ADOPTED REGULATION OF THE

DIRECTOR OF THE STATE DEPARTMENT OF

AGRICULTURE

LCB File No. R174-99

Effective March 13, 2000

EXPLANATION – Matter in ***italics*** is new; matter in brackets **[**~~omitted material~~**]** is material to be omitted.

AUTHORITY: §§1-46, NRS 587.077 and 587.083.

Section 1. Chapter 587 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this regulation.

Sec. 2. ***"Department" means the state department of agriculture.***

Sec. 3. ***"Director" means the director of the department.***

Sec. 4. ***Any seed described in subsection 3 of section 6 of this regulation that is labeled as "Nevada Sod Quality Seed" must:***

1. Be produced in Nevada; and

2. Comply with the provisions of NAC 587.222 to 587.339, inclusive, and sections 4 to 8, inclusive, of this regulation.

Sec. 5. ***1. A person who wishes to label seed as "Nevada Sod Quality Seed" must submit to the department a sample of the seed to be labeled, a report of the analysis of the seed conducted pursuant to section 6 of this regulation and a completed request on a form provided by the department.***

2. The department may designate an authorized representative to receive samples of seed submitted pursuant to subsection 1.

Sec. 6. *1. If only a portion of a particular harvested seed lot is to be labeled, the sample submitted pursuant to subsection 2 of section 5 of this regulation must represent only that portion of seed and must be clearly marked with a new lot number.*

2. Seed lots submitted pursuant to section 5 of this regulation for labeling as "Nevada Sod Quality Seed" must be analyzed by a laboratory approved by the department for compliance with the provisions of subsection 3.

3. Seed lots submitted for analysis pursuant to subsection 2 must be free from noxious weed seed and the kinds of seed set forth in subsection 5, as applicable, and comply with the following requirements:

Kind	*Minimum Purity*	*Minimum Germination*	*Maximum Other Crop*	*Maximum Weed Seed*
Perennial Ryegrass	*98%*	*90%*	*0.1%[1]*	*0.02%*
Merion Kentucky Bluegrass	*95%*	*80%*	*0.1%[2]*	*0.02%*
Other varieties of 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%*
Bentgrass	*98%*	*85%*	*0.1%[3]*	*0.10%*

Kind	Minimum Purity	Minimum Germination	Maximum Other Crop	Maximum Weed Seed
Tall Fescue	98.5%	85%	0.1%	0.02%

[1] Certification fluorescence levels and appropriate calculations will be applied when determining levels of other crop.

[2] Maximum other varieties of Kentucky bluegrass allowed is 2%; maximum allowed Canada bluegrass is .02%.

[3] A 500 seed count will be used to determine other species of Agrostis.

4 The analysis for noxious weed seed, other crop seed and weed seed must be:

(a) Discontinued if the limits set forth in subsection 3 are exceeded; and

(b) Based on the following quantities of samples:

(1) Bluegrass, 25 grams, except a sample of 10 grams may be used to analyze for the presence of Poa annua.

(2) Fine Fescue, 30 grams.

(3) Ryegrass and Tall Fescue, 50 grams.

(4) Bentgrass, 2.5 grams.

5. Each kind of seed set forth in subsection 3 must be free from the following other kinds of seed, as applicable:

(a) Ryegrass;

(b) Orchardgrass;

(c) Timothy;

(d) Bentgrass;

(e) Big bluegrass;

(f) Poa trivialis;

(h) Smooth bromegrass;

(i) Reed canarygrass;

(j) Tall fescue; and

(k) Clover.

6. As used in this section, "noxious weed seed" includes dock (Rumex spp.), chickweed (Cerastium spp.) and Stellaria media, crabgrass (Digitaria spp.), plantain (Plantago spp.), black medic (Medicago lupulina), annual bluegrass (poa annua), velvetgrass (Holcus spp.) and any other weed seed that is designated noxious in any other state except Hawaii.

Sec. 7. *1. The department shall issue labels for seed lots that qualify for labeling as "Nevada Sod Quality Seed" pursuant to the provisions of sections 4 to 8, inclusive, of this regulation.*

2. A label issued pursuant to subsection 1 must be attached to each container of seed in a manner that ensures that the label will remain continuously attached until the container is delivered to the ultimate purchaser.

Sec. 8. *1. The department shall charge the applicant for any fees charged to the department for seed submitted pursuant to section 5 of this regulation that is sampled out of state.*

2. The department shall charge a fee of 15 cents for each tag issued for seed labeled pursuant to sections 4 to 8, inclusive, of this regulation.

Sec. 9. *As used in sections 9 to 16, inclusive, of this regulation, unless the context otherwise requires, "pre-variety germplasm" means the seed, seedling or other propagating material of, without limitation, a species, selection, clone or intraspecific hybrid of a plant that has not been recognized as a variety.*

Sec. 10. *The general standards of certification of seed as adopted by the director and the provisions of sections 9 to 16, inclusive, of this regulation govern the certification of pre-variety germplasm.*

Sec. 11. *1. Propagating materials from a class of pre-variety germplasm that is designated as tested must be the progeny of plants whose parentage has been tested and has proven genetic superiority or possesses distinctive traits for which the heritability is stable, but for which a variety has not been recognized. Pre-variety germplasm of the tested class must be produced in a manner that ensures genetic purity and identity from:*

(a) Rigidly controlled and isolated natural stands or individual plants; or

(b) Seed fields or orchards.

2. Propagating materials from a class of pre-variety germplasm that is designated as selected must be the progeny of phenotypically selected plants of untested parentage that indicate, but do not prove, genetic superiority or distinctive traits. Pre-variety germplasm of the selected class must be produced in a manner that ensures genetic purity and identity from:

(a) Rigidly controlled and isolated natural stands or seed production areas; or

(b) Seed fields or orchards.

3. Propagating materials from a class of pre-variety germplasm that is designated as source identified must have had no selection or testing of their parent population. Pre-variety germplasm of the source identified class must be produced in a manner that ensures genetic purity and identity from:

(a) Rigidly controlled and isolated natural stands or seed production areas; or

(b) Seed fields or orchards.

