

## CHAPTER 74-02-02 SEED SALE

### Section

~~74-02-02-01 Definitions~~

~~74-02-02-02 Nonresident Seed Dealer License Application~~

~~74-02-02-03 Identification Cards [Repealed]~~

~~74-02-02-04 State Grain Grade Standards [Repealed]~~

### **~~74-02-02-01. Definitions.~~**

~~As used in this chapter, unless the context or subject matter otherwise requires:~~

- ~~1. "Agricultural grain" or "grass seed" includes seeds of grass, forage, cereal, fiber and oil crops, and any other kinds of seeds commonly recognized within this state as agricultural or field seeds and mixtures of such seeds for sowing or planting purposes.~~
- ~~2. "Consumer" means any person who purchases or otherwise obtains seed for sowing but not for resale.~~
- ~~3. "Engaging in the business of selling seed" means the act or acts of selling, offering for sale, transporting for sale, or holding in storage with the intent to sell to a North Dakota consumer for sowing purposes any agricultural grain or grass seed by any nonresident who travels from farm to farm, or offers directly to the consumer through public advertising, internet sales, or any other medium which would constitute public notice.~~
- ~~4. "Feed grain" means the seed of any crop which is being produced to be used for feed or food and not for seeding or planting purposes.~~
- ~~5. "Nonresident person" means any individual, partnership, corporation, company, society, or association who is not located in or does not have a permanent address in North Dakota.~~

**History:** Amended effective January 2, 2006.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 4-25-01

### **~~74-02-02-02. Nonresident seed dealer License application.~~**

~~The application for license shall be made to the seed commissioner in writing and under oath, and shall set forth:~~

- ~~1. The place or places of business from which the applicant intends to carry on the business for which the license is desired.~~
- ~~2. The full name of the persons constituting the firm if the applicant is a copartnership.~~
- ~~3. The name of the officers of the corporation and where it is incorporated if the applicant is a corporation.~~
- ~~4. A statement showing the applicant's eligibility for a similar license in other states in which the applicant may have operated or is operating at the time of the application.~~
- ~~5. Other pertinent facts regarding the applicant and the business.~~

~~When applicable, the fee for the license, twenty-five dollars, shall accompany the application.~~

**History:** Amended effective December 18, 1989, repealed effective July 1, 2022.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 4.1-53-41

**74-02-02-03. Identification cards.**

Repealed effective January 1, 2005.

**74-02-02-04. State grain grade standards.**

Repealed as the result of S.L. 1979, ch. 95, § 6.

## CHAPTER 74-03-01 GENERAL SEED CERTIFICATION REQUIREMENTS

### Section

74-03-01-01	Seed Certification in North Dakota
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74-03-01-03	Eligibility Requirement for Certification of Crop Varieties
74-03-01-04	Classes (Generation) and Sources of Certified Seed
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74-03-01-07	Field Eligibility and Requirements
74-03-01-08	Field Management and Isolation
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74-03-01-11	Seed Conditioning, Sampling, and Laboratory Inspection
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74-03-01-14	Carryover Seed
74-03-01-14.1	Applicant's Responsibility
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### **74-03-01-03. Eligibility requirement for certification of crop varieties.**

As used in this chapter, "variety" includes hybrids and breeding lines, and selections, clones, or strains of true varieties.

1. Only those varieties that are accepted by the North Dakota state seed department as meriting certification in accordance with the criteria established by the association of official seed certifying agencies shall be eligible for certification. A variety will normally be considered eligible for certification if it has received favorable action by one or more of the following:
  - a. A national variety review board.
  - b. The plant variety protection office, including additional information itemized in subdivisions e through i of subsection 2 of section 74-03-01-03, which is required.
  - c. An official seed certifying agency.
  - d. The organization for economic cooperation and development (OECD).

In the absence of a national review board, a state or regional variety review committee may determine the eligibility for certification, if operating under similar criteria and approved by the seed commissioner. Contact the state seed commissioner for varieties not covered by one of the above categories on questions regarding eligibility.

