

**PROPOSED REGULATION OF THE DIRECTOR OF THE
STATE DEPARTMENT OF AGRICULTURE**

LCB File No. R230-05

March 1, 2006

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

AUTHORITY: §§1-5, NRS 587.083; §6, NRS 587.077 and 587.083.

A REGULATION relating to agricultural products; making various changes to provisions concerning the germination of seeds, classifying additional plants as prohibited noxious weeds and restricted noxious weeds, increasing the application fee for certification of seed for certain crops, and providing other matters properly relating thereto.

Section 1. NAC 587.010 is hereby amended to read as follows:

587.010 The test for germination:

1. For agricultural seed which is offered for sale, must be completed within ~~[an 18-month]~~ *a 12-month* period;
2. For the seeds of vegetables which are offered for sale in containers of more than one pound, must be completed within ~~[an 18-month]~~ *a 12-month* period;
3. For the seeds of trees which are offered for sale, must be completed within a 12-month period;
4. For seed in hermetically sealed containers shipped, delivered, transported or sold to a dealer for resale, must be completed within ~~[an 18-month]~~ *a 12-month* period; and
5. For seed in hermetically sealed containers offered for sale at retail, must be completed within a ~~[36-month]~~ *12-month* period, exclusive of the month in which the test was completed.

Sec. 2. NAC 587.020 is hereby amended to read as follows:

587.020 The following standards govern the sale of hermetically sealed containers:

1. The seed must be packaged within 9 months after harvest.
2. The container must not allow penetration of water vapor through any wall, including the seals, greater than 0.05 grams of water per 24 hours per 100 square inches of surface at 100° Fahrenheit with a relative humidity on one side of 90 percent and on the other side of 0 percent. Penetration of water vapor is as defined by the U.S. Bureau of Standards as:

gm. H₂O/24 hr./100 sq. in./100° F/90% RH V.0% RH.

3. The seed in the container must not exceed the percentage of moisture, on the basis of wet weight, as follows:

Agricultural Seeds	Percentage of Moisture
Beet, field	7.5
Beet, sugar	7.5
Bluegrass, Kentucky	6.0
Clover, crimson	8.0
Fescue, red	8.0
Ryegrass, annual	8.0
Ryegrass, perennial	8.0
All others	6.0

Seeds of Vegetables	Percentage of Moisture
Corn, sweet	8.0
Cucumber	6.0
Eggplant	6.0
Kale	5.0
Kohlrabi	5.0
Leek	6.5
Lettuce	5.5
Muskmelon	6.0
Mustard, India	5.0
Onion	6.5
Onion, Welsh	6.5
Parsley	6.5
Parsnip	6.0
Pea	7.0
Pepper	4.5
Pumpkin	6.0
Radish	5.0
Rutabaga	5.0
Spinach	8.0
Squash	6.0

Seeds of Vegetables	Percentage of Moisture
Tomato	5.5
Turnip	5.0
Watermelon	6.5
All others	6.0

4. The container must be conspicuously labeled in not less than 8-point type to indicate the month and year of the test for germination, that the container is hermetically sealed and that the seed has been preconditioned as to moisture contained in the seed.

5. The percentage of germination of seeds of vegetables at the time of packaging must be equal to or above the standards in NAC 587.120.

Sec. 3. NAC 587.140 is hereby amended to read as follows:

587.140 The kinds of flower seeds listed below are those for which standard testing procedures have been prescribed and therefore are required to be labeled with the germination percentage. For those kinds marked with an asterisk, the percentage is the total of percentage of germination and percentage of hard seed. For all other kinds, it is the percentage of germination:

Kind	Flower Seeds	Minimum Germination Standard
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<i>Achilla</i> - <u><i>Achillea ptarmica</i></u>	50
African daisy - <i>Dimorphotheca aurantiaca</i>	55
<i>African violet</i> - <u><i>Saintpaulia spp.</i></u>	30
Ageratum - <i>Ageratum mexicanum</i>	60
<i>Agrostemma</i> - <u><i>Agrostemma coronaria</i></u>	65
Alyssum - <i>Allyssum compactum</i> , <i>A. maritimum</i> <i>A. procumbens</i> , <i>A. saxatile</i>	60
<i>Amaranthus</i> - <u><i>Amaranthus spp.</i></u>	65
<i>Anagallis</i> - <u><i>Anagallis arvensis</i></u>	60
Anemone - <i>Anemone coronaria</i> , <i>A. pulsatilla</i>	55
Angel's trumpet - <i>Datura arborea</i>	60
Arabis - <i>Arabis alpina</i>	60
<i>Arctotis</i> - <u><i>Arctotis grandis</i></u>	45
<i>Armeria</i> - <u><i>Armeria Formosa</i></u>	55
<i>Asparagus fern</i> - <u><i>Asparagus plumosus</i></u>	50
<i>Asparagus sprenger</i> - <u><i>Asparagus sprengeri</i></u>	55
Aster, China - <i>Callistephus chinensist</i> except Pompom Powder puff and Princess types	55
Aster, China - <i>Callistephus chinensis</i> , Pompom, Powder puff, and Princess types	50
Aubrietia - <i>Aubrietia deltoides</i>	45
<i>Baby smilax asparagus</i> - <u><i>Asparagoides</i></u>	25

Flower Seeds

Kind	Minimum Germination Standard
Balsam - <i>Impatiens balsamina</i>	70
<i>Begonia</i> - <u><i>Begonia fibrous, rooted</i></u>	60
<i>Begonia</i> - <u><i>Begonia tuberos, rooted</i></u>	50
<i>Bells of Ireland</i> - <u><i>Molucella laevis</i></u>	60
<i>Brachycome</i> - <u><i>Brachycome iberidifolia</i></u>	60
<i>Browallia</i> - <u><i>Browallia elata</i></u> and <u><i>B. speciosa</i></u>	65
<i>Buphtalum</i> - <u><i>Buphtalum salicifolium</i></u>	60
<i>Calceolaria</i> - <u><i>Calceolaria spp.</i></u>	60
Calendula - <i>Calendula officinalis</i>	65
California poppy - <i>Eschscholtzia californica</i>	60
Calliopsis - <i>Coreopsis bicolor</i> , <i>C. drummondi</i> , <i>C. elegans</i>	65
Campanula:	
Canterbury bells - <i>Campanula medium calycanthema</i>	60
Cup and Saucer bellflower - <i>C. amanula calycanthema</i>	60
Carpathian bellflower - <i>Campanula capatica</i>	50
Peach bellflower - <i>Campanula persicifolia</i>	50
Candytuft, annual - <i>Iberis amara</i> , <i>I. umbellata</i>	65
Candytuft, perennial - <i>Iberis gibraltarica</i> , <i>I. sempervirens</i>	55

Flower Seeds

Kind	Minimum Germination Standard
*Castorbean - <i>Ricinus communis</i>	60
Cathedral bells - <i>Cobaea scandens</i>	65
Celosia - <i>Celosia argentea</i>	65
Centaurea:	
Basketflower - <i>Centaurea Americana</i>	60
Cornflower - <i>Centaurea cyanus</i>	60
Dusty Miller - <i>Centaurea candidissima</i>	60
Royal centaurea - <i>Centaurea imperialis</i>	60
Sweet Sultan - <i>Centaurea moschata</i>	60
Velvet centaurea - <i>Centaurea gymnocarpa</i>	60
<u>Cerastium - <i>Cerastium biebersteini</i></u>	65
Chinese forget-me-not - <i>Cynoglossum amabile</i>	55
Chrysanthemum, annual - <i>Chrysanthemum carinatum</i> , <i>C. coronarium</i> , <i>C. segetum</i>	40
<u>Cineraria - <i>Senecio cruentus</i></u>	60
Clarkia - <i>Clarkia elegans</i>	65
Cleome - <i>Cleome gigantean</i>	65
<u>Coleus - <i>Coleus blumei</i></u>	65