Sec. 12. *1. The department shall designate each successive generation of production of pre-variety germplasm, including the sexual and asexual means of reproduction and establishment, by a consecutive number beginning with zero. One asexual generation is equal to one sexual generation.*

2. The system for naming generations of varieties of breeder seed, foundation seed, registered seed and certified seed does not apply to pre-variety germplasm.

Sec. 13. *1. The department may specify a limitation on generations of pre-variety germplasm grown in seed fields or orchards on a case-by-case basis.*

2. The department shall not limit the number of generations of pre-variety germplasm collected from natural stands. The department shall designate each such generation zero.

Sec. 14. *1. The exact geographic location of the parent population and the history of the stand must be determined by the collector for natural stands of pre-variety germplasm of the tested class. The collector shall ensure that the tag indicates the*

location, as described by section, township and range or a comparable description of land, and the elevation, within 500 feet, of the stand.

2. The location of a natural stand from which pre-variety germplasm of the selected or source identified class is collected must be determined by the collector in a manner that ensures that the department can locate the natural stand for inspection. The collector shall ensure that the tag indicates the location of the stand, including, without limitation, the state, county, geographic area of production and elevation, within 500 feet.

3. The specific geographic origin of the parent material must be determined by the collector for pre-variety germplasm produced in a field or orchard. The collector may indicate the specific geographic origin of the parent material on the tag. The collector shall ensure that the tag indicates the location of the field or orchard, including, without limitation, the state, county and geographic area of production.

Sec. 15. *The department shall establish a zone of isolation for each species of pre-variety germplasm of the tested or selected class. The zone must be free from off-type plants and other cross-pollinating species. The department shall not establish a zone of isolation for any pre-variety germplasm of the source identified class.*

Sec. 16. *1. The department shall conduct at least one field inspection of pre-variety germplasm of the tested class that is collected from a natural stand before pollination. At the time of this inspection, the department shall establish any requirements for the roguing of undesirable plants or compliance with the zone of isolation established pursuant to section 15 of this regulation.*

2. The department shall conduct at least one field inspection of pre-variety germplasm of the tested or selected class immediately before the pre-variety germplasm reaches maturity or at the time of harvest of the pre-variety germplasm.

3. The department shall conduct at least one inspection of pre-variety germplasm of the source identified class that is collected from a natural stand to verify the location of the site of collection, the identification of the pre-variety germplasm and the amount of pre-variety germplasm collected. The collector of pre-variety germplasm of the source identified class that is collected from a natural stand shall complete a form entitled a "certified seed site identification log," which is available from the department, for each site at the time of harvest. The collector shall submit the completed form to the department within 30 days after the harvest.

Sec. 17. NAC 587.001 is hereby amended to read as follows:

587.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in ~~[~~NAC 587.003 and 587.005~~]~~ ***sections 2 and 3 of this regulation*** have the meanings ascribed to them in those sections.

Sec. 18. NAC 587.110 is hereby amended to read as follows:

587.110 The name of each variety of vegetable seed is the name determined in accordance with the following consideration:

1. The variety must represent a subdivision of a kind ~~[~~which~~]~~ ***that*** is characterized by growth, plant, fruit, seed or other ~~[~~characters~~]~~ ***characteristics*** by which it can be differentiated from other sorts of the same kind.

2. The variety name must not be misleading. The variety name must not be assigned to more than one variety of the same kind of seed.

3. A variety name published in a list of variety names or other publications by the Seed Branch, Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C., is correct for purposes of labeling under NRS 587.097 and 587.099.

4. If the variety is not known, the label complies with the labeling provisions if it contains the words "Unknown Variety."

Sec. 19. NAC 587.220 is hereby amended to read as follows:

587.220 The following provisions establish the fees ~~[which the division will]~~ ***that the department shall*** charge for analysis and testing of samples of seed:

1. As used in this section, "mixture" means a seed sample which contains two or more kinds of seed, where each kind:

(a) Constitutes more than 5 percent of the sample; or

(b) Is declared on the label to be part of the mixture.

2. ~~[The division will examine samples submitted for a purity test for weed seed which is designated noxious in Nevada at no additional charge. An examination for weed seed which is designated noxious in any other state may be substituted by request at no additional charge.~~

~~3.]~~ The fee for any kind of seed not listed will be based on the fee for the listed kind of seed ~~[which]~~ ***that*** is most similar to the seed being tested.

~~[4.]~~ ***3.*** If special attention or a priority in examination is requested for a seed sample, the charge will be the fee listed plus 50 percent.

~~[5.]~~ ***4.*** The charge for a sample requiring an unusual amount of time, such as an excessively dirty sample ***, a sample of a complicated mixture*** or a sample requiring special tests, ~~[will be $20]~~ ***is $35*** per hour.

~~[6. The basic fees for analysis of purity and testing for germination are:]~~

~~[Kind of Seed]~~	~~[Purity] [Analysis]~~	~~[Germination] [Test]~~	~~[Combined]~~
~~[Alfalfa, clovers, timothy, flax and cereals~~	~~$6~~	~~$6~~	~~$10]~~
~~[Wheatgrass, bromegrass, fescue and ryegrass~~	~~8~~	~~7~~	~~13]~~
~~[Bentgrass, bluegrass and orchardgrass~~	~~9~~	~~7~~	~~15]~~
~~[Vegetable seeds~~	~~6~~	~~6~~	~~10]~~
~~[Flower seeds~~	~~8~~	~~7~~	~~12]~~
~~[Mixture, two or three kinds~~	~~12~~	~~10~~	~~18]~~
~~[Mixture, four or more kinds~~	~~16~~	~~13~~	~~25~~

~~7.]~~ *5. Service testing fees for purity and germination :*

Kind	*Purity*	*Germination*
Alfalfa	*$14*	*$12*
Beans	*12*	*12*
Bluegrass	*22*	*15*
Bromegrass	*23*	*12*
Cereal grains	*15*	*12*
Clover	*15*	*12*
Fescue	*22*	*12*
Flax	*21*	*14*
Flowers	*16*	*16*
Indian Ricegrass	*17*	*16*
Onion	*14*	*12*
Orchardgrass	*25*	*14*
Peas	*14*	*13*
Ryegrass	*22*	*12*
Sainfoin	*14*	*13*
Saltbush	*16*	*14*
Small Brunet	*15*	*14*
Sudangrass	*17*	*14*
Sunflower	*21*	*12*

