

CHAPTER 74-03-02
SPECIFIC CROP REQUIREMENTS - SMALL GRAINS AND FLAX

Section	
74-03-02-01	Land Requirements
74-03-02-02	Field Inspection
74-03-02-03	Field Standards
74-03-02-04	Seed Standards (Wheat - Oats - Barley - Rye - Triticale)
74-03-02-05	Seed Standards (Flax)

74-03-02-01. Land requirements. A crop of small grain or flax will not be eligible for certification if planted on land on which the same kind was grown the year previous unless the previous crop was the same variety and was inspected for certification. A crop of winter wheat may be planted on a field that previously produced spring wheat. Foundation or registered class fields of durum will not be eligible for certification if planted on land on which spring wheat was planted either of the two previous years.

History: Amended effective May 1, 1986; January 2, 2006; July 1, 2010.

General Authority: NDCC ~~4-09-03, 4-09-05, 4-09-16~~ 4.1-53-11

Law Implemented: NDCC ~~4-09-16, 4-09-17, 4-09-18~~ 4.1-53-11, 4.1-53-42

74-03-02-02. Field inspection. All field inspection of small grain and flax will be made after the crop is fully headed or in the case of flax in bloom or in the boll stage. A field harvested before inspection will not be eligible for certification.

History: Amended effective January 2, 2006.

General Authority: NDCC ~~4-09-03, 4-09-05, 4-09-16~~ 4.1-53-11

Law Implemented: NDCC ~~4-09-16, 4-09-17, 4-09-18~~ 4.1-53-11, 4.1-53-42

74-03-02-03. Field standards.

1. Isolation.

- a. Prior to inspection, the field must be isolated from inseparable crops by a fence row, natural boundary, or by a strip at least five feet [1.52 meters] wide which is either mowed, sprayed, or uncropped.
- b. All rye fields producing certified seed must be isolated by at least six hundred sixty feet [201.17 meters] from rye fields of any other variety or fields of the same variety that do not meet the varietal purity requirements for certification.

~~**2. Roguing.**~~

- ~~a. All roguing to remove undesirable plants must be done before field inspection is made. Rogued plants must be removed from the field to be harvested.~~

~~b. Patches of inseparable prohibited or objectionable weeds, or both, must be either removed by cutting or must be controlled by other means so that no seed is produced or harvested.~~

23. Specific field standards(wheat - barley - oats - rye - triticale).

Factor	Maximum Tolerance		
	Foundation	Registered	Certified
Other varieties *	1:10,000	1:5,000	1:2,000
Inseparable other crops	1:30,000	1:10,000	1:5,000
Prohibited noxious weeds **	none	none	none

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

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

34. Specific field standards (flax).

Factor	Maximum Tolerance		
	Foundation	Registered	Certified
Other varieties *	1:10,000	1:5,000	1:2,000
Prohibited noxious weeds **	none	none	none

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

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

History: Amended effective May 1, 1986; September 1, 2002; January 2, 2006; July 1, 2010.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-02-04. Seed standards (wheat - oats - barley - rye - triticale).

Seed count required on wheat, oats, barley, and durum.

Variety identification test required for hard red spring wheat and barley.

Factor	Standards for Each Class		
	Foundation	Registered	Certified
Pure seed (minimum) *	99.0 percent	99.0 percent	99.0 percent
Total weed seeds (maximum)	2 per pound	5 per pound	10 per pound
Other varieties **	1 per 2 pounds	1 per pound	3 per pound
Other crop seeds (maximum)	1 per 2 pounds	1 per pound	3 per pound
Inert matter (maximum) ***	1.0 percent	1.0 percent	1.0 percent
Prohibited noxious weed seeds +	none	none	none
Objectionable weed seeds (maximum) ++	1 per <u>2</u> 4 pounds	1 per 2 pounds	1 per pound
Germination +++	85.0 percent	85.0 percent	85.0 percent

* The standard for durum and rye shall be 98.0 percent minimum.

** Other varieties shall not include variants characteristic of the variety. White wheat must be tested for red wheat contaminants.

*** For all crops foreign matter other than broken seed shall not exceed 0.2 percent. Durum, triticale, and rye may contain 2.0 percent maximum inert matter.

+ Including the seeds of quackgrass.

++ Objectionable weed seeds shall include the following: dodder, wild oats, hedge bindweed (wild morning glory), giant ragweed (kinghead), falseflax, and dragonhead.

+++ Winter wheat, durum, and rye minimum 80.0 percent.

Note: A barley labeler is responsible for having a loose smut test, by an official laboratory, on the harvested seed of each field of barley. If seed from more than one field is blended without having a test for each field, a loose smut test must be made on each seed lot or subplot. The percentage of loose smut will be printed on the certification certificate or label. The foundation class of barley has a zero tolerance for barley stripe mosaic virus.

History: Amended effective May 1, 1986; May 1, 1988; December 18, 1989; August 1, 1991; September 1, 2002; January 2, 2006; July 1, 2010.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-02-05. Seed standards (flax).

