CHAPTER 21

SEED CONTROL

Authority

N.J.S.A. 4:8–17.13 et seq., specifically 4:8–17.23 and 17.24.

Source and Effective Date

R.1996 d.402, effective July 26, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

Executive Order No. 66(1978) Expiration Date

Chapter 21, Seed Control, expires on July 26, 2001.

Chapter Historical Note

Chapter 21, Seed Control, was originally filed and became effective prior to September 1, 1969. Pursuant to Executive Order No. 66(1978), Chapter 21 was readopted as R.1996 d.402, effective July 26, 1996. See: Source and Effective Date. As part of R.1996 d.402, Subchapter 9, Seed in Hermetically Sealed Containers, was added as new rules. See, also, section annotations.

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SUBCHAPTER 1. LABELING

2:21–1.1 Seed for planting purposes

Seeds offered for sale or exposed for sale, or transported in the State, when the vendor either orally, in writing, or in advertising implies that such goods are "suitable for seed," "fit for seed," or similar terms shall be deemed to be offered for sale for planting purposes.

Amended by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21–1.2 Label position not considered conspicuous

The printing of the required label statement will not be considered to be conspicuous as required in the act when it is:

1. On the bottom of the container;

2. Super-imposed on other printing (not to include superimposed labels);

3. Wholly or partially inside of container;

4. In such a position on container wherein it commonly becomes wholly or partially illegible;

5. Blurred, or partially obliterated so as to make reading difficult.

2:21–1.3 Names used for labeling the kind of agricultural seed

(a) In labeling the "kind" of agricultural and vegetable seeds as required in the New Jersey State Seed Law, the

names used shall be those specified below for the kinds indicated.

1. Agricultural seed names include:

Alfalfa—*Medicago sativa* L.

Alfileria—*Erodium cicutarium* (L.) L'her.

Alyceclover—*Alysicarpus vaginalis* (L.) DC.

Bahiagrass—*Paspalum notatum* Fluegge.

Barley—*Hordeum vulgare* L.

Bean, adzuki—*Vigna angularis* (Willd.) Ohwi & H. Ohashi

Bean, field—*Phaseolus vulgaris* L.

Bean, mung—*Vigna radiata* (L.) var. *radiata* R. Wilczek

Bean—(see Velvetbean)

Beet, field and sugar—*Beta vulgaris* L. subsp. *vulgaris*

Beggarweed—*Desmodium tortuosum* (Sev.) DC.

Bentgrass, colonial—*Agrostis capillaris* L.

Bentgrass, creeping—*Agrostis stolonifera* L. var. *palustris* (Hudson) Farw.

Bentgrass, velvet—*Agrostis canina* L.

Bermudagrass—*Cynodon dactylon* (L.) Pers.

Bermudagrass, giant—*Cynodon dactylon* var. *aridus* Harlan et de Wit.

Bluegrass, bulbous—*Poa bulbosa* L.

Bluegrass, Canada—*Poa compressa* L.

Bluegrass, Kentucky—*Poa pratensis* L.

Bluegrass, Nevada—*Poa secunda* J.S. Presl.

Bluegrass, rough—*Poa trivialis* L.

Bluegrass, Texas—*Poa arachnifera* Torr.

Bluegrass, wood—*Poa nemoralis* L.

Bluestem, big—*Andropogon gerardii* Vitman

Bluestem, little—*Schizachyrium scoparium* (Michx.) Nash

Bluestem, sand—*Andropogon hallii* Hack.

Bluestem, yellow—*Bothriochloa ischaemum* (L.) Keng

Brome, field—*Bromus arvensis* L.

Brome, mountain—*Broumus marginatus* Nees.

Brome, smooth—*Bromus inermus* subsp. *inermis*

Broomcorn—*Sorghum bicolor* (L.) Moench

Buckwheat—*Fagopyrum esculentum* Moench

Buffalograss—*Buchloe dactyloides* (Nutt.) Engl.

Bufflegrass, hairy—*Cenchrus ciliaris* L.

Bur-clover, California—*Medicago polymorpha* L.

Bur-clover, spotted—*Medicago arabica* (L.) DC.

Burnet, little—*Sanguisorba minor* Scop.

Buttonclover—*Medicago orbicularis* (L.) All.

Canarygrass—*Phalaris canariensis* L.

Canarygrass, reed—*Phalaris arundinacea* L.

Carpetgrass—*Axonopus fissifolius* (Raddi) Kuhlm.

Castorbean—*Ricinus communis* L.

Chickpea—*Cicer arietinum* L.

Clover, alsike—*Trifolium hybridum* L.