Kind	*Purity*	*Germination*
Timothy	*17*	*12*
Trees/Shrubs	*14*	*15*
Vegetables not listed	*14*	*12*
Vetches	*15*	*12*
Wheatgrasses	*34*	*15*
Wildrye	*21*	*12*

6. Except as otherwise provided in subsection 2, the fees for examination of a sample of seed for noxious weed seed are:

(a) For weed seed which is designated noxious in Nevada, ~~[~~$4.~~]~~ ***$6.***

(b) For weed seed which is designated noxious in any other state, ~~[~~$5.~~]~~ ***$10.***

Sec. 20. NAC 587.237 is hereby amended to read as follows:

587.237 ~~[These general standards are applicable to all crops, and together with those specified for individual crops, constitute the minimum standards of the division for the certification of seeds.]~~ ***In addition to the general standards for the production of certified seed in this state set forth in NAC 587.222 to 587.278, inclusive, the director hereby adopts by reference the requirements and procedures for the certification of seed set forth in the Certification Handbook of the Association of Official Seed Certifying Agencies as it existed on October 1, 1999, and any subsequent edition issued by the Association of Official Seed Certifying Agencies. Each new edition shall be deemed approved by the director unless the edition is disapproved by the director within 60 days***

after the date of publication. The director will review each edition issued after the edition in existence on October 1, 1999, to ensure its suitability for Nevada. The most current edition that has been approved by the director will be available from the department at 350 Capitol Hill Avenue, Reno, Nevada 89502, for the price of $40 per copy.

Sec. 21. NAC 587.2375 is hereby amended to read as follows:

587.2375 For the purposes of NAC 587.222 to 587.339, inclusive, the following plant seeds and any propagating parts thereof are noxious weed seeds:

Camelthorn (*Alhagi* ~~[camelorum)]~~ ***maurorum)***

Fieldcress, Austrian (*Rorippa austriaca*)

Goatgrass, barb (*Aegilops triuncialis*)

Goatgrass, jointed (Aegilops cylindrica)

Halogeton (*Halogeton glomeratus*)

Horsenettle, Carolina (*Solanum carolinense*)

Klamath weed (*Hypericum perforatum*)

Knapweed, Russian ~~[(Centaurea]~~ ***(Acroptilon*** *repens*)

Medusahead (*Taeniatherum* ~~[asperum)]~~ ***caput-medusae) subsp. caput-medusae***

Peaweed, Austrian ~~[(Swainsona]~~ ***(Sphaerophysa*** *salsula*)

Quackgrass ~~[(Agropyron]~~ ***(Elytrigia*** *repens*)

Skeletonweed, rush (*Chondrilla juncea*)

Sorghum species, perennials **,** ~~[;]~~ including Johnson grass ~~[,]~~ ***(Sorghum halepense),*** *Sorghum almum* and perennial sweet ~~[Sudan grass]~~ ***sudangrass***

Sowthistle, perennial (*Sonchus arvensis*)

Spurge, leafy (*Euphorbia esula*)

Starthistle, Iberian (*Centaurea iberica*)

Starthistle, purple (*Centaurea calciptrapa*)

Starthistle, yellow (*Centaurea solstitialis*)

Thistle, Canada (*Cirsium arvense*)

Toadflax, Dalmatian (*Linaria dalmatica*)

Whitetop or Hoarycress (*Cardaria chalepensis, C. draba, C. pubescens*)

Sec. 22. NAC 587.250 is hereby amended to read as follows:

587.250 1. ~~[Seed]~~ ***Except as otherwise provided in this subsection, seed*** of all certified classes **,** when offered for sale ***in bags or other containers,*** must have an official ***certification*** label, properly affixed to each container, clearly identifying the certifying agency, kind, variety, lot number and class of seed. In the case of seed sold in bulk, the invoice must include the same information as required for the label on seed sold in containers. ***Official certification labels on seed mixtures and seed in containers of quantities of 5 pounds or less are not required to bear the name of the kind and variety of each component if the name of the kind and variety is indicated elsewhere on the container.***

2. The official certification label may be printed directly on the container if accounting for the use of such containers is maintained by the ~~[division.]~~ ***department.***

3. Requirements for labeling ***for certification*** and sealing depend upon the crop and methods of handling, but in all cases labels must be attached to containers in a manner that prevents removal and reattachment.

Sec. 23. NAC 587.251 is hereby amended to read as follows:

587.251 The seller is responsible for compliance with the requirements for labeling seed ~~[under]~~ ***regarding the analysis of the seed pursuant to*** the law of the country, state or province into which the seed is shipped or sold.

Sec. 24. NAC 587.252 is hereby amended to read as follows:

587.252 1. The methods and standards employed in each step of interagency certification are those used when certification is completed by a single agency with the exception that seed for which final certification is completed in Nevada must meet the minimum requirements for the crop and variety as specified by the Association of Official Seed Certifying Agencies.

2. To be recognized for interagency certification, seed must be received in containers carrying official certification labels or evidence of its eligibility from another certifying agency, including the following information:

(a) Variety and kind;

(b) Amount of seed in pounds or bushels;

(c) Class of certified seed; and

(d) Inspection or lot number traceable to the previous certifying agency's records.

3. In addition to complying with NAC 587.250, each label used in interagency certification must be serially numbered, or carry the certification identity number and

clearly identify the certifying agencies involved and the variety, kind and class of seed ~~[.]~~ ***except vegetable seed in containers of quantities of 5 pounds or less and lawn and turf seed mixtures. Labels for such vegetable seed and lawn and turf seed mixtures are not required to include the name of the kind and variety if the name of the kind and variety and the certifying agencies involved are clearly indicated elsewhere on the containers.***

4. If a container of certified seed is opened and relabeled, all procedures must be conducted with the approval of the certifying agencies involved.

Sec. 25. NAC 587.254 is hereby amended to read as follows:

587.254 1. Application for certification must be made on a form obtained from the ~~[division.]~~ ***department.***

2. To maintain certification, a perennial crop must be registered each year, including the seedling year, whether or not a seed crop is harvested during that year.

