

**CHAPTER 16
CERTIFICATION**

Authority

N.J.S.A. 4:1-11, 4:1-21.5, 4:1-21.7 et seq. and 4:8-7.13 et seq.

Source and Effective Date

R.1996 d.44, effective December 21, 1995.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

Executive Order No. 66(1978) Expiration Date

Chapter 16, Certification, expires on December 21, 2000.

Chapter Historical Note

All provisions of Chapter 16, Certification, were filed and became effective prior to September 1, 1969.

Chapter 16 was readopted pursuant to Executive Order No. 66(1978), effective May 7, 1985 with amendments effective June 3, 1985. See: 17 N.J.R. 1403(b) through 1407(a).

Pursuant to Executive Order No. 66(1978), Chapter 16, Certification, expired on May 7, 1990. Chapter 16, Certification, was adopted as new rules by R.1991 d.28, effective January 22, 1991. See: 22 N.J.R. 3285(a), 23 N.J.R. 194(b). Pursuant to Executive Order No. 66 (1978), Chapter 16 was readopted as R.1996 d.44, effective December 21, 1995. See: Source and Effective Date. See, also, section annotations.

As a part of R.1996 d.44, Subchapter 4, Small Grains; Subchapter 5, Soybeans, and Subchapter 6, Vegetables, were repealed, effective January 16, 1996. See: 28 N.J.R. 257(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. BLUEBERRY PLANTS

- 2:16-1.1 Certification of blueberry plants
- 2:16-1.2 Application for participation
- 2:16-1.3 Qualifications for mother plants; removal of diseased or infested plants
- 2:16-1.4 Qualification for nursery plants; removal of diseased plants
- 2:16-1.5 Time of inspection and insecticide application
- 2:16-1.6 Procedure for handling cuttings, cutting beds and plant nurseries
- 2:16-1.7 Issuance of inspection certificates
- 2:16-1.8 (Reserved)

SUBCHAPTER 2. SEED AND SOD, GENERAL CERTIFICATION STANDARDS

- 2:16-2.1 Applicability of certification standards
- 2:16-2.2 Certifying organizations from New Jersey
- 2:16-2.3 Purpose of certification
- 2:16-2.4 Classes and sources of certified seed
- 2:16-2.5 Limitation of generations
- 2:16-2.6 Definitions
- 2:16-2.7 Eligibility requirements for certification of crop varieties
- 2:16-2.8 Qualification for inspectors
- 2:16-2.9 Handling crop prior to inspection; field boundaries
- 2:16-2.10 Restriction on number of varieties
- 2:16-2.11 Harvested fields ineligible for certification
- 2:16-2.12 Seed house or bin inspection of seed
- 2:16-2.13 Seed testing results basis for certification
- 2:16-2.14 Tags, seals and bags for seed stocks
- 2:16-2.15 Substandard seed in emergencies
- 2:16-2.16 Seed or crop appearance
- 2:16-2.17 Contaminating crops and weeds shall be controlled

- 2:16-2.18 Difficulty of inspection may cause certification rejection
- 2:16-2.19 Seed treatment
- 2:16-2.20 Precautions taken to control seed-borne diseases
- 2:16-2.21 Complying with Federal and State seed laws
- 2:16-2.22 Failure to comply with the certification rules
- 2:16-2.23 Application for certification
- 2:16-2.24 Dates for filing application
- 2:16-2.25 Maps of farms
- 2:16-2.26 General requirements for seed conditioners
- 2:16-2.27 Transfer of uncleaned seed
- 2:16-2.28 Reinspection of carry-over seed; one-year limitation
- 2:16-2.29 Grower's or vendor's guarantee
- 2:16-2.30 (Reserved)

SUBCHAPTER 3. INTERAGENCY TURFGRASS CERTIFICATION

- 2:16-3.1 Application and amplification of general certification standards
- 2:16-3.2 Purpose
- 2:16-3.3 Interagency standards and procedures
- 2:16-3.4 Prior approval of cooperating certification agencies not required
- 2:16-3.5 Conditioners' application and requirements for certification
- 2:16-3.6 Conditioners' facilities
- 2:16-3.7 Conditioners required records
- 2:16-3.8 Inspection of conditioning operations and records
- 2:16-3.9 Appointment of responsible individual
- 2:16-3.10 Sampling and testing by the Department
- 2:16-3.11 Mixing procedures for certified turfgrass
- 2:16-3.12 Minimum seed standards for Interagency Certification of turfgrass seed
- 2:16-3.13 Interagency certification tags and tagging
- 2:16-3.14 Rejection of interagency certification component seed lots
- 2:16-3.15 (Reserved)
- 2:16-3.16 Charges for interagency certification

SUBCHAPTERS 4 THROUGH 6. (RESERVED)