Factor	Standards for Each Class		
	Foundation	Registered	Certified
Pure seed (minimum)	99.0 percent	99.0 percent	98.5 percent
Total weed seeds (maximum)	15 per pound	15 per pound	30 per pound
Other varieties (maximum) *	2 per pound	8 per pound	16 per pound
Brown			
Yellow			
Other crop seeds (maximum)	2 per pound	5 per pound	10 per pound
Inert matter (maximum) **	1.0 percent	1.0 percent	1.5 percent
Prohibited noxious weed seeds ***	none	none	none
Objectionable weed seeds (maximum) +	1 per 2 pounds	1 per 2 pounds	3 per pound
Germination (minimum)	85.0 percent	85.0 percent	85.0 percent

* Other varieties shall not include variants characteristic of the variety. ~~For golden or yellow varieties the standards are 4, 16, and 32 per pound respectively.~~

** ~~May not exceed two tenths percent~~ Fforeign matter, other than broken seed, may not exceed 0.2 percent.

*** Including seeds of quackgrass.

+ Objectionable weed seeds shall include the following: dodder species, wild oats, hedge bindweed (wild morning glory), giant ragweed (kinghead), small seeded falseflax, and American dragonhead.

History: Amended effective May 1, 1986; May 1, 1987; May 1, 1988; September 1, 2002; January 2, 2006.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

**CHAPTER 74-03-03
SPECIFIC CROP REQUIREMENTS – ALFALFA
(NON-HYBRID)**

Section	
74-03-03-01	Land Requirements
74-03-03-02	Field Inspection
74-03-03-03	Field Standards
74-03-03-04	Seed Standards (Alfalfa)

74-03-03-01. Land requirements. A field to be eligible for the production of foundation, registered, or certified seed must not have been in alfalfa production in the previous ~~four~~three years, unless the field was planted to the same class or a higher class of the same variety and passed field inspection for certification in one of the three years.

General Authority: NDCC ~~4-09-03, 4-09-05, 4-09-16~~ 4.1-53-11

Law Implemented: NDCC ~~4-09-16, 4-09-17, 4-09-18~~ 4.1-53-11, 4.1-53-42

74-03-03-02. Field inspection. Field inspection prior to harvest will be required each year a seed crop is removed.

General Authority: NDCC ~~4-09-03, 4-09-05, 4-09-16~~ 4.1-53-11

Law Implemented: NDCC ~~4-09-16, 4-09-17, 4-09-18~~ 4.1-53-11, 4.1-53-42

74-03-03-03. Field standards.

- 1. Age.** Production for seed certification shall be limited to fields not more than six years old, excluding the year seeded.
- 2. Portion.** A portion of a field may be certified if the area to be certified is clearly defined. Portions of the field not meeting requirements for certification must not be allowed to reach the bud stage.
- 3. Isolation.** A field producing foundation, registered, or certified seed must have the minimum isolation distance from fields of any other variety or fields of the same variety that do not meet the varietal purity requirements for certification, as given in the following table:

Class	Fields of Less Than Five Acres	Fields of Five Acres or More
Foundation	1,320 feet	1,320 feet
Registered	660 feet	330 feet
Certified	330 feet	165 feet
Between different classes of the same variety	165 feet	165 feet

4. Specific field standards requirements.

Factor	Maximum Permitted in Each Class		
	Foundation	Registered	Certified
Other varieties *	0.1 percent (1:1,000)	.25 percent (1:400)	1.0 percent (1:100)
Sweetclover	none	5 plants per acre	25 plants per acre

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

History: Amended effective May 1, 1986; January 2, 2006.

General Authority: NDCC ~~4-09-03, 4-09-05, 4-09-16~~ 4.1-53-11

Law Implemented: NDCC ~~4-09-16, 4-09-17, 4-09-18~~ 4.1-53-11, 4.1-53-42

74-03-03-04. Seed standards (alfalfa) .

Factor	Standards for Each Class		
	Foundation	Registered	Certified
Pure seed (minimum)	99.0 percent	99.0 percent	99.0 percent
Total weed seeds (maximum)	0.1 percent	0.2 percent	0.5 percent
Other varieties (maximum) *	0.1 percent	.25 percent	1.00 percent
Other crop seeds (maximum)	0.2 percent	.35 percent	1.00 percent
Sweetclover seed (maximum)	none	18 per pound	45 per pound
Inert matter (maximum)	1.0 percent	1.0 percent	1.0 percent
Prohibited noxious weed seeds **	none	none	none
Objectionable weed seeds ***	none	9 per pound	13 per pound
Germination and hard seeds (minimum)	85.0 percent	85.0 percent	85.0 percent

** Including sweetclover.

* Includes the seeds of quackgrass and dodder species.

** Objectionable weed seeds shall include the following: wild oats, dragonhead, hedge bindweed (wild morning glory), giant ragweed (kinghead), nightflowering catchy, hoary alyssum, white cockle, buckhorn plantain, small seeded falseflax, and dragonhead.

History: Amended effective May 1, 1986; September 1, 2002.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

CHAPTER 74-03-07.1
SPECIFIC CROP REQUIREMENTS - BUCKWHEAT

Section	
74-03-07.1-01	Land Requirements
74-03-07.1-02	Field Inspection
74-03-07.1-03	Field Standards
74-03-07.1-04	Seed Standards

74-03-07.1-01. Land requirements. A crop of buckwheat will not be eligible for certification if planted on land on which the same kind was grown the year previous unless the previous crop was ~~grown from certified seed~~ of the same variety and was inspected for certification.