3. Applications must be accompanied by ~~[an application fee of $15 per field]~~ ***the applicable acreage fees set forth in subsection 4*** and ***, except as otherwise provided in subsection 4,*** are due on the following dates:

(a) Alfalfa, grass, clover and rapeseed, ~~[May 1.]~~ ***April 1, or, if the crop is planted after April 1, within 30 days after planting.***

(b) Small grain and beans, ~~[June 1.]~~ ***May 1, or, if the crop is planted after May 1, within 30 days after planting.***

(c) ~~[Registration for the first time of any perennial crop that is planted after May 1, 30 days after planting.]~~ ***Seed fields or orchards of the selected, tested or source identified class, within 30 days before planting.***

(d) Natural stands of the selected, tested or source identified class, within 15 days before the first harvest.

4. The ~~[division will]~~ ***department shall*** charge the following fees:

(a) For field crops:

Application	Acreage Per Acre	Production Clean Seed
Alfalfa	~~[$1]~~ ***$2.50***	~~[$.25/cwt]~~ ***$.15/cwt***
Beans	~~[2]~~ ***3.50***	.15/cwt
Clover	~~[1]~~ ***2.50***	~~[.25/cwt]~~ ***.15/cwt***
Grass	~~[1]~~ ***2.50***	~~[.25/cwt]~~ ***.15/cwt***
Rapeseed	~~[1]~~ ***2.50***	~~[.25/cwt]~~ ***.15/cwt***
Small grains	~~[1]~~ ***2.50***	.10/cwt

(b) For pre-variety germplasm of the:

(1) Tested Class:

(I) Seed fields or orchards, $2 per acre plus $.10 per tag if tags are requested; and

(II) Natural stands, $30 per site plus $.10 per tag if tags are requested;

(2) Selected Class:

(I) Seed fields or orchards, $2 per acre plus $.10 per tag if tags are requested; and

(II) Natural stands, $30 per site plus $.10 per tag if tags are requested;

(3) Source Identified Class, $30 per site plus $.10 per tag if tags are requested.

FLUSH The ~~[division will]~~ ***department shall*** charge an acreage fee of at least $10 per field.

5. ~~[Application and acreage fees must be submitted with the application. The division]~~ ***The department*** will bill production fees after the seed is cleaned and only if the lot meets certification standards.

6. The ~~[division]~~ ***department*** will collect ~~[application and]~~ acreage fees on all perennial crops in the year of ~~[seedling]~~ ***seeding*** and in each calendar year thereafter.

7. The ~~[division will]~~ ***department shall*** refund the acreage fee:

(a) For all crops, if the application is withdrawn ***in writing*** before a field inspection.

(b) For a perennial crop for any year, except the seedling year, if the ~~[division]~~ ***department*** is notified that the crop is not intended to produce seed. The ~~[division]~~ ***department*** must be notified in writing before the field is inspected.

8. As used in this section, "pre-variety germplasm" has the meaning ascribed to it in section 9 of this regulation.

Sec. 26. NAC 587.256 is hereby amended to read as follows:

587.256 1. Conditioners requiring certification services must apply to the ~~[division.]~~ ***department.***

2. To condition seed eligible for certification, a conditioner must meet the following requirements:

(a) Facilities must be available to perform the conditioning without introducing admixtures;

(b) Identity of the seed must be maintained at all times;

(c) Records of all operations relating to certification must be complete and adequate to account for all incoming seed and final disposition of seed; ~~[and]~~

(d) Conditioners must permit inspection by the ~~[division]~~ ***department*** of all records of the kind of seed certified, including both certified and noncertified ~~[seed.~~

~~3. Approved conditioners shall designate]~~ ***seed; and***

(e) Designate a person ***who will be*** responsible to the ~~[division]~~ ***department*** for performing such duties as are required.

~~[4.]~~ ***3.*** Approval of conditioners is on an annual basis.

Sec. 27. NAC 587.262 is hereby amended to read as follows:

587.262 1. Land intended for the production of foundation, registered or certified classes of seed must not have been planted with any variety of alfalfa and must be free from volunteer alfalfa plants for 4, 3 and ~~[2]~~ ***1*** years, respectively, preceding the establishment of the stand.

2. The application must indicate the crops grown for the previous 4, 3 and ~~[2]~~ ***1*** years on the land intended for the production of the foundation, registered or certified classes of seed, respectively.

3. At least 2 years must elapse between the destruction of varieties of dissimilar adaptation and establishment of a new stand for the production of seed for certification.

4. During the year immediately preceding the seeding of any class of seed, the land must be free from volunteer plants. Manure or other amendments to the soil that are

contaminating must not be applied during the year immediately preceding the seeding of the land or during the established and productive life of the stand.

Sec. 28. NAC 587.269 is hereby amended to read as follows:

587.269 A field of alfalfa must meet the following tolerances to be eligible for certification:

	Maximum permitted in each class		
Factor	Foundation	Registered	Certified
Other varieties, including			
off-type plants	0.1%	0.25%	1.0%
***Red Clover	***none***	***0.10%***	***0.5%***
Sweetclover (plants			
per acre).....	none	5	5

Sec. 29. NAC 587.274 is hereby amended to read as follows:

587.274 1. Each lot of seed entered for certification must be sampled and meet the minimum standards for the class of seed produced. Samples will be drawn by a representative of the ~~[division]~~ ***department*** pursuant to NAC 587.180 and 587.190, and must meet the following standards:

	Standards for Each Class		
Factor	Foundation	Registered	Certified
Pure seed (minimum)	99.5%	99.5%	99.50%
Other crop (maximum).....	0.1%	0.1%	0.25%
Sweetclover (maximum)	none	45/lb	90/lb
Weed seed (maximum)	0.1%	0.2%	0.25%
Noxious weed seed (maximum).....	none	none	none
Objectionable weed seed (maximum).....	none	none	none
Inert matter (maximum)	0.5%	0.5%	~~[0.50%]~~ ***0.5%***
Germination and hard seed (minimum)	80.0%	~~[80.0%]~~ ***85.0%***	~~[85.00%]~~ ***85.0%***

2. For the purposes of this section, “objectionable weed seed” includes field bindweed (*Convolvulus arvensis*), dodder (*Cuscuta spp.*) and dogbane (*Apocynum cannabinum*).