SUBCHAPTER 7. TURFGRASS SOD

- 2:16-7.1 Application and amplification of general standards
- 2:16-7.2 Eligibility requirements for certification
- 2:16-7.3 Sources of certified turfgrass sod
- 2:16-7.4 Establishing the source of seed or propagating material
- 2:16-7.5 Labels for certified stock; evidence of identity
- 2:16-7.6 Pest control required
- 2:16-7.7 Complying with Federal and State laws
- 2:16-7.8 Dates for filing application
- 2:16-7.9 Maps of production areas
- 2:16-7.10 Land requirements
- 2:16-7.11 Sod inspections
- 2:16-7.12 Field standards; general requirements
- 2:16-7.13 Specific field standards and requirements
- 2:16-7.14 Sod quality
- 2:16-7.15 Seed requirements for New Jersey certified sod production
- 2:16-7.16 Seed standards for sod quality grass seed
- 2:16-7.17 through 2:16-7.24 (Reserved)

SUBCHAPTER 8. VEGETATIVELY PROPAGATED GRASSES

- 2:16-8.1 Application and amplification of general certification standards
- 2:16-8.2 Handling of crop prior to inspection
- 2:16-8.3 Date of application
- 2:16-8.4 Land requirements
- 2:16-8.5 Field inspection
- 2:16-8.6 Field standards
- 2:16-8.7 Isolation
- 2:16-8.8 Field standards; specific requirements
- 2:16-8.9 Planting stock standards for all classes

SUBCHAPTER 9. CERTIFICATION FEE SCHEDULE

- 2:16-9.1 General purpose and provisions
- 2:16-9.2 Fees for general certification
- 2:16-9.3 Cultivated sod, vegetatively propagated grasses
- 2:16-9.4 Interagency certified turfgrass
- 2:16-9.5 Fee waived for participating government agencies

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, PO Box 330, Trenton, N.J. 08625-0330.

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, scorch, and ringspot are to be tagged by the inspectors and removed by the grower within 72 hours after notification. Plants showing symptoms of blueberry stunt or virus diseases are to be sprayed by the grower to control insect vectors, when present, 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.

Amended by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

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 72 hours after notification. Plants showing symptoms of blueberry stunt or virus diseases are to be sprayed by the grower to control insect vectors, when present, prior to removal.

Amended by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

2:16-1.5 Time of inspection and insecticide application

(a) All mother plants, rooted cuttings and nursery plants shall be sprayed, as needed, to control the sharp-nosed leafhoppers and aphids. The timing of these applications and the material to be used shall be recommended by the New Jersey Agricultural Experiment Station. Records of all pesticide applications shall be maintained by the grower and shall be available to the Department if requested.

(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.

Amended by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

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 and nursery rows 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 and nursery rows shall be isolated 50 feet from uncertifiable plants unless prior arrangement has been made with the Department to alter that standard.

Amended by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

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

“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.

“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.

Amended by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

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 Department 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.

Amended by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

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

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

Amended by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

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 or crop appearance

Seed, sod and propagating material, having met the specific field and laboratory analysis requirements can still be rejected from certification if the appearance is such as to give discredit to the certification program, for example, discoloration or non-uniformity.

Amended by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

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 Seed Certification and Control Program 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.

Amended by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

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.

(d) 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.

Amended by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

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 (Reserved)

Repealed by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).
Section was "Certification fees".

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 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.

Recodified from 2:16-3.4 by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

Former N.J.A.C. 2:16-3.3, "Definitions", repealed.

2:16-3.4 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.

Recodified from 2:16-3.5 by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

2:16-3.5 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.

Recodified from 2:16-3.6 by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

2:16-3.6 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.

Recodified from 2:16-3.7 by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

2:16-3.7 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:

SUBCHAPTERS 4 THROUGH 6. (RESERVED)

See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).
Former N.J.A.C. 2:16-7.3, "Purpose of certification", repealed.

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 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 Seed Certification and Control Program of the New Jersey Department of Agriculture, CN 330, Trenton, NJ 08625.

Recodified from 2:16-7.4 and amended by R.1996 d.44, effective January 16, 1996.

See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

Former N.J.A.C. 2:16-7.2, "Type of certifying organization", repealed.

2:16-7.3 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 or 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 Seed Certification and Control Program.

Recodified from 2:16-7.5 and amended by R.1996 d.44, effective January 16, 1996.

2:16-7.4 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.

Recodified from 2:16-7.6 by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

2:16-7.5 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.

Recodified from 2:16-7.10 by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

2:16-7.6 Pest control required

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

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

Recodified from 2:16-7.13 and amended by R.1996 d.44, effective January 16, 1996.

See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

2:16-7.7 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.

Recodified from 2:16-7.14 by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

Former N.J.A.C. 2:16-7.7, "Qualifications for inspectors", repealed.

2:16-7.8 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.

Recodified from 2:16-7.16 by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

Former N.J.A.C. 2:16-7.8, "Handling of crop prior to inspection", repealed.

2:16-7.9 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.

Recodified from 2:16-7.17 by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

Former N.J.A.C. 2:16-7.9, "Harvesting shall prevent certification", repealed.

2:16-7.10 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. 2:16-7.13, and volunteer plants of other varieties or species of turfgrass.