History: Effective May 1, 1986; amended effective July 1, 2010.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-07.1-02. Field inspection. All field inspection of buckwheat will be made in the bloom stage. A field harvested before inspection will not be eligible for certification

- ~~1. All field inspection of buckwheat will be made in the bloom stage.~~
- ~~2. A field harvested before inspection will not be eligible for certification.~~

History: Effective May 1, 1986; amended effective January 2, 2006.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-07.1-03. Field standards.

1. Isolation.

- a. Prior to inspection, the field must be isolated from inseparable crops by a fence row, natural boundary, or by a strip at least five feet [1.52 meters] wide which is either mowed, sprayed, or uncropped.
- b. All buckwheat fields producing certified seed must be isolated by at least six hundred sixty feet [201.17 meters] from buckwheat fields of any other variety or fields of the same variety that do not meet the varietal purity requirements for certification.

~~2. Roguing.~~

- ~~a. All roguing must be done before field inspection. Rogued plants must be removed from the field to be harvested.~~
- ~~b. Patches of prohibited weeds must be either removed by cutting or must be controlled by other means so that no seed is produced.~~

3. Specific field standards.

Factor	Maximum Tolerance		
	Foundation	Registered	Certified
Other varieties *	1:10,000	1:5,000	1:2,000
Inseparable other crops	1:10,000	1:10,000	1:5,000
Prohibited weed seeds **	none	none	none

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

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

History: Effective May 1, 1986; amended effective May 1, 1988; September 1, 2002; January 2, 2006; July 1, 2010.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-07.1-04. Seed standards.

Factor	Standards for Each Class		
	Foundation	Registered	Certified
Pure seed (minimum)	99.0 percent	99.0 percent	99.0 percent
Total weed seeds (maximum)	2 per pound	5 per pound	10 per pound
Other varieties *	1 per 2 pounds	1 per pound	3 per pound
Other crop seeds (maximum)	1 per 2 pounds	1 per pound	3 per pound
Inert matter (maximum)**	1.0 percent	1.0 percent	1.0 percent
Prohibited weed seeds ***	none	none	none
Objectionable weed seeds (maximum) ****	1 per 24 pounds	1 per 2 pounds	2 per pound
Germination	85.0 percent	85.0 percent	85.0 percent

* Other varieties shall not include variants characteristic of the variety.

** ~~For all crops~~ foreign matter other than broken seed may not exceed 0.2 percent.

* Including the seeds of quackgrass.

** Objectionable weed seeds shall include the following: dodder, wild oats, hedge bindweed (wild morning glory), giant ragweed (kinghead), falseflax, and dragonhead.

History: Effective May 1, 1986; amended effective September 1, 2002; January 2, 2006; July 1, 2010.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

CHAPTER 74-03-08
SPECIFIC CROP REQUIREMENTS - MILLET - SELF-POLLINATING

Section	
74-03-08-01	Land Requirements
74-03-08-02	Field Inspection
74-03-08-03	Field Standards
74-03-08-04	Seed Standards

74-03-08-01. Land requirements. A millet crop shall be planted on land on which the last crop grown was of another kind or was planted with ~~certified seed~~ of the same variety and ~~was~~ inspected for certification.

History: Amended effective May 1, 1986; July 1, 2010.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-08-02. Field inspection. Fields shall be inspected before harvest or when the seed begins to take on color.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-08-03. Field standards.

1. **Isolation.** Prior to inspection, a field must be isolated from inseparable crops by a fence row, natural boundary, or by a strip at least five feet [1.52 meters] wide which is either mowed, sprayed, or uncropped.

2. **Specific field standards.**

Factor	Foundation	Registered	Certified
Other varieties (maximum) *	1:3,000	1:2,000	1:1,000
Inseparable other crops (maximum)	1:10,000	1:10,000	1:2,000
Prohibited weeds**	None	None	None

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

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

History: Amended effective May 1, 1986; January 2, 2006; July 1, 2010.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-08-04. Seed standards.

Factor	Standards for Each Class		
	Foundation	Registered	Certified
Pure seed (minimum)	99.0 percent	99.0 percent	98.0 percent
Total weed seeds (maximum)	.01 percent	.01 percent	.04 percent
Total other crop seeds (maximum)	.01 percent	.01 percent	.04 percent
Other varieties (maximum)	.01 percent	.01 percent	.02 percent
Other kinds (maximum)	.01 percent	.01 percent	.02 percent
Inert matter	1.0 percent	1.0 percent	2.0 percent
Prohibited noxious weed seeds	none	none	none
Objectionable weed seeds *	none	1 per pound	3 per pound
Germination	70.0 percent	70.0 percent	70.0 percent

- * Objectionable weed seeds are dodder, wild oats, quackgrass, hedge bindweed (wild morning glory), nightflowering catchfly, giant foxtail, hoary alyssum, wild radish, wild vetch species, buckhorn plantain, and horsenettle.