Flower Seeds

Kind	Minimum Germination Standard
Columbine – <i>Aquilegia</i> spp.	50
Coral bells – <i>Heuchera sanguinea</i>	55
Coreopsis, perennial - <i>Coreopsis lanceolata</i>	40
<i>Corn, ornamental - <u>Zea mays</u></i>	75
Cosmos:	
Sensation, Mammoth and Crested type - <i>Cosmos bipinnatus</i> ;	
Klondyke type - <i>C. sulphureus</i>	65
<i>Crossandra - <u>Crossandra infundibuliformis</u></i>	50
Dahlia - <i>Dahlia</i> spp.	55
<i>Daylily - <u>Hermerocallis</u> spp.</i>	45
Delphinium, perennial:	
Belladonna and Bellamosum types; Cardinal larkspur -	
<i>Delphinium cardinale</i> ; Chinensis types; Pacific Giant, Gold	
Medal and other hybrids of <i>D. elatum</i>	55
Dianthus:	
Carnation - <i>Dianthus caryophyllus</i>	60
China pinks - <i>Dianthus chinensis</i> , <i>Heddewigi</i> , <i>Heddensis</i>	70
Grass Pinks - <i>Dianthus plumarius</i>	60

Flower Seeds

Kind	Minimum Germination Standard
Maiden pinks - <i>Dianthus deltoids</i>	60
Sweet William - <i>Dianthus barbatus</i>	70
Sweet Wivelsfield - <i>Dianthus allwoodi</i>	60
<i>Didiscus</i> - <u><i>Didiscus coerulea</i></u>	65
<i>Doronicum</i> - <u><i>Doronicum caucasicum</i></u>	65
Dracena - <i>Dracena indivisa</i>	55
<i>Dragon tree</i> - <u><i>Dracaena draco</i></u>	40
English daisy - <i>Bellis perrennis</i>	55
Foxglove - <i>Digitalis</i> spp.	60
Gaillardia, annual - <i>Gaillardia pulchella</i> , <i>G. picta</i> ; perennial - <i>G. grandiflora</i>	45
Geum - <i>Geum</i> spp.	55
Gilia - <i>Gilia</i> spp.	65
Godetia - <i>Godetia amoena</i> , <i>G. grandiflora</i>	65
Gourds:	
Yellow flowered - <i>Cucurbita pepo</i> ; White flowered - <i>Lagenaria sisceraria</i> ; <i>Luga cylindrical</i>	70
Gypsophila:	70

Flower Seeds

Kind	Minimum Germination Standard
Annual baby's breath - <i>Gypsophila elegans</i> ; Perennial baby's breath - <i>G. paniculata</i> , <i>G. pacifica</i> , <i>G. repens</i>	
<i>Helenium</i> - <u>Helenium autumnale</u>	40
Helichrysum - <i>Helichrysum monstrosum</i>	60
<i>Heliopsis</i> - <u>Heliopsis scabra</u>	55
<i>Heliotrope</i> - <u>Heliotropium spp.</u>	35
<i>Helipterum</i> - <u>Helipterum roseum</u>	60
<i>Hesperis</i> - <u>Hesperis matronalis</u>	65
*Hollyhock - <i>Althea rosea</i>	65
<i>Hunnemania</i> - <u>Hunnemania fumariaefolia</u>	60
<i>Hyacinth</i> - <u>Dolichos lablab</u>	70
<i>Impatiens</i> - <u>Impatiens hostii</u>	55
*Ipomoea:	
Cypress vine - <i>Ipomoea quamoclit</i> ; Moonflower - <i>I. noctiflora</i> ;	
Morningglories, Cardinal Climber, Hearts and Honey Vine -	
<i>Ipomoea</i> spp.	75
<i>Jerusalem cross</i> - <u>Lychnis chalconica</u>	70
Job's Tears - <i>Coix lacrymajobi</i>	70