2. The following must be made available by the originator, developer, owner, or agent when eligibility for certification is requested by the applicant. After a variety has been released, there is no limitation as to when it may be accepted into certification by AOSCA or its vested member agencies providing that all other provisions of this section are met.
  - a. The name of the variety. This name must be the established name if the variety has previously been marketed.

- b. A statement concerning the variety's origin and the breeding or reproductive stabilization procedures used in its development.
  - c. A detailed description of the morphological, physiological, and other characteristics of the plants and seed that distinguish it from other varieties.
  - d. Evidence of performance of the variety, such as comparative yield data, insect and disease resistance, or other factors supporting the identity of the variety.
  - e. A statement delineating the geographic area of adaptation of the variety.
  - f. A statement on the plans and procedures for the maintenance of stock seed classes, including the number of generations through which the variety may be multiplied.
  - g. A description of the manner in which the variety is constituted when a particular cycle of reproduction or multiplication is specified.
  - h. 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.
    - (1) Should testing be required to verify the presence of a particular trait by the developer, sponsoring breeder, or originator before final certification, the exact protocols, approved facilities, tolerances, and all other relevant information will be provided to the seed-certifying agency that may retain the results of any test for its records.
    - (2) Additional certification requirements. Seed may require additional certification requirements that are clearly referenced in the variety description, provided that the following is completed:
      - (a) Additional certification requirements have been communicated by the sponsoring breeder or originator to all parties involved with regulation and production of the variety; and
      - (b) The sponsoring breeder or originator shall authorize the seed-certifying agency to verify specific characteristics that are referenced in the variety description. Verification of such characteristics will be completed before a certificate (tag) of final certification is issued by the seed-certifying agency.
  - i. A sample of seed representative of the variety that will be planted for certified seed production.
3. This rule does not create a mandatory duty or a cause of action on account of the department's recognizing or refusing to recognize a variety as meriting certification.

**History:** Amended effective May 1, 1986; September 1, 2002; January 2, 2006; July 1, 2007; July 1, 2010; October 1, 2012, July 1, 2022.

**General Authority:** NDCC 4.1-52-10

**Law Implemented:** NDCC 4.1-53-43

#### **74-03-01-06. Seed eligibility.**

- 1. The seed department shall be supplied with satisfactory evidence of the source and class of seed used to plant each crop considered for certification.
- 2. Eligible seed stocks include breeder's, foundation, registered or, in special cases, approved lots of the certified class. Eligible seed obtained from another person must be accompanied by the official tag or bulk certificate from an approved certifying agency, which will be the documentation of acceptance required for field inspection.
- 3. Certified seed growers may plant seed from their own fields if the field passed inspection and

if the class of seed is eligible to be certified. The grower must provide sufficient evidence to the department to verify eligibility.

4. Certified seed growers may only plant seed from their own field that failed field inspection previously if the field did not fail due to genetic purity, and the grower is the applicant for field inspection. If the field fails inspection a second time for any reason, that seed shall no longer be eligible for certification.
5. Contract growers may not replant any of the seed produced unless final certification has been completed.
6. Growers should check with the state seed department regarding approved lots of the certified class eligible for recertification.

**History:** Amended effective May 1, 1986; September 1, 2002; January 2, 2006; July 1, 2010; October 1, 2012; July 1, 2018, July 1, 2022.