Sec. 30. NAC 587.284 is hereby amended to read as follows:

587.284 1. A field of wheat, oats, barley or triticale must be separated by a strip of ground adequate to prevent mechanical mixtures.

2. A field producing any class of rye must be isolated by at least 660 feet from a field of any other variety or a field of the same variety that does not meet the requirements for

~~[certification of the same or higher class of the crop being grown.]~~ ***varietal purity of the class of crop that is inspected which is of the same chromosomal number.***

3. If a portion of a field meets the requirements for isolation, a clear line of demarcation must be established between the certified and noncertified portions of the field.

Sec. 31. NAC 587.286 is hereby amended to read as follows:

587.286 1. Except as otherwise provided in ~~[subsection 2,]~~ ***subsections 2 and 3,*** a field of small grain must meet the following tolerances to be eligible for certification:

	Maximum permitted in each class (Ratio of plants)		
Factor	Foundation	Registered	Certified
Other varieties	none	1:5,000	1:2,000
Other small grain	none	1:10,000	1:3,000
Wild oats	none	1:10,000	1:3,000
Smut	1:10,000	1:10,000	1:1,000

2. Rye ~~[or triticale]~~ is not ~~[permitted]~~ ***allowed*** in barley, oats ***, triticale*** or wheat.

3. Triticale is not allowed in barley, oats, rye or wheat.

Sec. 32. NAC 587.288 is hereby amended to read as follows:

587.288 1. The following standards are established for foundation, registered and certified classes of small grain:

Factor	Foundation	Registered	Certified
Pure seed (minimum)	98.00%	98.00%	98.00%
Other crop (maximum)	none	0.03%	0.05%
Other small grain (maximum)	none	2/lb	4/lb
Weed seed (maximum)	0.01%	0.01%	0.03%
Noxious weed seed (maximum)	none	none	none
Objectionable weed seed (maximum)	none	none	none
Inert matter (maximum)	2.00%	2.00%	2.00%
Ergot (maximum)	***0.05%***	***0.05%***	***0.05%***
Germination (minimum)	85.00%	85.00%	85.00%

2. Rye ~~[or triticale]~~ is not allowed in barley, oats ***, triticale*** or wheat.

3. ***Triticale is not allowed in barley, oats, rye or wheat.***

4. As used in this section:

(a) "Objectionable weed seed" includes wild oats ~~[.]~~ ***(Avena fatua).***

(b) "Other crop" does not include other small grain.

Sec. 33. NAC 587.2925 is hereby amended to read as follows:

587.2925 1. A field of beans planted for the production of foundation, registered or certified classes of seed must not have been planted to or grown a crop of beans for 1 year unless the previous crop was:

(a) Eligible for certification;

(b) The same variety; and

(c) The same or higher class.

2. A field of beans:

(a) On which bacterial blight has been found is eligible to grow certified beans if it has been planted to a crop other than beans for 2 years.

(b) Must be separated from other beans that are planted by at least 10 feet.

~~[3. The division may grant permission for sprinkler irrigation upon request.]~~

Sec. 34. NAC 587.294 is hereby amended to read as follows:

587.294 1. ***The department shall conduct at least two field inspections of a field of beans during the growing season. At least one of these field inspections must be conducted during the windrow stage.***

2. A field of beans must meet the following tolerances to be eligible for certification:

	Maximum permitted in each class		
Factor	Foundation	Registered	Certified
Other crops.....	none	0.05%	0.1%
Other varieties	***none***	***0.05%***	***0.1%***

Anthracnose, bacterial bean blight, wilt and brown spot.....	none	none	none
Bean ***common*** mosaic ***virus***.....	none	0.50%	~~[0.5%]~~ ***1.0%***
Inseparable noxious ~~[weed seed]~~ ***weeds***	none	none	none

~~[2.]~~ ***3.*** As used in this section, "other crops" includes inseparable other crops ~~[, other varieties]~~ and distinct off-types.

Sec. 35. NAC 587.296 is hereby amended to read as follows:

587.296 1. The ~~[division will]~~ ***department shall*** examine a sample of the cleaned seed lot for:

	Permitted in each class		
Factor	Foundation	Registered	Certified
Pure seed (minimum).....	~~[99%]~~ ***99.00%***	99.00%	99.00%
Other crop (maximum).....	none	00.01%	~~[00.02%]~~ ***0.00125%***
~~[Other varieties (maximum seeds/lb)...~~	~~none~~	~~0.50%~~	~~0.50%]~~
Weed seed (maximum)	none	none	0.10%
Noxious weed seed (maximum).....	none	none	none
Objectionable weeds**.....**	***none***	***none***	***none***
Inert matter (maximum)	~~[1%]~~ ***1.00%***	1.00%	1.00%
Germination (minimum)	85%	85.00%	85.00%

2. The following are the maximum percentage of defects that are allowed for all classes of bean seed:

(a) Splits and cracks, 1 percent;

(b) Badly discolored, 1 percent; ***and***

(c) Total defects plus inert matter, 2 percent ***.*** ~~[; and~~

~~(d) Inert matter, 0.5 percent.]~~

3. Seed must:

(a) Be well screened and graded;

(b) Have a bright color; and

(c) Have a good appearance.

4. As used in this section, "objectionable weeds" include Poverty Weed (Iva axillaris), Fanweed (Thlaspi arvense), Rumex spp., Wild Oats (Avena fatua) and Nightshade Berries.

Sec. 36. NAC 587.299 is hereby amended to read as follows:

587.299 1. A crop of the same kind must not have been grown or planted on the land for 5 years before stand establishment for the production of foundation seed, 3 years for registered seed and 2 years for certified seed.

2. The application must indicate the crops grown for the previous 5, 3 or 2 years on land intended for the production of foundation, registered or certified classes of seed, respectively.

3. ~~[During]~~ ***Except as otherwise provided in this subsection, during*** the year before seeding, the land must be free from volunteer plants of that crop. ***Reseeding varieties of***

crimson clover may be allowed to volunteer back year after year on the same ground. If a new reseeding variety of crimson clover is planted on ground where another variety once grew, the provisions of subsection 1 apply.