Flower Seeds

Kind	Minimum Germination Standard
Kochia - <i>Kochia childsii</i>	55
Larkspur, annual - <i>Delphinium ajacis</i>	60
Lantana - <i>Lantana camara</i> , <i>L. hybrida</i>	35
<u>Lilium - <i>Lilium regale</i></u>	50
Linaria - <i>Linaria</i> spp.	65
Lobelia, annual - <i>Lobelia erinus</i>	65
Lunaria, annual - <i>Lunaria annua</i>	65
*Lupine - <i>Lupinus</i> spp.	65
Marigold - <i>Tagetes</i> spp.	65
Marvel of Peru - <i>Mirabilis jalapa</i>	60
<u>Matricaria - <i>Matricaria</i> spp.</u>	60
Mignonette - <i>Reseda odorata</i>	55
Myosotis - <i>Myosotis alpestris</i> , <i>M. oblongata</i> , <i>M. pulastris</i>	50
Nasturtium - <i>Tropaeolum</i> spp.	60
Nemesia - <i>Nemesia</i> spp.	65
Nemophila - <i>Nemophila insignis</i>	70
Nicotiana - <i>Nicotiana affinis</i> , <i>N. sanderae</i> , <i>N. sylvestris</i>	65
Nierembergia - <i>Nierembergia</i> spp.	55

Flower Seeds

Kind	Minimum Germination Standard
Nigella - <i>Nigella damascena</i>	55
Pansy - <i>Viola tricolor</i>	60
Penstemon - <i>Penstemon barbatus</i> , <i>P. grandiflorus</i> , <i>P. laevigatus</i> , <i>P. pubescens</i>	60
Petunia - <i>Petunia</i> spp.	45
Phacelia - <i>Phacelia companularia</i> , <i>P. minor</i> , <i>P. tanacetifolia</i>	65
Phlox, annual - <i>Phlox drummondii</i> , all types and varieties	55
Physalis - <i>Physalis</i> spp.	60
<i>Platycodon</i> - <u><i>Platycodon grandiflorum</i></u>	60
<i>Plumbago</i> - <u><i>Plumbago capensis</i></u>	50
<i>Pony tail</i> - <u><i>Beaucarnea recurvata</i></u>	40
Poppy:	
Shirley poppy - <i>Papaver rhoeas</i> ; Iceland poppy - <i>P. nudicaule</i> ;	
Oriental poppy - <i>P. orientale</i> ; Tulip poppy - <i>P. glaucum</i>	60
Portulaca - <i>Portulaca grandiflora</i>	55
<i>Primula</i> - <u><i>Primula</i> spp.</u>	50
Salpiglossis - <i>Salpiglossis gloxinaeflora</i> , <i>S. sinuata</i>	60
Salvia - Scarlet Sage - <i>Salvia splendens</i> ; Mealycup Sage	50

Flower Seeds

Kind	Minimum Germination Standard
(bluebedder) - <i>S. farinace</i>	
Saponaria - <i>Saponaria ocymoides</i> , <i>S. vaccaria</i>	60
Scabiosa, annual - <i>Scabiosa atropurpurea</i>	50
Scabiosa, perennial - <i>Scabiosa caucasica</i>	40
Schizanthus - <i>Schizanthus</i> spp.	60
Shasta Daisy - <i>Chrysanthemum maximum</i> , <i>C. leucanthemum</i>	65
<u>Silk oak - <i>Grevillea robusta</i></u>	25
Snapdragon - <i>Antirrhinum</i> spp.	55
Solanum - <i>Solanum</i> spp.	60
<u>Statice - <i>Statice sinuate</i></u>	50
Stock:	
Common - <i>Matthiola incana</i> ; Evening scented - <i>Matthiola</i> <i>bicornus</i>	65
Sunflower - <i>Helianthus</i> spp.	65
<u>Sunrose - <i>Helianthemum</i> spp.</u>	30
*Sweet pea, annual and perennial other than dwarf bush - <i>Lathyrus</i> <i>odoratus</i> , <i>L. latifolius</i>	75
*Sweet pea, dwarf - <i>Lathyrus odoratus</i>	65

Flower Seeds

Kind	Minimum Germination Standard
<i>Tahoka daisy - <u>Machaeanthera tanacetifolia</u></i>	60
Thunbergia - <i>Thunbergia alata</i>	60
Torch flower - <i>Tithonia speciosa</i>	70
<i>Torenia - <u>Torenia fournieri</u></i>	70
Tritoma - <i>Kniphofia</i> spp.	65
Verbena, annual - <i>Verbena hybrida</i>	35
Vinca - <i>Vica rosea</i>	60
Viola - <i>Viola cornuta</i>	55
<i>Virginian stocks - <u>Malcolmia maritima</u></i>	65
Wallflower - <i>Cheiranthus allioni</i>	65
<i>Yucca - <u>Yucca filamentosa</u></i>	50
Zinnia (except linearis and creeping) - <i>Zinnia lineais, Salvitalia</i> <i>procumbens</i>	50