Clover, berseem—*Trifolium alexandrinum* L.

Clover, cluster—*Trifolium glomeratum* L.

Clover, Crimson—*Trifolium incarnatum* L.

Clover, large hop—*Trifolium campestre* Schreber

Clover, small hop (suckling)—*Trifolium dubium* Sibth.

Clover, ladino—*Trifolium repens* L.

Clover, lappa—*Trifolium lappaceum* L.

Clover, Persian—*Trifolium resupinatum* L.

Clover, red or red clover, mammoth or medium—*Trifolium pratense* L.

Clover, rose—*Trifolium hirtum* All.

Clover, strawberry—*Trifolium fragiferum* L.

Clover, sub (subterranean)—*Trifolium subterraneum* L.

Clover, white—*Trifolium repens* L.

Corn, field—*Zea mays* L.

Corn, pop—*Zea mays* var. *everta* (Sturt.) Bailey

Cotton—*Gossypium* spp.

Cowpea—*Vigna unguiculata* (L.) Walp. subsp. unguiculata

Crambe—*Crambe abyssinica* Hockst. ex R.E. Fries.

Crested dogtail—*Cynosurus cristatus* L.

Crotalaria, lance—*Crotalaria lanceolata* E. May.

Crotalaria, showy—*Crotalaria spectabilis* Roth.

Crotalaria, slenderleaf—*Crotalaria brevidens* Benth. var. *intermedia* (Kotschy) Pohl.

Crotalaria striped—*Crotalaria pallida* Aiton

1. Bermudagrass, *Cynodon spp.*;
2. Annual bluegrass, *Poa annua*;
3. Rough bluegrass, *Poa trivalis*;
4. Bentgrass, *Agrostis spp.* (including, but not limited to, creeping, colonial, velvet, and redtop);
5. Meadow fescue, *Festuca pratensis*;
6. Tall fescue, *Festuca arundinaceae*;
7. Orchardgrass, *Dactylis glomerata*;
8. Timothy, *Phlem pratense*; and
9. Velvetgrass, *Holcus lanatus*.

(b) The requirements of paragraph (a) above shall not apply to the seeds of plants in (a)3, 4, 5 and 6 above when present in amounts of five percent or more, by weight, of the mixture.

(c) The total amount of restricted noxious weed seeds set forth in (a) above shall not exceed 0.5 percent by weight.

(d) The restricted noxious weed seed set forth in (a) above shall not apply to grasses or mixtures clearly labeled for:

1. Pasture;
2. Forage;
3. Hay;
4. Conservation; or
5. Soil bank reclamation usage.

New Rule, R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

SUBCHAPTER 5. GERMINATION STANDARDS FOR VEGETABLE SEEDS

2:21–5.1 Germination standards for vegetable seeds

Germination standards for vegetable seeds including hard seeds shall be those as indicated:

	%
Anise	50
Artichoke	60
Asparagus	70
Asparagus bean	75
Basil, sweet	60
Bean, garden	70
Bean, lima	70
Bean, runner	75
Beet	65
Borage	70
Broadbean	75
Broccoli	75
Brussels sprouts	70
Cabbage	75
Caraway	55
Cardoon	60
Carrot	55
Cauliflower	75
Celeriac	55
Celery	55
Chard, Swiss	65
Chervil	65
Chicory	65
Chinese cabbage	75
Chives	50
Citron	65
Collards	80
Coriander	70
Corn, sweet	75
Cornsalad	70
Cowpea	75
Cress, garden	75
Cress, upland	60
Cress, water	40
Cucumber	80
Dandelion	60
Dill	60
Eggplant	60
Endive	70
Fennell, Florence	60
Fennel, sweet	50
Kale	75
Kale, Chinese	75
Kohlrabi	75
Leek	60
Lettuce	80
Marjoram, sweet	50
Muskmelon	75
Mustard	75
Mustard, spinach	75
Okra	50
Onion	70
Onion, Welsh	70
Pak-choi	75
Parsley	60
Parsnip	60
Pea	80
Pepper	55
Pumpkin	75
Radish	75
Rhubarb	60
Roquette	60
Rutabaga	75
Sage	60
Salsify	75
Savory, summer	55
Sorrel	65
Soybean	75
Spinach	60
Spinach, New Zealand	40
Squash	75
Thyme	50
Tomato	75
Tomato, husk	50
Turnip	80
Watermelon	70
All other kinds	50

Amended by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21-5.2 Vegetable seeds unfit for planting

Vegetable seeds will be considered to be unfit for planting if the germination percentage obtained in a standard laboratory test is less than ⅔ of the germination standard for the kind in question specified in these rules and regulations.