Sec. 37. NAC 587.301 is hereby amended to read as follows:

587.301 1. Except as otherwise provided in subsection 2, the minimum distance in feet from a different variety of the same kind or a field of the same variety that does not meet the varietal purity requirements for certification is as follows:

Class	Fields of less than 5 acres	Fields of more than 5 acres
Foundation	~~[1,320]~~ ***900***	~~[1,320]~~ ***600***
Registered	~~[660]~~ ***450***	~~[330]~~ ***300***
Certified	~~[330]~~ ***165***	165

2. The distance of isolation between classes of the same variety may be reduced to ~~[25 percent of that listed in subsection 1.]~~ ***10 feet, regardless of class or the size of the field.***

3. ***The distance of isolation between a field of diploids and a field of tetraploids must be at least 15 feet.***

4. If a portion of the field meets requirements for isolation, a clear line of demarcation must be established between the certified and noncertified portions of the field.

Sec. 38. NAC 587.302 is hereby amended to read as follows:

587.302 1. The ~~[division will]~~ ***department shall*** make the following inspections of a field of clover:

(a) A seedling inspection will be made in the year the crop is planted; and

(b) A seed crop inspection will be made when the crop is in bloom.

2. The ~~[division]~~ ***department*** may reject or reclassify a seed field if volunteer plants are found ~~[.]~~ ***except a seed field of crimson clover unless a new variety of crimson clover is planted in ground where another variety of crimson clover once grew.***

3. A field of clover entered for certification must show evidence of control of:

(a) Contaminating crops and varieties; and

(b) Objectionable and noxious weeds.

Sec. 39. NAC 587.304 is hereby amended to read as follows:

587.304 1. A field of clover must meet the following tolerances to be eligible for certification:

	Maximum permitted in each class (ratio of plants)		
Factor	Foundation	Registered	Certified
Other varieties ~~[(maximum)]~~.....	none	1:500	1:200

2. As used in this section, “other varieties” includes off-type plants.

Sec. 40. NAC 587.305 is hereby amended to read as follows:

587.305 1. A stand of red clover is not eligible to produce any class of certified seed after two seed crops which are produced either in the same or consecutive years.

2. For white and alsike clover:

(a) A foundation or registered field may produce only two successive seed crops following seeding except that each may be reclassified to the next lower class after being harvested for seed for 2 years. A stand will not be eligible to produce any class of seed after four consecutive seed crops immediately following the year of establishment.

(b) A certified field on which a stand of perennial plants is maintained ~~[may produce seed for no]~~ ***must not produce*** more than 4 ~~[years]~~ ***consecutive seed crops*** immediately following the ~~[year of establishment.]~~ ***establishment of the certified field.***

Sec. 41. NAC 587.309 is hereby amended to read as follows:

587.309 1. The following seed standards are established for foundation, registered and certified classes of clover:

	Arrowleaf and Crimson	Red	Strawberry	Sweet	White and Alsike
FOUNDATION					
Pure seed (minimum)	98.00%	99.00%	99.00%	99.50%	99.00%
Other crop (maximum)	0.10%	0.10%	0.10%	0.10%	0.10%
Sweetclover (maximum)	none	none	none	-----	none
Weed seed (maximum)	0.20%	0.15%	0.20%	0.10%	0.10%
Inert matter (maximum)	***2.00%***	***1.00%***	***1.00%***	***1.00%***	***1.00%***

Noxious weed seed (maximum)	none	none	none	none	none
Objectionable weed seed (maximum)	none	none	none	none	none
Germination (minimum)	85.00%	85.00%	85.00%	85.00%	85.00%

	Arrowleaf and Crimson	Red	Strawberry	Sweet	White and Alsike
REGISTERED					
Pure seed (minimum)	98.00%	99.00%	99.00%	99.50%	99.00%
Other crop (maximum)	0.25%	0.25%	0.25%	0.10%	0.25%
Sweetclover (maximum)	90/lb	45/lb	45/lb	-----	90/lb
Weed seed (maximum)	0.25%	0.15%	0.02%	0.02%	0.25%
Inert matter (maximum)	***2.00%***	***1.00%***	***1.00%***	***1.00%***	***1.00%***
Noxious weed seed (maximum)	none	none	none	none	none
Objectionable weed seed (maximum)	none	none	none	none	none
Germination (minimum)	85.00%	85.00%	85.00%	85.00%	85.00%

	Arrowleaf and Crimson	Red	Strawberry	Sweet	White and Alsike
CERTIFIED					
Pure seed (minimum)	~~[90.00%]~~ ***98.00%***	99.00%	99.00%	99.50%	99.00%
Other crop (maximum)	0.04%	0.25%	0.25%	0.25%	0.25%
Sweetclover (maximum)	180/lb	90/lb	90/lb	-----	180/lb
Weed seed (maximum)	0.50%	0.25%	0.20%	0.25%	0.50%
Inert matter (maximum)	***2.00%***	***1.00%***	***1.00%***	***1.00%***	***1.00%***
Noxious weed seed (maximum)	none	none	none	none	none
Objectionable weed seed (maximum)	none	none	none	none	none

Germination (minimum)	85.00%	85.00%	85.00%	85.00%	85.00%

2. As used in this section:

(a) "Germination" includes hard seed.

(b) "Objectionable weed seed" includes ~~[the]~~ ***:***

(1) The following and is permitted in seed with a maximum content as listed below:

	Foundation	Registered	Certified
Convolvulus arvensis	none	none	none
Cuscuta ***spp.***	none	none	none
Plantago ***spp.***	none	45/lb	90/lb
Rumex ***spp.***	none	45/lb	90/lb

(2) For the foundation class of red clover, Brassica spp.