*Including Hard Seed

Sec. 4. NAC 587.173 is hereby amended to read as follows:

587.173 Seed of the following plants are classified as prohibited noxious weed seeds, the occurrence of which must not exceed the tolerances prescribed by NAC 587.200:

1. *African rue* (*Peganum harmala*).
2. Camelthorn (*Alhagi camelorum*).
- ~~[2.]~~ 3. *Common crupina* (*Crupina vulgaris*).
4. *Dyer's woad* (*Isatis tinctoria*).
5. *Eurasian water-milfoil* (*Myriophyllum spicatum*).
6. Fieldcress, Austrian (*Rorippa austriaca*).
- ~~[3.]~~ 7. *Giant Salvinia* (*Salvinia molesta*).
8. Goatgrass, barb (*Aegilops triuncialis*).
- ~~[4.]~~ 9. *Goat's rue* (*Galega officinalis*).
10. Halogeton (*Halogeton glomeratus*).
- ~~[5.]~~ 11. Horse nettle, Carolina (*Solanum carolinense*).
- ~~[6.]~~ 12. Horse nettle, white (*Solanum elaeagnifolium*).
- ~~[7.]~~ 13. *Houndstongue* (*Cynoglossum officinale*).
14. *Hydrilla* (*Hydrilla verticillata*).
15. Klamath weed (*Hypericum perforatum*).
- ~~[8.]~~ 16. Knapweed, Russian (*Centaurea repens*).
- ~~[9.]~~ 17. *Mayweed chamomile* (*Anthemis cotula*).
18. *Mediterranean sage* (*Salvia aethiopsis*).
19. Medusa head, rye (*Taeniatherum asperum*).
- ~~[10.]~~ 20. Peaweed, Austrian (*Swainsona salsula*).
21. *Purple loose strife* (*Lythrum salicaria*, *L. virgatum* and cultivars).
- ~~[11.]~~ 22. Quackgrass (*Agropyron repens*).
- ~~[12.]~~ 23. Skeletonweed, rush (*Chondrilla juncea*).

~~{13.}~~ 24. *Sorghum* spp., perennial, including, but not limited to, Johnson grass, sorghum
almum and perennial sweet sudangrass.

~~{14.}~~ 25. Sowthistle, perennial (*Sonchus arvensis*).

~~{15.}~~ 26. *Spotted knapweed* ([*Centaurea maculosa*](#)).

27. Spurge, leafy (*Euphorbia esula*).

28. *Squarrose star thistle* ([*Centaurea virgata*](#)).

~~{16.}~~ 29. Starthistle, Iberian (*Centaurea iberica*).

~~{17.}~~ 30. Starthistle, purple (*Centaurea calcitrapa*).

~~{18.}~~ 31. Starthistle, yellow (*Centaurea solstitialis*).

~~{19.}~~ 32. *Sulfur cinquefoil* ([*Potentilla recta*](#)).

33. *Syrian bean caper* ([*Zygophyllum fabago*](#)).

34. Thistle, Canada (*Cirsium arvense*).

~~{20.}~~ 35. Toadflax, Dalmatian (*Linaria dalmatica*).

~~{21.}~~ 36. Whitetop or Hoarycress (*Cardaria pubescens*).

Sec. 5. NAC 587.175 is hereby amended to read as follows:

587.175 Seed of the following plants are restricted noxious weed seeds, the occurrence of
which must not exceed 27 per pound, singly or collectively:

1. Bindweed, field (*Convolvulus arvensis*).

2. *Black henbane* ([*Hyoscyamus niger*](#)).

3. Crabgrass (*Digitaria sanguinalis*, *Digitaria ischaemum*).

~~{3.}~~ 4. *Diffuse knapweed* ([*Centaurea diffusa*](#)).

5. Dock, curly (*Rumex crispus*).

~~{4.}~~ 6. Dodder, all species (*Cuscuta* spp.).

~~{5.}~~ 7. *Green fountain grass* (*Pennisetum setaceum*).