**General Authority:** NDCC 4.1-52-10

**Law Implemented:** NDCC 4.1-53-42, 4.1-53-44, 4.1-53-45

#### **74-03-01-09. Field inspection.**

1. Applications. Applications for field inspection, accompanied by the correct fees, payment of past-due accounts, and proof of seed eligibility, must be received at the state seed department office in Fargo not later than June fifteenth. The penalty fee will apply after that date. Applications for grass seed must be received by May first to avoid late penalty. Applications for ~~hybrid wheat and industrial~~ hemp must be received by June first to avoid late penalty. Applications for millet and buckwheat must be received by July fifteenth to avoid late penalty. Applications for soybeans requiring only a single inspection (preharvest) must be received by August first to avoid late penalty. In case of an emergency or unusual circumstances due to weather or crop conditions, the deadline may be extended at the discretion of the seed commissioner. In such an event, late application penalties may be waived.
2. Information required on application. The application shall be completed by the applicant and returned to the seed department. All questions must be answered completely and correctly. The location of the farm and field, including the legal description, shall be given clearly so that the inspector will be able to find the farm and field readily without waste of time and extra travel. Farm service agency field maps or equivalent must be provided by the applicant. If the seed is the grower's own seed, sufficient evidence must be provided to the department to verify eligibility. If the seed is purchased, an official certified seed tag or bulk certificates must accompany the application.
3. Roguing and spraying fields. Roguing is essential to maintain the purity of varieties and high standards of certified seed. Roguing fields prior to inspection is recommended to remove undesirable plants from fields. Plants that should be removed include off-type plants, other crop plants, prohibited and restricted noxious weeds, and other impurities which may be growing in the field.

Roguing is usually done by pulling off-types or other crop plants or weeds and removing them from the field. In the case of small grain, roguing should be done after heading as foreign plants are seen most easily at this time. In hybrid seed production, fertile off-types and undesirable plants should be removed before pollen is shed. Sterile off-types may be removed any time prior to the final inspection.

Whenever practical and advisable, seed fields should be sprayed with pesticides according to the manufacturer's label to control pests. Growers must follow posting requirements as specified by state and federal agencies responsible for the regulation and use of pesticides.

4. Weeds and diseases.

- a. Prohibited noxious weeds under North Dakota seed laws and rules are leafy spurge, field bindweed (creeping jenny), Canada thistle, perennial sow thistle, Russian knapweed, hoary cress (perennial peppergrass), absinth wormwood, musk thistle, spotted knapweed, yellow starthistle, and Palmer amaranth.
  - b. Restricted noxious weeds under North Dakota seed laws and rules are dodder species, hedge bindweed (wild morning glory), wild oats, and quackgrass.
  - c. A field may be rejected if it is the field inspector's opinion that the amount and kind of weeds present make it difficult to conduct the inspection, or the field condition is such that the quality of the cleaned seed may be questionable.
  - d. Objectionable weed seeds are restricted noxious weeds under North Dakota seed laws and rules and may include some common weeds which cause a specific problem in the conditioning of some individual crops.
  - e. Diseases not governed by specific crop standards may be cause for rejection if it is the field inspector's opinion that the quality of the cleaned seed may be affected or if results of tests made on the seed indicate a disease condition which will affect the crop produced from such seed.
5. Cancellation of field inspection. An application may be canceled by the applicant before the field inspection is completed. The application fee minus an administrative fee will be refunded to the applicant. The request for cancellation, however, must reach the state seed department before the inspector arrives in the general locality of the field or before inspection has occurred. Refunds will not be made after the field is inspected or because the field has been rejected.
6. Appeal. Reinspection of rejected fields may be considered, provided the application for appeal allows a reasonable amount of time for reinspection prior to harvest. A fee for reinspection may be assessed.
7. The variety name stated on the application will be standard for inspection when entering the field. Absent compelling visual evidence to the contrary, the variety or selection declared by the applicant will be presumed correct if the documentation provided is valid.

**History:** Amended effective May 1, 1986; May 1, 1988; December 18, 1989; September 1, 2002; January 2, 2006; July 1, 2007; July 1, 2010; October 1, 2012; July 1, 2018; July 1, 2020, July 1, 2022.

**General Authority:** NDCC 4.1-52-10

**Law Implemented:** NDCC 4.1-53-37, 4.1-53-42, 4.1-53-59

**74-03-01-11. Seed conditioning, sampling, and laboratory inspection.**

1. **Identification in storage.** Field-inspected seed must be identified at all times. Identification must be traceable to field inspection numbers from the crop year in which the seed was produced. Conditioned seed in storage must be identified by kind, variety, class, and lot number displayed on the bin or storage container.
2. **Preconditioned sample testing.** To hasten labeling or determine the quality of seed which has passed field inspection prior to conditioning, a representative sample of seed may be submitted to the state seed department for the purpose of germination and disease testing. The sample should be cleaned on a small mill or hand sieve to approximate as nearly as possible the quality of the entire lot after conditioning.