SUBCHAPTER 6. GERMINATION STANDARDS FOR FLOWER SEEDS

2:21-6.1 Germination standards for flower seeds

Germination standards for flower seeds including hard seeds when marked with an asterisk shall be those indicated below:

	%
African daisy—*Dimorphotheca aurantiaca*	55
African violet—*Saintpaulia spp.*	30
Ageratum—*Ageratum mexicanum*	60
Alyssum—*Alyssum compactum, A. Maritimum, A. procumbens, A. saxatile*	60
Anemone—*Anemone coronaria, A. pulsatilla*	55
Angel's trumpet—*Datura arborea*	60
Arabis—*Arabis alpina*	60
Aster, China—*Callistephus chinensis, except Pompon, Powderpuff, and Princess types*	55
Aster, China—*Callistephus chinensis, Pompon, Powderpuff and Princess types*	50
Aubrietia—*Aubrietia deltoides*	45
Baby Smilax—*Asparagus asparagoides*	25
Balsam—*Impatiens balsamina*	70
Calendula—*Calendula officinalis*	65
California poppy—*Eschscholtzia californica*	60
Calliopsis—*Coreopsis bicolor, C. drummondi, C. elegana*	65
Campanula:	
Canterbury bells—*Campanula medium*	60
Cup and Saucer bellflower—*Campanula medium calycanthema*	60
Carpathian bellflower—*Campanula carpatica*	50
Peach bellflower—*Campanula persicafolia*	50
Candytuft, annual—*Iberis amara, I. umbellata*	65
Candytuft, perennial—*Iberis gibraltarica, I. sempervirens*	55
* Castor bean—*Ricinus communis*	60
Cathedral bells—*Cobaea scandens*	65
Celosia—*Celosia argentea*	65
Centaurea: Basket flower—*Centaurea american*, Cornflower—*C. cyanus*, Dusty Miller—*C. candidissima*, Royal centaurea—*C. imperialis*, sweet sultan—*C. moschata*, Velvet centaures—*C. gymnocarpa*	60
Chinese forget-me-not—*Cynoglossum amabile*	55
Chrysanthemums, annual—*Chrysanthemum carinatum, C. Coronarium, C. segetum*	40
Clarkia—*Clarkia elegans*	65
Cleome—*Cleome gigantea*	65
Columbine—*Aquilegia* spp.	50
Coral bells—*Heuchera sanguinea*	55
Coreopsis, perennial—*Coreopsis lanceolate*	40
Cosmos: Sensation, Mammoth and Crested types—*Cosmos bipinnatus*: Klondike type—*C. sulphureus*	65
Dahlia—*Dahlia spp.*	55
Daylily—*Hemerocallus spp.*	45
Delphinium, perennial: Belladonna and Bellamosum types; Cardinal larkspur—*Delphinium cardinale*; Chinensis types; Pacific Giant, Gold Medal and other hybrids of *D. elatum*	55
Dianthus:	
Carnation—*Dianthus caryophyllus*	60
China pinks—*Dianthus chinensis, Heddewigi, Heddensis*	70
Grass pinks—*Dianthus plumarius*	60
Maiden pinks—*Dianthus deltoides*	60
Sweet William—*Dianthus barbatus*	70
Sweet Wivelsfield—*Dianthus allwoodi*	60
Dracena—*Dracena indivisa*	55
Dragon tree—*Dracaena draco*	40
English daisy—*Bellis perennis*	55
Flowering maple—*Abutilon spp.*	35
Foxglove—*Digitalis* spp.	60
Gaillardia, annual—*Gaillardia pulchella, G. picta*; perennial *G. grandiflora*	45
Geum—*Geum* spp.	55
Gilia—*Gilia* spp.	65
Godetia—*Godetia amoena, G. grandiflora*	65
Gourds: Yellow flowered—*Cucurbita pepo*: White-flowered—*Lagen aria sisceraria*; Dishcloth—*Luffa cylindrica*	70
Gypsophila: annual baby's breath—*Gypsophila elegans*; perennial baby's breath—*G. paniculata, G. pacifica, G. repens*	70
Helichrysum—*Helichrysum monstrosum*	60
Heliotrope—*Heliptropum spp.*	35
* Hollyhock—*Althea rosea*	65
Ipomea: Cypress—*Ipomea quamoelit*; Moonflower—*I. noctiflora*; Morning glories, Cardinal climber, Hearts and Honey vine—*Ipomea* spp.	75
Job's tears—*Coix lacrymajobi*	70
Kochia—*Kochia childsi*	55
Larkspur, annual—*Delphinium ajacis*	60
Lantana—*Lantana camera, L. hybrida*	35
Linaria—*Linaria* spp.	65
Lobelia, annual—*Lobelia crinus*	65
Lunaria, annual—*Lunaria annua*	65
* Lupine—*Lupinus* spp.	65
Marigold—*Tagetes spp.*	65
Marvel of Peru—*Mirabilis jalapa*	60
Mignonette—*Reseda odorata*	55
Myosotis—*Myosotis alpestris, M. oblongata, M. pulastris*	50
Nasturtium—*Tropacolum* spp.	60
Nemesia—*Nemesia* spp.	65
Nemophila—*Nemophila insignis*	70
Nicotiana—*Nicotiana affinis, N. sanderae, N. sylvestris*	65
Nierembergia—*Nierembergia* spp.	55
Nigella—*Nigella damascena*	55
Pansy—*Viola tricolor*	60
Penstemon—*Penstemon barbatus, P. grandiflorus, P. Laevigatus, P. pubsecens*	60
Petunia—*Petunia* spp.	45
Phacelia—*Phacelia campanularia, P. minor, P. tenacetifolia*	65