History: Amended effective May 1, 1986; September 1, 2002; January 2, 2006; July 1, 2010.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

CHAPTER 74-03-09
SPECIFIC CROP REQUIREMENTS - MUSTARD, CRAMBE, CANOLA, AND
RAPE (NON-HYBRID)

Section	
74-03-09-01	Land Requirements
74-03-09-02	Field Inspection
74-03-09-03	Field Standards
74-03-09-04	Seed Standards

74-03-09-01. Land requirements. Foundation seed of mustard, crambe, canola, and rape shall be on land which did not produce mustard, crambe, canola, or rape during the previous ~~four~~ five years. Certified seed of mustard, crambe, canola, and rape shall be on land which did not produce mustard, crambe, canola, or rape during the previous ~~two~~ three years. Registered and certified seed of crambe must be on land which did not produce crambe during the previous ~~three~~ years.

History: Amended effective December 18, 1989; September 1, 2002.

General Authority: NDCC 4-09-03, 4-09-05, 4-09-16

Law Implemented: NDCC 4-09-16, 4-09-17, 4-09-18

74-03-09-02. Field inspection. Field inspection shall be made after the crop reaches the bloom stage (at least fifty percent of the plants showing one or more blossoms).

History: Amended effective May 1, 1986.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-09-03. Field standards.

1. General.

a. Isolation. A field producing any class of certified seed must have the minimum isolation distance from fields of any other variety of the same kind, or from a noncertified crop of the same variety as follows:

- * Producing foundation seed - one thousand three hundred twenty feet [402.34 meters]. All foundation fields of mustard, canola, or rape must be isolated by three hundred thirty feet [100.58 meters] from fields of the other kind (rape from mustard or canola; mustard from rape or canola; or canola from rape or mustard).
- * Producing registered crambe seed - six hundred sixty feet [201.17 meters].

** Producing certified seed - six hundred sixty feet [201.17 meters].

Required isolation between classes of the same variety - ten feet [3.05 meters].

b. Unit of certification. The field is the unit of certification. A portion of a field may be accepted for certification provided that the rejected portion in no way impairs the genetic purity of the portion accepted.

2. Specific field standards.

Factor	Maximum Permitted in Each Class		
	Foundation	Crambe Only	Certified
Other varieties *	1:2,000	1:2,000	1:500
Inseparable other crops	1:2,000	1:2,000	1:500

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

History: Amended effective May 1, 1986; December 18, 1989; September 1, 2002; January 2, 2006.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-09-04. Seed standards.

Factor	Foundation	Registered	
		Crambe Only	Certified
Pure seed (minimum)	99.00 percent	99.00 percent	99.00 percent
Inert matter (maximum)	1.00 percent	1.00 percent	1.00 percent
Prohibited noxious weed seeds +	none	none	none
Objectionable weed seeds *	1 per pound	3 per pound	5 per pound
Other weeds	5 per pound	10 per pound	15 per pound
Total other crop seeds (maximum)	0.05 percent	0.10 percent	0.25 percent
Other varieties (maximum)	0.05 percent	0.10 percent	0.25 percent
Other kinds (maximum) **	0.01 percent	0.01 percent	0.01 percent
Germination (minimum)	85.00 percent	85.00 percent	85.00 percent
Sclerotia (maximum)	7 per pound	7 per pound	7 per pound

+ Prohibited noxious weed seeds include the seeds of cleavers or bedstraw.

- * Objectionable weed seeds are dodder, wild mustard, wild oats, quackgrass, and hedge bindweed (wild morning glory).
- ** Shall not exceed one per pound for foundation and six per pound for certified.

History: Amended effective May 1, 1986; May 1, 1988; December 18, 1989; September 1, 2002; January 2, 2006.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

CHAPTER 74-03-09.1
SPECIFIC CROP REQUIREMENTS – HYBRID CANOLA AND RAPESEED

Section

<u>74-03-09.1-01</u>	<u>Land Requirements</u>
<u>74-03-09.1-02</u>	<u>Seed Requirements</u>
<u>74-03-09.1-03</u>	<u>Field Inspection</u>
<u>74-03-09.1-04</u>	<u>Field Standards</u>
<u>74-03-09.1-05</u>	<u>Seed Standards</u>

74-03-09.1-01. Land requirements. Crops for production of Foundation seed must not be planted on land that has grown canola, rapeseed, mustard or oilseed radish during the preceding five years. Crops for production of Certified seed must not be planted on land that has grown canola, rapeseed, mustard or oilseed radish during the preceding three years.

History:

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-09.1-02. Seed Requirements. Only the certified class is recognized in the production of commercial hybrid seed. Breeder or Foundation seed must be used to establish all fields of hybrid canola/rapeseed for certification.

History:

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-09.1-03. Field inspection. Field inspection shall be made when the seed parent is in early bloom. Additional inspections may be required.

History:

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-09.1-04. Field standards.

1. General.

- a. Isolation. A field producing foundation or certified seed must be isolated by a minimum of 2,640 feet from any other canola/rapeseed.
- b. Unit of certification. The entire field is the unit of certification. A portion of a field may be accepted for certification provided that the rejected portion does not affect the genetic purity of the portion accepted.