Results of germination and disease tests conducted on preconditioned samples may be used for final certification purposes. A labeler may request new tests for labeling purposes after the seed lot is conditioned. Fragile crops such as soybeans, field beans, lentils, chickpeas, and field peas must be tested for germination after the final conditioning of the seed lot to assure

correctness of label claims. The labeler is responsible in all cases for information stated on seed labels.

3. **Conditioning.** All field-inspected seed which is to be labeled must be conditioned and must meet the minimum seed standards for the crop and class. Field-inspected seed may be conditioned either by the grower or by an approved seed conditioner.

- a. Conditioning by seed grower.

- (1) A seed grower does not need an approved conditioning facility permit if the grower conditions the grower's own seed on the grower's premises with the grower's equipment.
- (2) The seed grower must complete a sampler's report in its entirety, attach the report to a two-pound [.907-kilogram] sample that is representative of the entire seed lot, and deliver submit to the state seed department for analysis.

- b. Conditioning by an approved facility.

- (1) To be eligible for final certification, field-inspected seed shall be conditioned by a facility approved by the seed department. Seed conditioned at an unapproved facility will be ineligible for final certification.
- (2) If ownership of the seed lot is transferred to a different individual or entity, the grower must complete and sign a grower's declaration. Transfer of ownership of field-inspected seed is limited to an approved conditioner or bulk retailer unless the transfer has been approved by the commissioner.
- (3) While conditioning, the seed lot must be sampled at regular intervals by an authorized sampler. The sample and completed sampler's report must be submitted to the state seed department for analysis.

4. **Sampling procedures.** Representative samples of seed for testing and analysis must be collected during or after conditioning in accordance with sampling procedures outlined in the current association of official seed certifying agencies operational procedures.

- a. All seed lots eligible for final certification shall be sampled during conditioning as follows:

- (1) Portions of conditioned seed may be drawn by hand as seed is conditioned to form a composite, representative sample for a seed lot; and or
- (2) Automatic mechanical devices may be used to continually or intermittently draw representative samples as a seed lot is conditioned.

- b. ~~Specific instructions to samplers are found on the reverse side of the sampler's report.~~

5. **Maximum lot size and numbering.**

- a. The maximum lot size for bagged seed is five thousand bushels [17619.54 dekaliters] except for small seeded legumes and grasses which is twenty-two thousand five hundred pounds [10000 kilograms]. Bulk seed lots do not have a maximum size limit except bin capacity. Each bin is considered a separate seed lot. For all crops, one sample for each lot is required. The entire lot must be certified at the time final certification is completed.
- b. The lot number shall be designated by the labeler. ~~The lot number of the seed planted may not be used as the new lot number for the seed being certified during the current crop year.~~ For purposes of easier identification on-site, the labeler should incorporate the storage bin number in the lot number.

6. **Commingling (mixing) of inspected seed fields.** Seed of the same kind and variety from

different fields that pass field inspection may be commingled if the seed is of the same class and general quality. If seed of different classes is commingled, the seed becomes eligible for the lowest class only.

- ~~7. **Commingling carryover certified seed lots.** Carryover seed from certified lots may be commingled if the seed is of the same variety, class, and general quality. If seed of different classes is commingled, the seed becomes eligible for the lowest class only. A new germination test is required for labeling. Germination tests should be done on each lot prior to commingling to ensure none of the lots have gone out of condition.~~
8. The state seed department may resample any lot of seed before final certification or after the seed is labeled.
9. **Official samples.** At the request of a customer, an official sample may be collected by a representative of the seed department, with expenses incurred by the customer. The seed department shall determine the appropriate collection method and sample size. Sampling bulk seed in bins requires that a minimal amount of seed is withdrawn from the bin. The amount shall be determined by the quantity of seed in the lot, but shall be no less than five percent of the total lot size. Test results from official samples shall supersede all previous test results and shall be final.
10. **Laboratory analysis.**
  - a. All laboratory testing shall be done by qualified personnel of the state seed department. Analysis and tests of seed samples and definition of analysis terms shall be in accordance with the rules of the association of official seed analysts (AOSA). In certain cases when time constraints are critical to the efficient movement of certified seed, the commissioner may accept germination or other test results from an approved laboratory; ~~through the certification agency of the state of origin of the seed.~~
  - b. If more than one sample of seed from the same lot is tested without additional conditioning, an average shall be taken of all purity tests conducted. Results from the most recent germination or disease test shall be used as the final result.
  - c. Seed from certain classes or kinds, or both, may be subject to variety identification analysis at the discretion of the department, with testing fees payable by the grower or labeler.