	%
Phlox, annual—*Phlox drummondi* all types and varieties	55
Physalis—*Physalis* spp.	60
Ponytail—*Beaucarnea recurvata*	40
Poppy: Shirley poppy—*Papaver rhoeas*; Iceland poppy—*P. nudicaule*; Oriental poppy—*P. orientale*; Tulip poppy—*P. glaucum*	60
Portulaca—*Portulaca grandiflora*	55
Salpiglossis—*Salpiglossis gloxinaeflora, S. sinuata*	60
Salvia—Scarlet sage—*Salvia solendens*: Mealycup sage (blue bedder)—*S. Farinacea*	50
Saponaria—*Saponaria ocymoides, S. vaccaria*	60
Scabiosa, annual—*Scabiosa atropurpurea*	50
Scabiosa, perennial—*Scabiosa caucasica*	40
Schizanthus—*Schizanthus* spp.	60
Shasta Daisy—*Chrysanthemum maximum, C. leucanthemum*	65
Silk oak—*Grevillea spp.*	25
Snapdragon—*Antirrhinum* spp.	55
Solanum—*Solanum* spp.	60
Stocks: Common—*Mathiola incana*; Evening scented—*M. bicornis*	65
Sunflower—*Helianthus* spp.	65
Sunrose—*Hilianthemum spp.*	30
* Sweet pea, annual and perennial other than dwarf bush—*Lathyrus odoratus, L. latifolius*	75
* Sweet pea, dwarf bush—*Lathyrus odoratus*	65
Thunbergia—*Thunbergia alata*	60
Torch flower—*Tithonia speciosa*	70
Tritoma—*Kniphofia* spp.	65
Verbena, annual—*Verbena hybrida*	35
Vinca—*Vinca rosea*	60
Viola—*Viola cornuta*	55
Wallflower—*Cheiranthus allioni*	65
Zinnia (except linearis and creeping)—*Zinnia angustifolia, Z. elegans, Z. grandiflora, Z. gracillima, Z. haegeana, Z. multiflora, Z. pumilla*	65
Zinnia, linearis and creeping—*Zinnia linearis, Salvitalis procumbens*	50

Amended by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21–6.2 Flower seeds unfit for planting

Flower seeds shall be considered unfit for planting if the germination percentage is less than two thirds of the germination standard for the kind in question as specified in this subchapter. A mixture of kinds of flower seeds shall be considered unfit for planting if the germination of any kind or combination of kinds, constituting 25 percent or more of the mixture by number is less than two thirds the standard for the kind or kinds involved.

Amended by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

SUBCHAPTER 7. FEES FOR SEED TESTING

2:21–7.1 Free testing for New Jersey residents

Any New Jersey resident actively engaged in the commercial production of agricultural or horticultural products and not engaged in the business of a wholesale seedsman or seed conditioner will be allowed two free germination tests by the State Seed Laboratory each fiscal year July 1, to June 30, based on the published list of fees at N.J.A.C. 2:21–7.2.

Amended by R.1991 d.400, effective August 5, 1991.
See: 23 N.J.R. 1231(a), 23 N.J.R. 2330(a).
Increased from $10.00 to $25.00 worth of free testing.
Amended by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R 2818(a), 28 N.J.R. 3916(a).

2:21–7.2 Charges for testing

(a) For all samples submitted, the following charges shall be assessed:

1. Germination test	$10.00 per sample;
2. Purity test	$30.00 per hour;
3. Noxious weed test	$15.00 per sample;
4. Vigor test	$15.00 per sample;
5. Viability—Tetrazolium test	$30.00 per hour;
6. Varietal identification	$100.00 per sample;
7. Other tests	$30.00 per hour.

