, inspection by the Department at approximately monthly intervals shall be made to maintain certification eligibility. Certification shall be withdrawn at any time the quality of the sod is found not to meet the standards in N.J.A.C. 2:16-7.21 and N.J.A.C. 2:16-7.22.

(c) To be sold as certified, all sod shall be field inspected by the Department within 30 days of the date of harvest, and found to meet the field standards listed in this subchapter.

2:16-7.20 Field standards; general requirements

(a) A field or blocks within a field shall be considered the unit for certification. If for any reason sections of a field do not meet certification requirements, the portion or portions of the field meeting certification requirements may be certified.

(b) A field or block of sod to be eligible for certification shall be isolated from adjacent fields with a 10-foot barrier. The barrier shall be fallowed or seeded to the same variety of the turfgrass species considered for certification in order to prevent contamination of grasses at the margins.

(c) No animal manures or other contaminating material shall be applied two years preceding or during the establishment and production of the stand.

2:16-7.21 Specific field standards and requirements

(a) The production of certified sod shall be limited to fields having stands not more than three years old from date of planting.

(b) Maximum field tolerance standards for other varieties or off-type plants of the same species, other turfgrass species, and other crops and weeds when recognizable are as indicated in the following table.

Factor	Kentucky Bluegrass	Hard and Red Fescues	Kentucky Bluegrass Red Fescue Mixture	Bentgrass	Zoysia	Kentucky Bluegrass Tall Fescue Mixture
Other turfgrasses ¹ —(Percent of total turfgrass population)						
1. Kentucky bluegrass	3	1	3	1	1	3
2. Red fescue	1	3	3	1	1	1
3. Poa trivialis	0	0	0	0	0	0
4. Bentgrass	0	0	0	2	0	0
5. Tall fescue	0	0	0	0	0	0
6. Ryegrass	0	0	0	0	0	0
7. Zoysia	0	0	0	0	0	0
8. Bermudagrass	0	0	0	0	0	0
Other crops	0	0	0	0	0	0
Weeds—(Plants per 1,000 square feet of sod area)						
Unacceptable ²	0	0	0	0	0	0
Objectionable ³	2	2	2	2	2	2

¹ Other turfgrasses shall include:

(1) Varieties or off-type plants of the same species being inspected for certification.

(2) Species of turfgrasses other than the one being inspected for certification.

² Unacceptable weeds shall include primary and secondary noxious weeds in accordance with the provisions of the New Jersey State Seed Law and other weeds difficult to control selectively through cultural or chemical methods.

³ Noxious weeds specified by the New Jersey State Seed Law include:

bindweed (*Convolvulus arvensis*), hedge bindweed (*Convolvulus spium*), quackgrass (*Agropyron repens*), Canada thistle (*Cirsium arvense*) and horse nettle (*Solanum carolinense*) as primary, and dodder (*Cuscuta* spp.), corn cockle (*Agrostemma githago*), wild garlic (*Allium canadense*), cheat (*Bromus secalinus*), and Bermudagrass (*Cynodon dactylon*) as secondary.

Other unacceptable weeds shall include:

nutgrass (*Cyperus esculentus*), goosegrass (*Eleusine indica*), annual bluegrass (*Poa annua*), and any other variety or species of perennial grass.

³ Objectionable weeds shall include:

Crabgrass (*Digitaria* spp.), dandelion (*Taraxacum officinale*), plantain (*Plantago* spp.), sheep sorrel (*Rumex acetosella*), wood sorrel (*Oxalis europeaea*), ground ivy (*Glechoma hederacea*), yarrow (*Achillea millefolium*), annual chickweed (*Stellaria media*), mouse-ear chickweed (*Cerastium vulgatum*), field chickweed (*Cerastium arvense*), speedwell (*Veronica* spp.), spurge (*Euphorbia* spp.), knotweed (*Polygonum oleracea*), heal-all (*Prunella vulgaris*), knawel (*Scleranthus annuus*), black medic (*Medicago iupulina*), white clover (*Trifolium repens* L.) and any other broadleaf or grassy weed which may detract from sod quality.

(c) If at any time the field shows evidence of excessive weed growth, it may be rejected by the inspector.

2:16-7.22 Sod quality

(a) The marketable product shall be of uniform density, color and texture.

(b) Certified sod shall be free of thatch, insect, disease, nematode or weed problems.

2:16-7.23 Seed requirements for New Jersey certified sod production

(a) All species, varieties and mixtures of varieties to be used for New Jersey certified sod shall be those approved by Cook College, Rutgers, the State University as stated in N.J.A.C. 2:16-7.4.

(b) All lots of seed used in the production of New Jersey certified sod shall be approved by the Department. The grower shall submit to the Department the following:

1. An official seed analysis report from the state of origin including an examination for sod quality; and
2. All labeling information including the lot number and the number of pounds involved.

(c) For sod seeded from single, unmixed kinds and varieties, the seed shall be certified, designated as Sod Quality by the state of origin, meet the minimum seed standards found in N.J.A.C. 2:16-7.24 and shall comply with the sod mixture eligibility requirements at N.J.A.C. 2:16-7.4(b).

(d) For sod produced from mixtures of species or varieties, the component seed lots shall be certified, designated as Sod Quality by the state of origin and shall meet the minimum seed standards found in N.J.A.C. 2:16-7.24, and the mixtures shall be certified using the procedures and standards found at N.J.A.C. 2:16-3.