**History:** Amended effective May 1, 1986; May 1, 1988; December 18, 1989; August 1, 1991; September 1, 2002; January 2, 2006; July 1, 2007; July 1, 2010; October 1, 2012; July 1, 2018.; July 1, 2020, July 1, 2022.

**General Authority:** NDCC 4.1-52-10

**Law Implemented:** NDCC 4.1-53-46

#### **74-03-01-14. Carryover seed.**

All carryover seed must be retested for germination before new certified seed labels will be issued by the state seed department. The sample shall be obtained from the bulk or bagged product and not from the file sample.

1. Commingling carryover certified seed lots. Carryover seed from certified lots may be commingled if the seed is of the same variety, class, and general quality. If seed of different classes is commingled, the seed becomes eligible for the lowest class only. A new germination test is required for labeling. Germination tests should be done on each lot prior to commingling to ensure none of the lots have gone out of condition.

**History:** Amended effective May 1, 1986; September 1, 2002; January 2, 2006; July 1, 2010; October 1, 2012; July 1, 2020, July 1, 2022.



**General Authority:** NDCC 4.1-52-10  
**Law Implemented:** NDCC 4.1-53-42

**CHAPTER 74-03-14**  
**SPECIFIC CROP REQUIREMENTS - HYBRID WHEAT AND HYBRID RYE**  
**COMINGLED PARENT LINES**

Section

74-03-14-01	General Requirements
74-03-14-02	Land Requirements
74-03-14-03	Field Inspection
74-03-14-04	Field Standards
74-03-14-05	Seed Standards

**74-03-14-02. Land requirements.**

1. Maintainer and restorer lines are not eligible for foundation class if planted on land on which the same kind was grown the previous two years unless the previous crop was the same variety and was inspected for certification.
2. Seed parents are not eligible for certification if planted on land on which the same kind was grown the previous two years.
3. Commercial hybrids are not eligible for certification if planted on land on which the same kind was grown the previous two years.

**History:** Effective July 1, 2018, amended effective July 1, 2022.

**General Authority:** NDCC 4.1-52-10

**Law Implemented:** NDCC 4.1-52-10, 4.1-53-42

**74-03-14-03. Field inspection.**

Fields for the production of parental lines utilized in hybrid wheat and hybrid rye production must be inspected as follows. Roguing to remove undesirable plants must be done prior to field inspection. Rogued plants must be removed from the field.

1. ~~AxB production. Seed parents must be inspected three times. The first inspection must occur after heading but before anthesis to check for off-type plants. The second and third inspections must be during anthesis to check for shedders in the seed parent, the presence of which must be communicated immediately with the seed producer to allow for roguing at least once during anthesis to check for off-type plants, shedders and proper isolation.~~
2. Maintainers and restorers. Male lines must be inspected at least once for purity after the crop is fully headed.
3. Commercial hybrid production fields must be inspected at least once.

**History:** Effective July 1, 2018; amended effective July 1, 2020, July 1, 2022.

**General Authority:** NDCC 4.1-52-10

**Law Implemented:** NDCC 4.1-52-10, 4.1-53-42

**74-03-14-05. Seed standards.**

A variety identification test is required for A-, B-, and R-lines of wheat. A hybridity test is required on hybrid seed. A seed count is required on all hybrids.