(b) Fees for testing shall be waived for Federal or State agencies, local governments and park commissions.

Amended by R.1991 d.400, effective August 5, 1991.
See: 23 N.J.R. 1231(a), 23 N.J.R. 2330(a).
Increased fees for testing.
Amended by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21–7.3 Fees due; method of payment

(a) Fees are due when a sample is accepted for testing. Acknowledgements of receipt of samples are accompanied by a statement of charges and it is expected that payment will be made upon receipt of statement.

(b) Additional tests shall not be made for persons who have not paid for previous testing services promptly.

Amended by R.1991 d.400, effective August 5, 1991.
See: 23 N.J.R. 1231(a), 23 N.J.R. 2330(a).
Recodified from 2:21–7.4 by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).
Former section, "Charges for seed mixtures and other tests", repealed.

2:21–7.4 (Reserved)

Recodified to 2:21–7.3 by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).
Section was "Fees due; method of payment".

SUBCHAPTER 8. PROCEDURES FOR SUBMITTING SAMPLES

2:21–8.1 Samples submitted before February 1

(a) Samples representing seed to be planted in the spring, should be submitted to the seed laboratory after September but before February 1.

(b) After January the laboratory must give top priority to a heavy load of official samples and handles service samples only as time permits.

2:21–8.2 Rejecting samples

Since the quota of service samples must be limited to the time and space available, the right must be reserved to reject samples on the basis of when they are submitted.

2:21–8.3 Samples to be representative

(a) Seed test reports apply only to the sample submitted.

(b) Samples should be representative of the lots from which they are taken.

(c) This responsibility lies with the individuals submitting the samples.

2:21–8.4 Relevant information on samples

(a) Samples should bear the name of the seed as well as the name and address of the sender.

(b) The kind of test desired should be stated and also whether the seed is for sale or the test is for guidance in planting.

2:21–8.5 Requesting test on seed previously analyzed

When requesting a test on seed that has been previously analyzed, a copy of this analysis should accompany the sample as well as the reason for requesting a new analysis.

2:21–8.6 Minimum seeds required for testing

At least 800 seeds should be submitted for a germination evaluation. A standard germination test requires 400 seeds and another 400 seeds are needed in the event that a retest is necessary.

2:21–8.7 Noxious weed examination included in purity analysis

A New Jersey noxious weed examination is included as part of the purity analysis on all seeds submitted for analysis, including lawn seed.

Amended by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

SUBCHAPTER 9. SEED IN HERMETICALLY SEALED CONTAINERS

2:21–9.1 Moisture content of seed

(a) Seed in an hermetically sealed container shall not exceed the percentage of moisture, on a wet weight basis, as listed below:

1. Agricultural seeds	Percent moisture
Beet, Field	7.5
Beet, Sugar	7.5
Bluegrass, Kentucky	6.0
Clover, Crimson	8.0
Fescue, Red	8.0
Ryegrass, Annual	8.0
Ryegrass, Perennial	8.0
All others	6.0
Mixture of above	8.0
2. Vegetable seeds	Percent moisture
Bean, Garden	7.0
Bean, Lima	7.0
Beet	7.5
Broccoli	5.0
Brussels Sprouts	5.0
Cabbage	5.0
Carrot	7.0
Cauliflower	5.0
Celeriac	7.0
Celery	7.0
Chard, Swiss	7.5
Chinese Cabbage	5.0
Chives	6.5
Collards	5.0
Corn, Sweet	8.0
Cucumber	6.0
Eggplant	6.0
Kale	5.0
Kohlrabi	5.0
Leek	6.5
Lettuce	5.5
Muskmelon	6.0
Mustard, India	5.0
Onion	6.5
Onion, Welsh	6.5
Parsley	6.5
Parsnip	6.0
Pea	7.0
Pepper	4.5
Pumpkin	6.0
Radish	5.0
Rutabaga	5.0
Spinach	8.0
Squash	6.0
Tomato	5.5
Turnip	5.0
Watermelon	6.5
All others	6.0

2:21–9.2 Labeling for hermetically sealed seed

(a) The container of hermetically sealed seed shall be labeled conspicuously in not less than eight-point type to indicate:

1. That the container is hermetically sealed.

2. That the seed has been preconditioned as to moisture content; and

3. The calendar month and year in which the germination test was completed.

(b) In addition to the requirements of (a) above, the container shall be labeled in accordance with all applicable requirements and standards set forth in N.J.S.A. 4:18–17.14 through 17.16 and this chapter.