Recodified from 2:16-7.18 and amended by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

2:16-7.11 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. 2:16-7.13, 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 any time the quality of the sod is found not to meet the standards in N.J.A.C. 2:16-7.13 and 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.

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

Recodified from 2:16-7.19 and amended by R.1996 d.44, effective January 16, 1996.

See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).
Former N.J.A.C. 2:16-7.11, "Appearance of sod", repealed.

2:16-7.12 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.

Recodified from 2:16-7.20 by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

Former N.J.A.C. 2:16-7.12, "Contaminating crops and weeds", repealed.

2:16-7.13 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.

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

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.

Recodified from 2:16-7.21 by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

2:16-7.14 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.

Recodified from 2:16-7.22 by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

2:16-7.15 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. 2:16-7.2.

(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. 2:16-7.16 and shall comply with the sod mixture eligibility requirements at N.J.A.C. 2:17-7.2(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. 2:16-7.16, and the mixtures shall be certified using the procedures and standards found at N.J.A.C. 2:16-3.

Recodified from 2:16-7.23 and amended by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).
Former N.J.A.C. 2:16-7.15, "Application for certification", repealed.

2:16-7.16 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 bromegrass, 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.

Recodified from 2:16-7.24 by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

2:16-7.17 (Reserved)

Recodified by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043, 28 N.J.R. 257(a).

Text of section, "Maps of production areas", recodified as 2:16-7.9.

2:16-7.18 (Reserved)

Recodified by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043, 28 N.J.R. 257(a).

Text of section, "Land requirements", recodified as 2:16-7.10.

2:16-7.19 (Reserved)

Recodified by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043, 28 N.J.R. 257(a).

Text of section, "Sod inspections", recodified as 2:16-7.11.

2:16-7.20 (Reserved)

Recodified by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043, 28 N.J.R. 257(a).

Text of section, "Field standards; general requirements", recodified as 2:16-7.12.

2:16-7.21 (Reserved)

Recodified by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043, 28 N.J.R. 257(a).

Text of section, "Specific field standards and requirements", recodified as 2:16-7.13.

2:16-7.22 (Reserved)

Recodified by R.1996 d.44, effective January 16, 1996.
See: 27 N.J.R. 4043, 28 N.J.R. 257(a).

Text of section, "Sod quality", recodified as 2:16-7.14.

2:16-7.23 (Reserved)

Recodified by R.1996 d.44, effective January 16, 1996.

See: 27 N.J.R. 4043, 28 N.J.R. 257(a).

Text of section, "Seed requirements for New Jersey certified sod production", recodified as 2:16-7.15.

2:16-7.24 (Reserved)

Recodified by R.1996 d.44, effective January 16, 1996.

See: 27 N.J.R. 4043, 28 N.J.R. 257(a).

Text of section, "Seed standards for sod quality grass seed", recodified as 2:16-7.16.

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	98.0%
Other living plants, maximum	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, nutgrass, quackgrass, wild onion or garlic, wild radish, field bindweed and hedge bindweed.

Amended by R.1996 d.44, effective January 16, 1996.

See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

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

Certification fees are determined by the Secretary of the New Jersey Department of Agriculture. 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
 Seed Certification and Control Program
 CN 330
 Trenton, NJ 08625

Amended by R.1996 d.44, effective January 16, 1996.
 See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

2:16-9.2 Fees for general certification

(a) The following fees shall be charged for participation in the program for certifying seeds or crops not listed below:

1. An application fee of \$50.00 for each grower.
2. An inspection fee of \$3.00 for each acre entered.
3. Certification labels, if purchased from Department, \$0.05 each (one label for each bag or container).

Amended by R.1996 d.44, effective January 16, 1996.
 See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

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 application fee of \$50.00 for each grower.
2. An inspection fee of \$3.00 for each acre entered.
3. Certification labels, if purchased from Department, \$0.05 each (one label should accompany each grower invoice).

(b) The following fees shall be charged for participation in the program for certifying vegetatively propagated grasses:

1. An application fee of \$50.00 for each grower.
2. An inspection fee that will be based on the total acreage inspected for nursery certification and will be charged according to the nursery inspection fee schedule found in N.J.A.C. 2:18-1.2. Inspection fee paid by grower will cover both plant pest and varietal certification inspections.

Amended by R.1996 d.44, effective January 16, 1996.
 See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

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. Application fee of \$50.00 for each participating mixer.
2. Sampling and testing for each component of mixture, \$50.00.
3. For every 1,000 pounds of seed mixed there shall be a charge of \$50.00, with a minimum charge of \$150.00 for each mixing day.
4. There shall be a charge of \$25.00 for first sample when sampling only is requested plus \$15.00 for each additional sample.
5. Certification labels, if purchased from Department, \$0.05 each (one label for each bag or container).

Amended by R.1996 d.44, effective January 16, 1996.
 See: 27 N.J.R. 4043(a), 28 N.J.R. 257(a).

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.