Factor	Standards for Each Class	
	A-, B-, and R-Lines	Commercial Hybrid
	Foundation	Certified

Pure seed (minimum)*	98 <u>9</u> .0 percent	98 <u>9</u> .0 percent
Hybridity (minimum) **	N/A	75.0 percent
Total weed seeds (maximum)	0.10 percent	0.10 percent
Other varieties ***	0.005 percent	0.05 percent
Other crop seeds (maximum)	0.01 percent	0.08 percent
Inert matter (maximum) ****	2 <u>1</u> .0 percent	2 <u>1</u> .0 percent
Prohibited noxious weed seeds	none	none
Germination*****	80 <u>5</u> .0 percent	80 <u>5</u> .0 percent

\*Pure seed minimum for rye is 98.0 percent

\*\*Hybridity will be determined by an acceptable method and test results shall be submitted to the agency with a declaration of the hybridity prior to final certification of each lot of spring cereals and within one hundred sixty days of harvest for winter cereals.

\*\*\*Other varieties include plants that can be differentiated from the variety being inspected, but may not include variants that are characteristic of the variety.

\*\*\*\*Inert matter may not include more than 0.5 percent of material other than seed fragments of the variety under consideration. Maximum inert matter for rye is 2.0 percent

\*\*\*\*\*Minimum germination for rye is 80.0 percent.

**History:** Effective July 1, 2018; amended effective July 1, 2020, July 1, 2022.

**General Authority:** NDCC 4.1-52-10

**Law Implemented:** NDCC 4.1-52-10, 4.1-53-42



**CHAPTER 74-03-**  
**14.1**  
**SPECIFIC CROP REQUIREMENTS – CYTOPLASMIC MALE STERILE**  
**HYBRID WHEAT**

Section

74-03-14-01	<u>General Requirements</u>
74-03-14-02	<u>Land Requirements</u>
74-03-14-03	<u>Field Inspection</u>
74-03-14-04	<u>Field Standards</u>
74-03-14-05	<u>Seed Standards</u>

**74-03-14.1-01. General requirements.**

The following genetic standards are applicable for the production of parental lines and hybrids of wheat produced in alternating strips of cytoplasmic male-sterile seed parent and a fertility restorer line.

1. **Eligibility requirements for varieties.** Standards applicable to wheat varieties apply to the production of pollinator lines.
2. **Definition of parental types.**
  - a. **Maintainer (B-line).** A line with normal fertile cytoplasm which is used as a pollinator to increase the seed parent.
  - b. **Seed parent (A-line).** A cytoplasmic male-sterile line (CMS), which is genetically identical to the maintainer line that when pollinated by a restorer, produces hybrid seed.
  - c. **Restorer (R-line).** Any male fertile line possessing nuclear restoration genes used as a pollinator in the production of commercial hybrid seed.
3. **Eligible seed classes.**
  - a. Only the certified class is recognized in the production of commercial hybrid seed. A commercial hybrid is planted for any use except for seed production. To be certified, a commercial hybrid must be produced from foundation class seed stocks. These seed stocks must consist of male steriles, inbred lines, and/or hybrids.
  - b. Only the foundation class is recognized for parental lines.

History: Effective July 1, 2022.

General Authority: NDCC 4.1-52-10

Law Implemented: NDCC 4.1-52-10, 4.1-53-42

**74-03-14.1-02. Land requirements.**

1. Maintainer and restorer lines are not eligible for foundation class if planted on land on which the same kind was grown the previous two years unless the previous crop was the same variety and was inspected for certification.
2. Seed parents are not eligible for certification if planted on land on which the same kind was grown the previous two years.
3. Commercial hybrids are not eligible for certification if planted on land on which the same kind was grown the previous year.

History: Effective July 1, 2022.

General Authority: NDCC 4.1-52-10

Law Implemented: NDCC 4.1-52-10, 4.1-53-42

### **74-03-14.1-03. Field inspection.**

Fields for the production of parental lines utilized in hybrid wheat production must be inspected as follows. Roguing to remove undesirable plants must be done prior to field inspection. Rogued plants must be removed from the field.

