

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

LCB File No. R156-16

Nevada Department of Agriculture
Seed Division
NAC 555

Pesticide Use on Crops Grown For Seed

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1. For purposes of pesticide product registration, labeling, distribution and use, certain crops when grown exclusively for seed production, with the sole intent of the seed being planted, or with the sole intent of the seed being processed to produce nonedible industrial or nonedible cosmetic oil, shall be considered nonfood/non-feed sites. If certain conditions are met as specified in this rule, a pesticide residue tolerance is not required to obtain a pesticide registration on the crop. These crops include, but are not limited to:

<i>Alfalfa</i>	<i>Clover</i>	<i>Mizuna</i>
<i>Alliums</i>	<i>Collards</i>	<i>Mustard (all)</i>
<i>Arugula</i>	<i>Cucumber</i>	<i>Parsley</i>
<i>Beet (garden and sugar)</i>	<i>Dill</i>	<i>Parsnip</i>
<i>Birdsfoot Trefoil</i>	<i>Drug and Medicinal Crops</i>	<i>Radish (except daikon)</i>
<i>Broccoli (all)</i>	<i>Endive</i>	<i>Rapeseed</i>
<i>Brussel Sprouts</i>	<i>Escarole</i>	<i>Rutabaga</i>
<i>Burdock</i>	<i>Herbs (culinary)</i>	<i>Spinach</i>
<i>Cabbage (all)</i>	<i>Herbs (Dietary Supplement)</i>	<i>Squash, Summer</i>
<i>Carrot</i>	<i>Kale (all)</i>	<i>Squash, Winter (not pumpkin)</i>
<i>Cauliflower</i>	<i>Kohlrabi</i>	<i>Swiss Chard</i>
<i>Celery</i>	<i>Lettuce</i>	<i>Turnip</i>
<i>Cilantro/Coriander</i>	<i>Meadowfoam</i>	<i>Vetch</i>

2. Certain crops which may be grown for seed production, shall be considered food/feed sites, and not eligible to obtain a nonfood/nonfeed status. These crops include, but are not limited to:

Cereal Grains: Including barley, buckwheat, corn, millet, oats, rye, sorghum, triticale, wheat;

Legume vegetables (succulent and dried): including peas, beans, chickpeas, and lentils;

Garlic;

Potatoes;

*Pumpkins;
Sunflower.*

3. If the Department receives an application for a FIFRA Section 24(c) registration or a FIFRA Section 18 authorization, and the pesticide product is intended to be used on a seed crop not listed in (1) or (2) above, additional information must be provided to the Department to support a nonfood/nonfeed designation. The Department shall make or deny the nonfood/nonfeed designation based upon evaluation of available information.

4. In order for a pesticide product to be registered, labeled, distributed and used on a crop grown exclusively for seed production, as identified in (1) above, the following conditions must be met:

A. The seed conditioner shall maintain a record of each pesticide applied to the seed crop for which there is no established pesticide residue tolerance. This record shall include the date of each application, and type of pesticide utilized.

B. No seed produced in Nevada utilizing a pesticide product for which there is no established pesticide residue tolerance on the seed crop may be distributed for human or animal consumption.

C. All screening resulting from a seed crop identified in (1) above shall be disposed of in such a manner that the screenings cannot be distributed or used for feed or feed purposes.

D. No portion of the seed crop to which a pesticide product having no established pesticide residue tolerance for the seed crop has been applied shall be used or distributed for foods or feed.

1) This restriction pertains to, but is not limited to: green chop, hay, pellets, meal, whole seed, cracked seed, straw, roots, bulbs, foliage or seed screenings, and to the grazing of the crop field, stubble or regrowth.

E. The seed conditioner shall keep records of all seed screening disposals for at least 3 years from the date of disposal and shall provide these records to the Department upon request.

F. The disposal records required in section (e) above shall consist of documentation verifying shipment to the controlled site where disposal occurred, and shall identify each of the following:

- 1) The name, if applicable, and location of the disposal site;*
- 2) Method of disposal (i.e. burial, composting, or incineration)*
- 3) Amount and type of material disposed of; and*
- 4) The date of shipment from the disposal site.*

G. Administrative rules enacted and administered by the Nevada Department of Environmental Quality, specify that any portion of a seed crop grown in this state, its foliage, seed chaff, screenings or other crop by-products treated with a pesticide according to label instructions shall not be considered a hazardous waste. Therefore, the requirements for disposal of hazardous waste shall not apply to the disposal of a pesticide treated seed crop or its by-products.

H. Refusing or neglecting to prepare and maintain the records required to be kept by 4(a) and 4(e) of this section shall be considered a prohibited act.

I. Making false, misleading or fraudulent records required by 4(a) and 4(e) of this section shall be considered a prohibited act.

J. Any seed from a field treated with a pesticide product having no pesticide residue tolerance shall bear specific and conspicuous container labeling, or if shipped in bulk, on the shipment invoice or bill of lading. Said labeling shall contain the following statement:

"This seed was produced using one or more products for which the United States Environmental Protection Agency has not established pesticide residue tolerances. This seed, in whole, as sprouts, or in any form, may not be used for human consumption or animal feed. Failure to comply with this condition may violate requirements of the Federal Food and Drug Administration, the Nevada Department of Agriculture and other regulatory agencies."

K. All possessors of seed labeled as specified in (J) above, including brokers and dealers, shall prepare and maintain records which include a copy of the seed labeling.

L. The conditions contained in (A) through (K) of this rule shall not apply to a seed crop, or its by-products, grown in Nevada under the following conditions:

- 1. Having no pesticide(s) applied to it; or*
- 2. Utilizing only pesticides registered and labeled for application to the crop, and having established residue tolerances for the specific crop and its by-products.*

M. The requirements specified in (J) and (K) of this rule shall not apply if the seed is sold or distributed in consumer packets weighing less than 5.0 oz., and is intended for retail sale and noncommercial use.

N. The restrictions contained in (4)(d) of this rule may be modified by the Department if residue data are provided, and the data and modification are considered acceptable by both the Department and the U.S. Environmental Protection Agency.

O. If the conditioner has not been provided information as to what pesticides were applied to a field producing a seed crop specified in (1) above, the field will be

considered to have been treated with a pesticide not having a tolerance. In such situations, the seed conditioner will be exempt from the requirements of 4(a) above. All other requirements of 4(b) through (9) shall apply.

P. Any seed grown in Nevada, and conditioned in another state which has a labeling requirement for seed conditioned in that state similar to (J) above, shall be exempt from the labeling requirements contained in (J) above. Seed exported from Nevada under conditions specified in this subsection must be labeled as required in (J) above by the grower, broker or other responsible party.

Q. Any “treated seed” as defined in NRS 587.061 shall be exempt from the labeling requirements contained in (J) above. Prior to treatment, the seed must be labeled as required in (J) above.

Statute Authority: Director pursuant to NRS 555.270, 555.380, 555.400