8. *Musk thistle* (*Carduus nutans*).

9. Mustard, wild (Charlock) (*Brassica kaber*).

~~{6.}~~ 10. Pennycress (Fanweed) (*Thlaspi arvense*).

~~{7.}~~ 11. *Perennial pepperweed* (*Lepidium latifolium*).

12. *Poison hemlock* (*Conium maculatum*).

13. Puncture vine (*Tribulus terrestris*).

~~{8.}~~ 14. *Salt cedar-tamarisk* (*Tamarix spp.*)

15. Sandbur, field (*Cenchrus pauciflorus*).

16. *Scotch thistle* (*Onopordum acanthium*).

17. *Water hemlock* (*Cicuta macula*).

Sec. 6. NAC 587.254 is hereby amended to read as follows:

587.254 1. Application for certification must be made on a form obtained from or approved by the Department for each site.

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 the applicable acreage and other fees set forth in subsection 7.

4. Except as otherwise provided in subsection 5, applications are due on the following dates:

(a) Alfalfa, grass, clover, rapeseed, woody plants and forbs of the foundation, registered or certified class, April 1, or, if the crop is planted after April 1, within 30 days after planting.

(b) Small grain and beans and field crops, other than those described in paragraph (a), of the foundation, registered or certified class, May 1, or, if the crop is planted after May 1, within 30 days after planting.

(c) Seed fields or orchards of the selected or tested class, at least 30 days before planting or, for renewal of perennial crops of seed fields or orchards of the selected or tested class, May 1.

(d) Natural stands of the selected or tested class, at least 15 days before the first harvest.

(e) Natural stands of the source identified class, at least 3 days before harvest.

(f) Planted stands of the source identified class, May 1.

5. The Department may, upon a showing of good cause, accept an application for certification filed after the date required for filing provided in subsection 4.

6. In addition to any other requirements, an applicant for certification of a source-identified class shall submit a site collection log and the fee for the site collection log set forth in subsection 7 to the Department within 7 days after the period for seed collection ends.

7. The Department shall charge the following fees:

(a) For an application for a field crop:

Crop	Acreage	Production
	Per Acre	Clean Seed
Alfalfa	\$4	\$.15/ewt \$.25/cwt
Beans	5	.15/ewt .25/cwt
Clover	4	.15/ewt .25/cwt
Grass	4	.15/ewt .25/cwt

Crop	Acreage Per Acre	Production Clean Seed
Rapeseed	4	[-.15/cwt.] .25/cwt
Small grains	4	[-.10/cwt.] .20/cwt
Woody plants and forbs	4	[-.15/cwt.] .25/cwt
Other field crops	4	[-.15/cwt.] .25/cwt

(b) For pre-variety germplasm of the:

(1) Tested Class:

(I) Seed fields or orchards, \$4 per acre plus \$.25 per tag if tags are requested; and

(II) Natural stands, \$50 for each application for certification for each site plus \$.25 per tag if tags are requested;

(2) Selected Class:

(I) Seed fields or orchards, \$4 per acre plus \$.25 per tag if tags are requested; and

(II) Natural stands, \$50 for each application for certification for each site plus \$.25 per tag if tags are requested; and

(3) Source Identified Class, \$10 for each application for certification of each site and \$50 per site collection log plus \$.10 per pound of clean seed if tags are requested.

↪ The Department shall charge an acreage fee of at least \$25 per field.

8. In addition to any other fees, the Department may charge a fee of \$50 per field if a reinspection of the field is required to determine eligibility for certification.

9. Except as otherwise provided in subsection 10, the Department will bill production fees after the seed is cleaned and only if the lot meets certification standards.

10. For seeds conditioned out of State:

(a) The Department will not charge production fees for seeds that are tagged out of State through interagency certification.

(b) The Department will charge production fees for seeds for which tags are requested from the Department.

11. The Department will collect acreage fees on all perennial crops in the year of seeding and in each calendar year thereafter.

12. The 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 Department is notified that the crop is not intended to produce seed. The Department must be notified in writing before the field is inspected.

13. As used in this section, “pre-variety germplasm” has the meaning ascribed to it in NAC 587.3396.