1. AxB production. Seed parents must be inspected at least once during anthesis to check for off-type plants, shedders and proper isolation. Additional inspections may be required at the discretion of the certifying agency to determine shedder frequency or varietal purity.
2. Maintainers and restorers. Male lines must be inspected at least once for purity after the crop is fully headed.
3. Commercial hybrid production fields must be inspected at least once.

**History:** Effective July 1, 2022.

**General Authority:** NDCC 4.1-52-10

**Law Implemented:** NDCC 4.1-52-10, 4.1-53-42

### **74-03-14.1-04. Field standards.**

#### **1. Isolation.**

- a. Seed parent increases (AxB). Fields or parts of fields acceptable for production of seed parents to be used for the production of commercial hybrid seed must be so located that the seed parent is not less than two thousand six hundred forty feet [804.67 meters] from fields of other kinds or varieties that could provide a source of contamination, or from fields of the same variety that do not meet varietal purity requirements for certification. The A-line and B-line must be separated by an unplanted strip of ground adequate to prevent mechanical mixture.
- b. Maintainer and restorer increases. Fields or parts of fields acceptable for production of pollinator lines must be so located that the line is not less than thirty feet [9 meters] from fields of other kinds or varieties which could provide a source of contamination, or from fields of the same variety that do not meet varietal purity requirements for certification. Prior to inspection, the field must be isolated from inseparable crops by a strip at least five feet wide to prevent mechanical contamination.
- c. Commercial hybrids. Fields or parts of fields acceptable for production of commercial hybrid seed must be no less than three hundred thirty feet [100.58 meters] from fields of other kinds or varieties that would provide a source of contamination, or from fields of the same variety that do not meet varietal purity requirements for certification. Seed Parent and Restorer lines shall be separated from each other by an unplanted strip of ground adequate to prevent mechanical mixture.

#### **2. Specific field standards.**

<u>Factor</u>	<u>A-Line Foundation</u>	<u>B- and R-Lines Foundation</u>	<u>Commercial Hybrid Certified</u>
<u>Pollen shedders</u>	<u>1:3,000</u>	<u>N/A</u>	<u>N/A</u>
<u>Other varieties *</u>	<u>1:3,000</u>	<u>1:3,000</u>	<u>1:3,000</u>
<u>Inseparable other crops</u>	<u>1:30,000</u>	<u>1:30,000</u>	<u>1:5,000</u>

Prohibited noxious weed seeds **	none	none	none
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\*Other varieties include plants that can be differentiated from the variety being inspected, but may not include variants that are characteristic of the variety.

\*\*The tolerance for prohibited or objectionable weeds, or both, in the field will be determined by the inspector.

**History:** Effective July 1, 2022.

**General Authority:** NDCC 4.1-52-10

**Law Implemented:** NDCC 4.1-52-10, 4.1-53-42

#### **74-03-14.1-05. Seed standards.**

A variety identification test is required for A-, B-, and R-lines of wheat. A seed count is required on all hybrids.

<u>Factor</u>	<u>Standards for Each Class</u>	
	<u>A-, B-, and R-Lines</u>	<u>Commercial Hybrid</u>
<u>Pure seed (minimum)</u>	<u>99.0 percent</u>	<u>99.0 percent</u>
<u>Total weed seeds (maximum)</u>	<u>0.10 percent</u>	<u>0.10 percent</u>
<u>Other varieties *</u>	<u>0.005 percent</u>	<u>0.05 percent</u>
<u>Other crop seeds (maximum)</u>	<u>0.01 percent</u>	<u>0.08 percent</u>
<u>Inert matter (maximum) **</u>	<u>1.0 percent</u>	<u>1.0 percent</u>
<u>Prohibited noxious weed seeds</u>	<u>none</u>	<u>none</u>
<u>Germination</u>	<u>85.0 percent</u>	<u>85.0 percent</u>

\*Other varieties include plants that can be differentiated from the variety being inspected, but may not include variants that are characteristic of the variety.

\*\*Inert matter may not include more than 0.5 percent of material other than seed fragments of the variety under consideration.

**History:** Effective July 1, 2022.

**General Authority:** NDCC 4.1-52-10

**Law Implemented:** NDCC 4.1-52-10, 4.1-53-42