2. Specific field standards.

<u>Factor</u>	<u>Maximum Permitted in Each Class</u>	
	<u>Foundation</u>	<u>Certified</u>
<u>Other varieties *</u>	<u>1:2,000</u>	<u>1:500</u>
<u>Inseparable other crops</u>	<u>1:2,000</u>	<u>1:500</u>

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

History:

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-09.1-05. Seed standards.

<u>Factor</u>	<u>Foundation</u>	<u>Registered</u>	
		<u>Crambe Only</u>	<u>Certified</u>
<u>Pure seed (minimum)+</u>	<u>99.00 percent</u>	<u>99.00 percent</u>	<u>99.00 percent</u>
<u>Inert matter (maximum)</u>	<u>1.00 percent</u>	<u>1.00 percent</u>	<u>1.00 percent</u>
<u>Prohibited noxious weed seeds *</u>	<u>none</u>	<u>none</u>	<u>none</u>
<u>Objectionable weed seeds **</u>	<u>1 per pound</u>	<u>3 per pound</u>	<u>5 per pound</u>
<u>Other weeds</u>	<u>5 per pound</u>	<u>10 per pound</u>	<u>15 per pound</u>
<u>Total other crop seeds (maximum)</u>	<u>0.05 percent</u>	<u>0.10 percent</u>	<u>0.25 percent</u>
<u>Other varieties (maximum)</u>	<u>0.05 percent</u>	<u>0.10 percent</u>	<u>0.25 percent</u>
<u>Other kinds (maximum) ***</u>	<u>0.01 percent</u>	<u>0.01 percent</u>	<u>0.01 percent</u>
<u>Germination (minimum)</u>	<u>85.00 percent</u>	<u>85.00 percent</u>	<u>85.00 percent</u>
<u>Sclerotia (maximum)</u>	<u>7 per pound</u>	<u>7 per pound</u>	<u>7 per pound</u>

+ Percent hybrid seed shall not be less than 80%. A certificate from an accredited laboratory indicating the percentage of hybridity must be submitted prior to final certification.

A certificate from an accredited laboratory indicating satisfactory erucic acid and glucosinolate content may be required prior to final certification.

* Prohibited noxious weed seeds include the seeds of cleavers or bedstraw.

** Objectionable weed seeds are dodder, wild mustard, wild oats, quackgrass, and hedge bindweed (wild morning glory).

*** Shall not exceed one per pound for foundation and six per pound for certified.

History:

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

CHAPTER 74-03-10
SPECIFIC CROP REQUIREMENTS - SAFFLOWER

Section	
74-03-10-01	Land Requirements
74-03-10-02	Field Inspection
74-03-10-03	Field Standards
74-03-10-04	Seed Standards (Safflower)

74-03-10-01. Land requirements. Safflower will not be considered for certification if planted on land where safflower has been grown the past two years. It is recommended that the crop be planted on summerfallow or on land immediately following a separable crop.

History: Amended effective May 1, 1988.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-10-02. Field inspection. Field inspection shall be made after the crop reaches the bloom stage (at least fifty percent of the plants showing one or more blossoms).

History: Amended effective May 1, 1986.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-10-03. Field standards.

1. General Isolation.

~~a. Isolation. Fields of safflower planted to produce the registered or certified class of seed shall be at least one thousand three hundred twenty feet [402.34 meters] from any other variety or noncertified field of safflower. When certified classes of seed of the same variety are planted in close proximity, no isolation requirement applies, except to maintain field borders.~~

~~b. Unit of certification. The field is the unit of certification. A portion of a field may be accepted for certification provided that the rejected portion in no way impairs the genetic purity of the portion accepted.~~

~~c. Roguing. Off-type plants or identifiable mixtures shall be removed from the field before pollination occurs.~~

2. Specific field standards.

Factor	Maximum Permitted in Each Class		
	Foundation	Registered	Certified
Other varieties *	1:5,000	1:2,000	1:1,000
Inseparable other crops	1:30,000	1:10,000	1:3,000
Prohibited noxious weeds**	none	none	none

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

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

History: Amended effective May 1, 1986; September 1, 2002; January 2, 2006.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-10-04. Seed standards (~~safflower~~).

Factor	Foundation	Registered	Certified
Pure seed (minimum)	98.0 percent	98.0 percent	98.0 percent
Inert matter (maximum)	2.0 percent	2.0 percent	2.0 percent
Other crops or varieties (maximum)	1 per 2 pounds	1 per pound	3 per pound
Weed seeds (maximum)	2 per pound	5 per pound	10 per pound
Prohibited noxious weed seed *	none	none	none
Objectionable weed seeds**	<u>1 per 2 pounds</u> none	1 per 2 pounds	2 per pound
Germination (minimum)		80 percent	80 percent
Sclerotia (maximum)	5 per pound	5 per pound	5 per pound

* Including the seeds of quackgrass.

** Objectionable weed seeds shall include the following: dodder, wild oats, hedge bindweed (wild morning glory), giant ragweed (kinghead), falseflax, and dragonhead.

