

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 18 SEEDS, FEEDS, AND FERTILIZERS
PART 4 SEED STANDARDS AND CLASSIFICATIONS

21.18.4.1 ISSUING AGENCY: New Mexico State University, New Mexico Department of Agriculture
 [7/1/97; 21.18.4.1 NMAC - Rn & A, 21 NMAC 18.4.1, 05/29/09]
 [MSC 3189, Box 30005, Las Cruces, New Mexico 88003-8005, Telephone No. (575) 646-3007]

21.18.4.2 SCOPE: Part 4 shall apply to any person selling commercial seeds in New Mexico.
 [7/1/97; 21.18.4.2 NMAC - Rn, 21 NMAC 18.4.2, 05/29/09]

21.18.4.3 STATUTORY AUTHORITY: Granted to the board of regents of New Mexico state university
 under the New Mexico Seed Law, Chapter 76, Article 10, Sections 11 through 22, New Mexico Statutes Annotated
 1978 Compilation.
 [7/1/97; 21.18.4.3 NMAC - Rn, 21 NMAC 18.4.3, 05/29/09]

21.18.4.4 DURATION: Permanent.
 [7/1/97; 21.18.4.4 NMAC - Rn, 21 NMAC 18.4.4, 05/29/09]

21.18.4.5 EFFECTIVE DATE: July 1, 1997
 [7/1/97; 21.18.4.5 NMAC - Rn, 21 NMAC 18.4.5, 05/29/09]

21.18.4.6 OBJECTIVE: The objective of Part 4 of Chapter 18 is to establish a list of prohibited and
 restricted noxious weed seeds, set germination standards for vegetable seeds, set tolerances for the testing of seeds,
 set guidelines for the sampling and testing of seeds, and set fees to be charged for seed testing when done at the
 request of or for the benefit of persons, firms or individuals, and designate the seed certification agency for New
 Mexico.
 [7/1/97; 21.18.4.6 NMAC - Rn, 21 NMAC 18.4.6, 05/29/09]

21.18.4.7 DEFINITIONS: [RESERVED]

21.18.4.8 PROHIBITED NOXIOUS WEED SEEDS: The following weed seeds are declared to be
 prohibited noxious weed seeds. Seeds containing any of the weed seeds listed herein shall not be sold in New
 Mexico.

- A. Bindweed (*Convolvulus arvensis*)
- B. Camelthorn (*Alhagi camelorum*)
- C. Halogeton (*Halogeton glomeratus*)
- D. Nutgrass (*Cyperus esculentus*, *C. rotundus*)
- E. Poverty Weed (*Franseria discolor*)
- F. Quackgrass (*Agropyron repens*)
- G. Russian Knapweed (*Centaurea repens*)
- H. Thistle, Canada (*Cirsium arvense*)
- I. Whitetop (*Cardaria draba*, *C. pubescens*)

[7/1/97; 21.18.4.8 NMAC - Rn, 21 NMAC 18.4.8, 05/29/09]

21.18.4.9 RESTRICTED NOXIOUS WEED SEEDS: The following weed seeds are declared to be
 restricted noxious weed seeds. Seeds containing any of the weed seeds listed herein shall not be sold in New
 Mexico if the number of restricted noxious weed seeds exceeds those established in this section.

	Maximum allowed per pound
dodder (<i>Cuscuta</i> spp.)	45
goatgrass (<i>Aegilops</i> spp.)	1
Johnsongrass (<i>Sorghum halepense</i>) and other perennial sorghums	45

morning glory (<i>Ipomoea</i> spp.)	45
Texas blueweed (<i>Helianthus ciliaris</i>)	45
white horse nettle (Bullnettle) (<i>Solanum elaeagnifolium</i>)	90
wild oat (<i>Avena fatua</i>)	90

[7/1/97; 21.18.4.9 NMAC - Rn, 21 NMAC 18.4.9, 05/29/09]