Sec. 42. NAC 587.323 is hereby amended to read as follows:

587.323 1. Except as otherwise provided in subsection 2, ~~[a field of grass seed must meet]~~ the following requirements for isolation ~~[to be eligible for certification:]~~ ***must be met if at least two different strains of the same species of grass are in bloom at the same time:***

Type of reproduction	Border to be Removed	Minimum Isolation Foundation	Registered	Certified
Cross-pollinated	0 feet	900 feet	~~[~~200~~]~~ ***300*** feet	165 feet
	9 feet	600 feet	225 feet	100 feet
	15 feet	450 feet	150 feet	75 feet
Strains at least 80 percent apomictic and highly self-fertile species	0 feet	60 feet	30 feet	15 feet
	9 feet	30 feet	15 feet	15 feet

2. If different classes of the same variety, which must also meet certification requirements, are being grown on the same or adjacent fields, the requirement for isolation may be reduced to 25 percent of that shown in the table in subsection 1. ***The minimum isolation for all seed classes of tetraploids is at least 15 feet from diploids of the same species.***

3. Border removal is ~~[permitted when the minimum distance of isolation, shown at the right of a "0" in the first column of the table in subsection 1, cannot be provided.]~~ ***allowed only in fields of least 5 acres. A border must not be removed until pollination of the crop to be certified is completed.*** The distance is the minimum isolation required for each class of seed after border removal.

4. For the purposes of this section, varieties within species with both cross-pollinated and apomictic type of reproduction are considered highly apomictic for minimum isolation unless otherwise specified for that variety.

~~[5. As used in this section, "border removal" means the removal, after flowering, of a portion of the seed field adjacent to a contaminating source and applies only to a field of 5 acres or more.]~~

Sec. 43. NAC 587.327 is hereby amended to read as follows:

587.327 1. A field of grass seed must meet the following tolerances to be eligible for certification:

	Maximum permitted in each class		
Factor	Foundation	Registered	Certified
Other varieties	none	0.5%	~~[1.0%]~~ ***2.0%***

2. As used in this section, "other varieties" includes off-type plants and plants that can be differentiated ***by the varietal description*** from the variety being inspected.

Sec. 44. NAC 587.329 is hereby amended to read as follows:

587.329 1. The following standards for grass seed apply to the foundation and registered classes:

Species	Type of Repro-duction[1]	Percent Pure Seed (Minimum)	Percent Other Crop (Maximum)	Percent Weed Seed (Maximum)[2]	Percent Inert Matter (Maximum)	Percent Germination (Minimum)
~~[Bentgrass~~						
~~*Agrostis spp.*~~	~~C~~	~~96%~~	~~0.2%~~	~~0.1%~~	~~4%~~	~~85%]~~
Bluegrass ***, Kentucky***						
Poa ~~[spp.]~~ ***pratensis***	C,A	95%	0.1%	~~[0.1%]~~ ***0.3%***	5%	75%
Bromegrass, Meadow						
Bromus biebersteinii	C	95%	0.1%	0.1%	5%	85%
Bromegrass, Smooth						
Bromus inermis						
subsp. inermis	C	95%	0.1%	0.1%	5%	85%
Fescue, Chewings						
Festuca rubra						
subsp. commutata	C	98%	0.1%	0.1%	2%	85%
Fescue, Hard						
Festuca, longifolia	C	95%	0.1%	0.1%	5%	85%
~~[Fescue, Idaho~~						
~~*Festuca idahoensis*~~	~~C~~	~~95%~~	~~0.1%~~	~~0.1%~~	~~5%~~	~~85%]~~
Fescue, Meadow						
Festuca pratensis	C	95%	0.1%	0.1%	5%	85%
Fescue, Red						
Festuca rubra						
subsp. rubra	C	98%	0.1%	0.1%	2%	85%
Fescue, Sheep						

Festuca ovina	C	98%	0.1%	0.1%	2%	85%
Fescue, Tall						
Festuca arundinacea	C	98%	0.1%	0.3%	2%	85%
Indian Ricegrass						
Oryzopsis hymenoides	C	95%	0.5%	0.3%	5%	80%
Orchardgrass						
Dactylis glomerata	C	90%	0.1%	0.3%	5%	85%
Ryegrass						
Lolium spp.	C	96%	0.2%	0.2%	4%	85%
~~[Tall Oatgrass~~						
~~*Arrhenatherum elatius*~~	~~C~~	~~90%~~	~~0.5%~~	~~0.3%~~	~~10%~~	~~70%]~~
Timothy						
Phleum pratense	C	97%	0.1%	0.1%	3%	80%
Wheatgrass, Crested						
Agropyron cristatum,						
A. desertorum	C	95%	0.1%	0.1%	5%	80%
~~[Wheatgrass, Beardless~~						
~~*Agropyron inerme*~~	~~C~~	~~90%~~	~~0.1%~~	~~0.1%~~	~~5%~~	~~80%~~
~~Wheatgrass, Bluebunch~~						
~~*Agropyron spicatum*~~	~~C~~	~~90%~~	~~0.1%~~	~~0.1%~~	~~5%~~	~~80%]~~
Wheatgrass, Intermediate						
~~[Agropyron intermedium]~~						
Elytrigia intermedia						
subsp. intermedia	C	95%	0.1%	0.1%	5%	80%
Wheatgrass, Pubescent						
Agropyron trichophorum	C	95%	0.1%	0.1%	5%	80%

Wheatgrass, Siberian						
Agroyron ~~[sibiricum]~~						
fragile subsp. sibericum	C	95%	0.1%	0.1%	5%	80%
Wheatgrass, Streambank						
~~[Agropyron riparium]~~						
Elymus lanceolatus						
subsp. lanceolatus	C	90%	0.1%	0.1%	10%	80%
Wheatgrass, Tall						
~~[Agropyron elongatum]~~						
Elytrigia elongata	C	95%	0.1%	0.1%	5%	85%
Wildrye, Basin						
~~[Elymus cinereus]~~						
Leymus cinereus	C	90%	0.1%	0.1%	5%	80%
Wildrye, Canada						
Elymus canadensis	S	85%	0.1%	0.1%	15%	70%
Wildrye, Russian						
~~[Elymus junceus]~~						
Psathyrostachys juncea	C	90%	0.1%	0.1%	5%	80%

2. The following standards for grass seed apply to the certified class:

Species	Type of Repro-duction[1]	Percent Pure Seed (Minimum)	Percent Other Crop (Maximum)	Percent Weed Seed (Maximum)[2]	Percent Inert Matter (Maximum)	Percent Germination (Minimum)