History: Amended effective May 1, 1986; September 1, 2002; January 2, 2006.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

CHAPTER 74-03-11
SPECIFIC CROP REQUIREMENTS - SUNFLOWER

Section	
74-03-11-01	Land Requirements
74-03-11-02	Field Inspection
74-03-11-03	Field Standards
74-03-11-04	Seed Standards (Sunflower) [Repealed]
74-03-11-04.1	Precontrol Standards
74-03-11-05	Postcontrol Standards [Repealed]
74-03-11-05.1	Seed Standards (Sunflower)

74-03-11-01. Land requirements. A crop will not be eligible for certification if planted on land where sunflowers were grown during the previous year.

History: Amended effective May 1, 1986.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-11-02. Field inspection. ~~Open-pollinated varieties, hybrids and inbreds.~~

1. Open pollinated production inspections.

- a^{*} The first inspection shall be made prior to the bloom stage.
- b. The second inspection shall be made after the crop is at least fifty percent in bloom and before it is fully matured.

2. Hybrid and inbred production.

- a^{*} At least three field inspections shall be made, one during the bud to early bloom stage and two during bloom.
- b. In a field producing hybrid sunflower seed, at least fifty percent of the male parent plants must be in bloom and producing pollen at the time the female parent is in full bloom. The heads of female plants shedding pollen must be removed and disposed of in a manner which will prevent their pollen from being disseminated. Off-type male plants shall be removed from the field before pollination.
- c^{*} The field shall be considered the unit for certification. Fields shall be separated from other inseparable crops by a distance adequate to prevent mechanical mixture and from other sunflowers by five thousand two hundred eighty feet [1609.34 meters].
- d. In inbred lines and foundation single crosses only the foundation class shall be recognized. In hybrid varieties only the certified class shall be recognized.

3. **Diseases.** Standards for seed-borne diseases in sunflowers are not specified; however, the inspector may reject fields for disease if the quality of the seed will be affected.

History: Amended effective May 1, 1986; May 1, 1988; January 2, 2006.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-11-03. Field standards.

Factor	Open Pollinated *	Seed Parent		Pollen Parent
	Varieties	Foundation	Certified	
	Foundation, Registered, Certified	Foundation	Certified	
Pollen shedding female plants (Maximum)		1:1,000		4:1,000
Off-types other than pollen shedding female plants (maximum)		1:5,000	1:5,000	1:5,000
Isolation allowances (maximum) per plants in the production field **	1:5,000	1:5,000	1:5,000	1:5,000
Total including above (maximum)	5:1,000	1:1,000	4:1,000	1:2,000
Isolation (minimum) **	5,280 feet	5,280 feet	5,280 feet	5,280 feet
Corn plants bearing seed	none	none	none	none

* To include not more than one plant per 5,000 plants of the following types: wild type branching, purple, white seeded. Other varieties include plants that can be differentiated from the variety being inspected, but shall not include variants characteristic of the variety.

** Must be isolated from other varieties, strains, hybrids, volunteer sunflower, noncertified crops of the same variety, and hybrid and wild *Helianthus annuus* species.

History: Amended effective May 1, 1986; May 1, 1988; January 2, 2006.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-11-04. Seed standards (sunflower). Repealed effective May 1, 1988.

74-03-11-04.1. Precontrolstandards. If field inspection shows one or more of the following, the applicant may request that seed certification be based on the results of a precertification grow-out test approved by the North Dakota state seed department.

1. Inadequate isolation.

2. Too few male parent plants shedding pollen when female plants are receptive.
3. Excess off-types not to include wild types.

In such cases at least two thousand plants must be observed and meet the following standards before hybrid and inbred seed can be certified from fields with problems listed above.

Factor	Maximum Permitted	
	Hybrid	Inbred
Sterile plants	5.0%	
Sterile or fertile plants		5.0%
Morphological off-types	0.5%	0.5%
Wild types	0.2%	0.2%
Total (including above types)	5.0%	5.0%

For nonoil types, hybrid seed which contains not more than fifteen percent sterile plants may be certified. If it contains eighty-five percent to ninety-five percent hybrid plants, the percentage of hybrid shall be shown on the certification label.

History: Effective May 1, 1988.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-11-05. Postcontrol standards. Repealed effective May 1, 1988.

74-03-11-05.1. Seed standards (sunflower).

Factor	Standards for Each Class		
	Foundation	Registered	Certified
Pure seed (minimum)	98.0 percent	98.0 percent	98.0 percent
Total weed seeds (maximum)	none	none	3 per pound
Other varieties (maximum) *	1 per pound	1 per pound	5 per pound
Other crop seeds (maximum)	1 per pound	1 per pound	3 per pound
Inert matter (maximum)	2.0 percent	2.0 percent	2.0 percent
Objectionable weed seeds **	none	none	none
Prohibited noxious weed seeds	none	none	none
Germination (minimum)	85.0 percent	85.0 percent	85.0 percent
Sclerotia	5 per pound	5 per pound	5 per pound

* To include not more than two purple seeds or two white seeds per pound. Other varieties shall not include variants characteristic of the variety.

- ** Objectionable weed seeds shall include the following: buckhorn plantain, dodder, wild oats, nightflowering catchfly, giant foxtail, hoary alyssum, horsenettle, quackgrass, wild vetch species, wild radish, hedge bindweed (wild morning glory), and nightshade.