21.18.4.10 GERMINATION STANDARDS FOR VEGETABLE SEEDS: The germination standards for vegetable seeds shall be as follows:

	Percent		Percent
artichoke	60	eggplant	60
asparagus	70	endive	70
asparagus-bean	75	kale	75
bean, garden	70	kale, Chinese	75
bean, lima	70	kohlrabi	75
bean, runner	75	leek	60
beet	65	lettuce	80
broadbean	75	muskmelon	75
broccoli	75	mustard	75
brussels sprouts	70	mustard, spinach	75
burdock, great	60	okra	50
cabbage	75	onion	70
cabbage, tronchuda	75	onion, welsh	70
cantaloupe (see muskmelon)		pak-choi	75
cardoon	60	parsley	60
carrot	55	parsnip	60
cauliflower	75	pea	80
celeriac	55	pepper	55
celery	55	pumpkin	75
chard, swiss	65	radish	75
chicory	65	rhubarb	60
chinese cabbage	75	rutabaga	75
chives	50	salsify	75
citron	65	sorrel	65
collards	80	soybean	75
corn, sweet	75	spinach	60
cornsalad	70	spinach, New Zealand	40
cowpea	75	squash	75
cress, garden	75	tomato	75
cress, upland	60	tomato, husk	50
cress, water	40	turnip	80
cucumber	80	watermelon	70
dandelion	60		

[7/1/97; 21.18.4.10 NMAC - Rn, 21 NMAC 18.4.10, 05/29/09]

21.18.4.11 METHODS OF SAMPLING AND TESTING: The methods of sampling, inspecting, analyzing, testing, and examining agricultural and vegetable seed shall be the methods adopted by the association of official seed analysts. Methods of testing seeds for which the association of official seed analysts has not adopted methods of testing shall be determined by the state seed analyst.

[7/1/97; 21.18.4.11 NMAC - Rn, 21 NMAC 18.4.11, 05/29/09]

21.18.4.12 TOLERANCES: Tolerances shall be the applicable tolerances established by the association of official seed analysts. In the case of prohibited noxious weed seeds, the tolerance shall be based on declaration of "none". In the case of vegetable seed in amounts of one pound or less not labeled as to actual germination, it will be interpreted that vegetable seeds must meet or exceed the minimum germination established by Section 10, germination standards for vegetable seeds.

[7/1/97; 21.18.4.12 NMAC - Rn, 21 NMAC 18.4.12, 05/29/09]

21.18.4.13 FEE SCHEDULE FOR SEED TESTING:

A. The following fees shall be charged to persons bringing seed into the laboratory for testing:

	Complete Test	Purity Only	Germ Only	Weed Only
grass seed	\$20.00	\$12.00	\$12.00	\$6.00
seed other than grass	\$10.00	\$6.00	\$6.00	\$6.00

B. Special charges.

TZ test for viability	\$20.00
rush service	\$5.00
mail purity first	\$1.50
extra copy	\$1.00
carry-over vegetable samples submitted in lots of ten or more	\$1.00

C. Hourly charges. Whenever the seed to be tested is unusually dirty or poses other problems so as not to be routine in its testing, the state seed analyst may elect to charge for the testing at the rate of \$10.00 per hour for the time involved in testing for purity and/or conducting the germination test, but not to include the time in the germinator.

[7/1/97; 21.18.4.13 NMAC - Rn, 21 NMAC 18.4.13, 05/29/09]

21.18.4.14 SEED CERTIFICATION AGENCY: New Mexico state university seed certification is hereby designated to be the seed certification agency for the state.

[7/1/97; 21.18.4.14 NMAC - Rn, 21 NMAC 18.4.14, 05/29/09; A, 01/29/10]

HISTORY OF 21.18.4 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

NMDA Rule 67-3, Seed Law Regulations, Regulatory Order No. 1, filed 12/5/67.

NMDA Rule 67-3 Amendment No. 1, Seed Lab Fees, Regulatory Order No. 1, Regulation No. 6, filed 5/19/71.

NMDA Rule 67-3 Amendment No. 2, Seed Lab Fees, Regulatory Order No. 3, filed 9/28/76.

NMDA Rule 67-6, Seed Certifying Committee, Resolution No. 1, filed 12/26/67.

NMDA Rule 72-3, Regulatory Order No. 2, Seed Corn Labeling, filed 9/19/72.

NMDA Rule 86-1, Seed Standards and Classifications, filed 5/14/86.

NMDA Rule 86-2, Fees for Seed Tests, filed 7/9/86.

History of Repealed Material: [RESERVED]