~~[Bentgrass~~

~~Agrostis supp. C 96% 0.3% 0.25% 4% 85%]~~

Bluegrass ***, Kentucky***

Poa ~~[supp.[3]]~~ ***pratensis*** [3] C,A 95% ~~[0.5%]~~ ***0.25%*** 0.30% 5% 75%

Bromegrass, Meadow

Bromus biebersteinii C 95% 0.5% 0.30% 5% 85%

Bromegrass, Smooth

Bromus inermis C 95% 0.5% 0.30% 5% 85%

Fescue, chewings

Festuca rubra

subsp. cummutata C 97% 0.5% 0.30% 3% 85%

Fescue, Hard

Festuca longifolia C 97% 0.5% 0.30% 3% 85%

~~[Fescue, Idaho~~

~~Festuca idahoensis C 97% 0.5% 0.30% 3% 85%]~~

Fescue, Meadow

Festuca pratensis C 97% 0.5% 0.30% 3% 85%

Fescue, Red

Festuca rubra

subsp. rubra C 97% 0.5% 0.30% 3% 85%

Fescue, Sheep

Festuca ovina C 98% 0.5% 0.30% 2% 85%

Fescue, Tall

Festuca arundinacea C 98% 0.5% 0.30% 2% 85%

Indian Ricegrass

Oryzopsis hymenoides C 90% 1.0% 0.50% 10% 80%

Orchardgrass						
Dactylis glomerata	C	90%	0.5%	0.50%	10%	85%
Ryegrass						
Lolium spp.	C	97%	0.5%	0.50%	3%	85%
~~[Tall Oatgrass~~						
~~*Arrhenatherum elatius*~~	~~C~~	~~90%~~	~~1.0%~~	~~0.50%~~	~~10%~~	~~70%]~~
Timothy						
Phleum pratense	C	97%	0.5%	0.30%	3%	80%
Wheatgrass, Crested						
Agropyron cristatum,						
A. desertorum	C	95%	0.5%	0.30%	5%	80%
~~[Wheatgrass, Beardless~~						
~~*Agropyron inerme*~~	~~C~~	~~90%~~	~~0.5%~~	~~0.30%~~	~~10%~~	~~80%~~
~~Wheatgrass, Bluebunch~~						
~~*Agrophron spicatum*~~	~~C~~	~~90%~~	~~0.5%~~	~~0.30%~~	~~10%~~	~~80%]~~
Wheatgrass, Intermediate						
~~[Agropyron intermedium]~~						
Elytrigia intermedia						
subsp. intermedia	C	95%	0.5%	0.30%	5%	80%
~~[Wheatgrass, Pubescent~~						
~~*Agropyron trichophorum*~~	~~C~~	~~95%~~	~~0.5%~~	~~0.30%~~	~~5%~~	~~80%]~~
Wheatgrass, Siberian						
~~[Agropyron sibiricum]~~						
fragile subsp. sibericum	C	95%	0.5%	0.30%	5%	80%
Wheatgrass, Streambank						
~~[Agropyron riparium]~~						

Elymus lanceolatus						
subsp. lanceolatus	C	90%	0.5%	0.30%	10%	80%
Wheatgrass, Tall						
~~[Agropyron elongatum]~~						
Elytrigia elongata	C	95%	0.5%	0.30%	5%	85%
Wildrye, Basin						
~~[Elymus cinereus]~~						
Leymus cinereus	C	90%	0.5%	0.30%	10%	80%
Wildrye, Canada						
Elymus canadensis	S	85%	0.5%	0.30%	15%	70%
Wildrye, Russian						
~~[Elymus junceus]~~						
Psathyrostachys juncea	C	90%	0.5%	0.30%	10%	80%

[1] Type of reproduction: C = Cross pollinated, S = Self-pollinated, A = Apomictic

[2] Noxious weed seed listed in NAC 587.2375 has a zero tolerance in grass crops along with the following: dodder (*Cuscuta spp.*), wild garlic (*Allium vineale*) and field bindweed (*Convolvulus arvensis*). The following weed seeds are permitted with a maximum tolerance of 27 seeds per pound: docks (*Rumex spp.*) and fanweed (*Thlaspi arvense*).

[3] The variety Merion may contain a minimum of 92 percent pure seed, a maximum of 8 percent inert matter and a maximum of 3 percent other Kentucky bluegrass varieties. Kentucky bluegrass varieties other than Merion may contain a maximum of 2 percent other bluegrass varieties. Canada bluegrass may contain a maximum of 3 percent Kentucky bluegrass.

Sec. 45. NAC 587.339 is hereby amended to read as follows:

587.339 1. A field of rapeseed must meet the following standards for purity and germination of seed.

Factor	Foundation	Registered	Certified
Pure seed (minimum)	99.00%	99.00%	99.00%
Other crop (maximum)	0.01%	0.01%	0.25%
Weed seed (maximum)	0.01%	0.01%	0.25%
Noxious weed seed (maximum)	none	none	none
Objectionable weed seed (maximum number of seed)	1	1	2
Inert matter (maximum)	1.00%	1.00%	1.00%
Germination (minimum)	85.00%	85.00%	85.00%

FLUSH

As used in this subsection, "objectionable weed seed" includes the maximum number of seed permitted of *Brassica* ~~[nigra,]~~ ***spp.,*** *Sinapis arvensis* ~~[, Brassica juncea]~~ or *Raphanus raphanistrum*, singly or collectively, in the amount of seed examined for noxious weed seed.

2. Erucic acid and glucosinolate content must be within the tolerances described by the plant breeder for each variety.

3. All seed lots must be assayed and shown to be 99.99 percent free from *Phoma lingam*.

Sec. 46. NAC 587.003, 587.005 and 587.278 are hereby repealed.

TEXT OF REPEALED SECTIONS

587.003 "Administrator" defined. "Administrator" means the administrator of the division.

587.005 "Division" defined. "Division" means the division of agriculture of the department of business and industry.

587.278 Requirements for movement of seed.

1. All seed, cleaned or uncleaned, moving out of the state in bulk containers must be accompanied by a moving permit. Cleaned seed moving within the state in bulk containers must also be accompanied by a permit.

2. A permit for moving seed will be issued by the division and must be obtained before the seed is moved.