History: Effective May 1, 1988; amended effective September 1, 2002; January 2, 2006.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

CHAPTER 74-03-12

SPECIFIC CROP REQUIREMENTS - SOYBEANS, CHICKPEAS, AND LENTILS

Section

74-03-12-01	Land Requirements
74-03-12-02	Field Inspection
74-03-12-03	Field Standards
74-03-12-04	Seed Standards

74-03-12-01. Land requirements. In soybeans, chickpeas, and lentils, a crop will not be considered for certification if planted on land which produced the same kind the previous year unless the previous crop was the same variety and was inspected for certification. In soybeans and chickpeas, a crop will not be considered eligible for certification if planted on land which produced any class of dry field bean, green bean, or field peas the preceding year. Soybeans may not follow chickpeas. Chickpeas may not follow soybeans.

History: Amended effective May 1, 1986; September 1, 2002; July 1, 2010.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-12-02. Field inspection. Field inspection shall be made on soybeans prior to harvest when the crop is approaching maturity preferably after the leaves have dropped or at a time when varietal purity can be determined. Field inspection on chickpeas or lentils shall be made prior to harvest when the crop is in bloom or at such a time as the varietal purity of the crop can be determined.

History: Amended effective May 1, 1986; September 1, 2002; July 1, 2010.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-12-03. Field standards.

1. **Isolation.** Prior to inspection, a field must be isolated from inseparable crops by a fence row, natural boundary, or by a strip at least five feet [1.52 meters] wide which is either mowed, sprayed, or uncropped.

2. Specific field standards.

Factor	Maximum Tolerance		
	Foundation	Registered	Certified
Other varieties *	0.1 percent	0.2 percent	0.2 percent
Corn and sunflower plants bearing seed	none	none	none
Prohibited noxious weeds **	none	none	none
Objectionable weeds ***	none	none	none

- * Other varieties include plants that can be differentiated from the variety being inspected, but shall not include variants characteristic of the variety.
- ** The tolerance for prohibited or objectionable weeds, or both, in the field will be determined by the inspector.
- * Objectionable weeds include nightshade species and cocklebur.

History: Amended effective May 1, 1986; August 1, 1991; September 1, 2002; January 2, 2006; July 1, 2010.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-12-04. Seed standards.

Seed count required on soybeans, chickpeas, and lentils.

Factor	Standard for Each Class		
	Foundation	Registered	Certified
Pure seed (minimum)	98.0 percent	98.0 percent	98.0 percent
Total weed seeds (maximum)	none	1 per pound	2 per pound
Other varieties (maximum) *	0.1 percent	0.2 percent	0.2 percent
Other crop seeds (maximum)			
Soybeans and chickpeas	none	1 per 2 pounds	1 per pound
Lentils	1 per 2 pounds	1 per pound	3 per pound
Inert matter	2.0 percent	2.0 percent	2.0 percent
Prohibited noxious weed seeds	none	none	none
Objectionable weed seeds **	none	none	none
Germination and hard seeds	85.0 percent	85.0 percent	85.0 percent

** Other varieties shall not include variants characteristic of the variety.

* Objectionable weed seeds are dodder, hedge bindweed (wild morning glory), wild oats, buckhorn, hoary alyssum, horsenettle, quackgrass, wild vetch species, giant foxtail, wild radish, nightshade species, and cocklebur.

Chickpea and lentil seed labelers shall have an aschochyta test performed on the harvested seed of each field or lot. The test results shall appear on the label for each seed lot.

History: Amended effective May 1, 1986; May 1, 1988; December 18, 1989; September 1, 2002; January 2, 2006; July 1, 2010.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

**CHAPTER 74-03-12.1
SPECIFIC CROP REQUIREMENTS - FIELD PEAS**

Section	
74-03-12.1-01	Land Requirements
74-03-12.1-02	Field Inspection
74-03-12.1-03	Field Standards
74-03-12.1-04	Seed Standards

74-03-12.1-01. Land requirements. A crop of field peas will not be considered for certification if planted on land which produced the same kind the previous year unless the previous crop was the same variety and was inspected for certification. A crop will not be considered eligible for certification if planted on land which produced dry field bean, green bean, soybean, or chickpeas the preceding year.

History: Effective July 1, 2010.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-12.1-02. Field inspection. Field inspection shall be made prior to harvest when the crop is in bloom or at such a time as the varietal purity of the crop can be determined.

History: Effective July 1, 2010.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-12.1-03. Field standards.

1. **Isolation.** Prior to inspection, a field must be isolated from inseparable crops by a fence row, natural boundary, or by a strip at least five feet [1.52 meters] wide which is either mowed, sprayed, or uncropped.

2. **Specific field standards.**

Factor	Maximum Tolerance		
	Foundation	Registered	Certified
Other varieties *	0.01 percent	0.01 percent	0.01 percent
Other crops (inseparable)	none	none	none
Prohibited noxious weeds **	none	none	none

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

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

History: Effective July 1, 2010.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-12.1-04. Seed standards.

Seed count and variety identification tests required on field peas.