2:16-7.24 Seed standards for sod quality grass seed

(a) The seed standards for sod quality grass seed are as follows:

Variety	Minimum Purity	Minimum Germination	Maximum ¹ Other Crop	Maximum ³ Weed
Kentucky Bluegrass	97%	80%	0.1% ²	0.02%
Red Fescue	98%	90%	0.1%	0.02%
Chewings Fescue	98%	90%	0.1%	0.02%
Hard Fescue	98%	90%	0.1%	0.02%
Tall Fescue	98%	90%	0.1%	0.02%
Perennial Ryegrass	98%	90%	0.1%	0.02%

¹ Must be free of ryegrass (except for lots containing ryegrass as a component), orchardgrass, timothy, bentgrass, big bluegrass, Poa trivialis, smooth brome grass, reed canary grass, tall fescue (except for lots containing tall fescue as a component) and clover. Canada Bluegrass in Kentucky Bluegrass varieties, maximum 0.02 percent. Red Fescue and Chewings Fescue must be free of Canada Bluegrass.

² Other Kentucky Bluegrass—Maximum 2 percent.

³ Must be free of dock, chickweed, crabgrass, plantain, black medic, annual bluegrass, velvetgrass and noxious weed seeds.

SUBCHAPTER 8. VEGETATIVELY PROPAGATED GRASSES

2:16-8.1 Application and amplification of general certification standards

(a) Rules in this subchapter supplement the general certification seed standards at N.J.A.C. 2:16-2, established by the State Board of Agriculture and apply specifically to vegetatively propagated grasses.

(b) The following terms apply specifically to vegetatively propagated grasses:

1. Breeder culms, are those produced by the U.S.D.A. Plant Materials Center (Cape May, New Jersey);
2. Foundation culms, are first year propagations from breeder culms.
3. Registered culms, are first year propagations from foundation culms.
4. Certified culms, are those produced from either foundation or registered culms.

2:16-8.2 Handling of crop prior to inspection

A field shall be rogued sufficiently during the growing season to remove any other varieties of the crop being certified or other undesirable plant mixture that cannot be separated during the packing operations.

2:16-8.3 Date of application

Application for growing certified vegetatively propagated grasses shall be filed with the Bureau of Seed Certification and Control no later than June 1.

2:16-8.4 Land requirements

(a) A field to be eligible for the production of foundation, registered or certified culms, shall have been free of other strains of the same species for two consecutive years preceding the year that it is to be planted.

(b) The fields shall be inspected by the Department prior to planting and shall have been found to be free of noxious weeds as defined in N.J.A.C. 2:16-2 and free of objectionable weeds as listed in N.J.A.C. 2:16-8.9.

2:16-8.5 Field inspection

Field inspections by the Department shall be made at various times during the growing season to determine accurately the amount of varietal mixture present.

2:16-8.6 Field standards

The entire acreage standing at the time of inspection shall be subjected to inspection as a unit.

2:16-8.7 Isolation

A field to be eligible for certification shall be isolated from any other perennial grasses by a barrier that will prevent encroachment or mechanical mixing during harvest.

2:16-8.8 Field standards; specific requirements

(a) No other varieties are permitted in foundation or registered fields.

(b) For certified class fields, one plant of another variety in 1,000 square feet is the maximum permitted.

2:16-8.9 Planting stock standards for all classes

(a) A sample of at least 100 culms shall be drawn by the Department inspector during spring and fall pulling and tested by the inspector.

(b) The following table sets forth the standards for planting stock:

Pure living culms, minimum	90.0%
Other living plants, minimum	2.0%
Total objectionable weeds, maximum ¹	0.0%

¹ Objectionable weeds shall include the following species: Canada thistle, dodder, horse nettle, johnsongrass, leafy spurge, nut grass, quackgrass, wild onion or garlic, wild radish, field bindweed and hedge bindweed.

SUBCHAPTER 9. CERTIFICATION FEE SCHEDULE

Cross References

Certification fees, see N.J.A.C. 2:16-2.30

2:16-9.1 General purpose and provisions

Fees are charged by the Department for certification services, including field inspections, supervision of cleaning and mixing equipment and operations, tags supplied by the

Department and seed testing. The Department shall bill the users of certification services annually, at the end of the calendar year; fees shall be paid to:

New Jersey Department of Agriculture
Division of Plant Industry
Bureau of Seed Certification and Control
CN 330
Trenton, NJ 08625

2:16-9.2 Small grains, soybeans, vegetables

(a) The following fees shall be charged for participation in the program for certifying small grains, soybeans and vegetable crops:

1. An entrance fee of \$20.00 for each grower.
2. An inspection fee of \$1.50 for each acre entered.
3. Labels, if purchased from Department, \$.03 each.

2:16-9.3 Cultivated sod, vegetatively propagated grasses

(a) The following fees shall be charged for participation in the program for certifying sod:

1. An entrance fee of \$20.00 for each grower.
2. An inspection fee of \$1.00 for each acre entered.
3. Labels, if purchased from Department, \$.03 each.

2:16-9.4 Interagency certified turfgrass

(a) The following fees shall be charged for participation in the program for certifying mixtures of turfgrasses seed:

1. Entrance fee of \$20.00 for each participating mixer.
2. Sampling and testing for each component of mixture, \$25.00.
3. For every 1,000 pounds of seed mixed there shall be a charge of \$20.00, with a minimum charge of \$75.00 for each mixing day.
4. There shall be a charge of \$10.00 when sampling only is requested.
5. Labels, if purchased from Department, \$.03 each.

2:16-9.5 Fee waived for participating government agencies

No fees shall be charged to Federal or state agencies which participate in the certification program.