Factor	Standard for Each Class		
	Foundation	Registered	Certified
Pure seed (minimum)	98.0 percent	98.0 percent	98.0 percent
Total weed seeds (maximum)	none	1 per pound	2 per pound
Other varieties (maximum) *	0.1 percent	0.2 percent	0.2 percent
Other crop seeds (maximum)	none	1 per 2 pounds	1 per pound
Inert matter	2.0 percent	2.0 percent	2.0 percent
Prohibited noxious weed seeds	none	none	none
Objectionable weed seeds **	none	none	none
Germination and hard seeds	85.0 percent	85.0 percent	85.0 percent

* Other varieties shall not include variants characteristic of the variety.

** Objectionable weed seeds are dodder, hedge bindweed (wild morning glory), wild oats, buckhorn, hoary alyssum, horsenettle, quackgrass, wild vetch species, giant foxtail, wild radish, nightshade species, and cocklebur.

History: Effective July 1, 2010.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

CHAPTER 74-03-13
SPECIFIC CROP REQUIREMENTS - DRY FIELD BEANS

Section	
74-03-13-01	Land Requirements
74-03-13-02	Field Inspection
74-03-13-03	Field Standards
74-03-13-04	Seed Standards

74-03-13-01. Land requirements. A crop will not be eligible for certification if planted on land that was in any class of dry field beans or green beans the preceding two years or soybeans the preceding year. ~~Poor stands, poor vigor, lack of uniformity, excess weeds, or conditions which are apt to make inspection inaccurate or bring certified seed into disfavor shall be cause for rejection.~~

History: Amended effective May 1, 1986; July 1, 2010.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-13-02. Field inspection. Two field inspections shall be made. The first when approximately seventy-five percent of the plants are flowering. The second when approximately seventy-five percent of the pods are showing maturity.

History: Amended effective May 1, 1986.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-13-03. Field standards.

1. **Isolation.** Prior to inspection, a field must be isolated from inseparable crops by a fence row, natural boundary, or by a strip of at least five feet [1.52 meters] wide which is either mowed, sprayed, or uncropped.

2. **Specific field standards.**

Factor	Foundation	Maximum Tolerance	
		Registered	Certified
Other varieties or classes *	.01 percent	0.05 percent	0.1 percent
Inseparable other crops	none	none	none
Prohibited noxious weeds **	none	none	none
Objectionable weeds ***	none	none	none
Bacterial bean blights +	.01 percent	.05 percent	.1 percent
Anthrachnose	none	none	none
Wilt	none	none	none
Common bean mosaic	none	0.5 percent	1.0 percent

Other varieties shall not include variants characteristic of the variety.

** Prohibited noxious weeds include only field bindweed, leafy spurge, yellow starthistle, and Russian knapweed. The tolerance for prohibited or objectionable weeds, or both, will be determined by the inspector.

*** Objectionable weeds include nightshade species and cocklebur.

+ 1. The grower shall isolate and not ~~harvest~~~~thresh~~ within a one hundred-foot [30.5-meter] radius of all staked (flagged) plants. A grower must leave in place any stakes or flags by plants with blight-infected pods. The inspector may recheck the field to ensure that these blighted areas were not harvested. Failure to leave the rejected area will result in total field being rejected.

2. Areas to be isolated must be mapped out on field inspection report.

~~3. In any case, it is important that blighted areas be clearly defined by flags. These blighted areas must be left unthreshed while the rest of the field is threshed. The inspector may recheck the field to ensure that these blighted areas were indeed left. Failure to leave the rejected area will result in total field being rejected.~~

History: Amended effective May 1, 1986; May 1, 1988; December 18, 1989; August 1, 1991; September 1, 2002; January 1, 2005; January 2, 2006; July 1, 2010.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42

74-03-13-04. Seed standards.

Seed count required on dry field beans.

Factor	Standards for Each Class		
	Foundation	Registered	Certified
Pure seed (minimum)	98.5 percent	98.5 percent	98.5 percent
Inert matter (maximum)*	1.5 percent	1.5 percent	1.5 percent
Total weed seeds (maximum)	none	none	2 per pound
Other varieties or classes	0.01 percent	0.05 percent	0.1 percent
Other crops (maximum)	none	none	1 per 2 pounds
Prohibited noxious weed seeds	none	none	none
Objectionable weed seeds**	none	none	none
Germination (minimum)	no standard	85.0 percent	85.0 percent
Bacterial blight test***	pass	pass	pass
Anthraco nose***	none	none	none

* Foreign matter other than broken seed may not exceed 0.50 percent.

- ** Objectionable weed seeds include those of buckhorn, dodder, hedge bindweed (wild morning glory), hoary alyssum, horsenettle, quackgrass, wild oats, wild vetch species, giant foxtail, wild radish, nightshade species, and cocklebur.
- *** The grower is responsible for having a bacterial blight test and anthracnose test, performed by a seed department-approved laboratory, on the harvested seed of each field ~~or seed lot~~ of dry field beans. If seed from more than one field is ~~blended~~ or commingled prior to testing, a bacterial blight test and anthracnose test must be performed on each separate seed lot ~~or subplot~~. Lot size is restricted to 2000 bushels.

A seed treatment to reduce surface bacterial contamination of the seed coat is recommended.

History: Amended effective May 1, 1986; December 18, 1989; August 1, 1991; September 1, 2002; January 2, 2006; July 1, 2010.

General Authority: NDCC 4.1-53-11

Law Implemented: NDCC 4.1-53-11, 4.1-53-42