



September 16, 2015

**NEW MEXICO FIELD OFFICE TECHNICAL GUIDE
TRANSMITTAL NOTICE NO. NM-74**

SUBJECT: ECS – New Mexico Seed Laws and Regulations

Purpose: To help assure that high quality seed is being used for conservation projects in New Mexico. This is an update of Plant Materials Tech Note NM-66 dated May 27, 1986.

Effective Date: This notice is effective when received.

Filing Instructions: These documents are accessible through New Mexico NRCS electronic Field Office Technical Guide (FOTG), Section I – Technical Notes – Plant Materials.
<http://efotg.sc.egov.usda.gov/treemenuFS.aspx>

Explanation: This technical note was prepared by the Los Lunas Plant Materials Center. The following information is being provided to ensure high quality seed is being utilized in all Conservation Projects planned or ongoing in New Mexico.

A handwritten signature in blue ink, appearing to read "R. Strait", written over a faint, light blue circular stamp or watermark.

RICHARD STRAIT
State Soil Scientist

TECHNICAL NOTES

PLANT MATERIALS TECHNICAL NOTE NO. 74

New Mexico Seed Laws and Regulations

Danny Goodson, Agronomist

Los Lunas Plant Materials Center

A. Label Requirements – New Mexico Seed Law (<http://www.nmda.nmsu.edu/wp-content/uploads/2011/11/nmseedlaw.pdf>) regulates both agricultural and vegetable seeds to be sold in New Mexico. Agricultural seeds are those of legumes, grasses, forages, cereals, and fiber crops. Included in this category are lawn and turf seeds. The law requires all seeds to be labeled truthfully regarding their identification, purity and viability. Each seed container which is sold, offered for sale, or exposed for sale, or transported within this state shall have in a conspicuous place a plainly written or printed label or tag in the English language.

The law requires the following items to be shown on each agricultural seed container.

1. **Kind** – identifies the seed found in the container; i.e. grass, legume, forage, etc.
2. **Variety** – this is used to identify a specific seed that has proven performance in a recognized area. Varietal or Cultivar names can often be found on uncertified seed; or variety not stated can also be used. A seed certification tag from the state certification agency is the best for assurance of seed quality.
3. **Lot Number** – if for identification purposes only. The lot number allows for tracing the seed to its originator.
4. **Pure Seed** – is defined as the percentage by weight of the identified variety or kind as listed.
5. **Germination** – is the percentage of pure seed that will produce the plant of the identified seed under what would be considered as favorable conditions.
6. **Hard or Dormant Seed** (if present) – represents the percentage of seed that will not germinate during a recognized normal germination period. This is usually associated with the seed having a tough impermeable coat or testa, that slows or prevents water or air to reach the embryo. Hard seed will usually germinate if treated or over a period of time that allows the seed coat to become more permeable.
7. **Weed Seed** – is a percentage of the presence of weed seed by weight.
8. **Inert Matter** – is the presence by percentage of materials such as soil particles, stones, sticks, pods, chaff or broken seeds. A very low percentage of inert matter is preferable.
9. **Other Crop** – is the percentage by weight of seed other than the identified variety or kind and weed seeds. Low percentage of other crop seeds is preferable.
10. **Noxious Weed Seeds** – this is the name and number of each prohibited and restricted noxious weed seed per pound present. The presence of prohibited or restricted noxious weed seed in any seed being sold in New Mexico is not allowed. Certified lots of seed are not permitted to contain any of the following under Title 21 Chapter 18 Part 4 21.18.4.8 and 21.18.4.9 of the New Mexico Administrative Code (NMAC) and under the New Mexico State Seed Law.

A. Prohibited Noxious Weed Seeds:

1. Bindweed (*Convolvulus arvensis*)
2. Camelthorn (*Alhagi camelorum*)
3. Halogeton (*Halogeton glomeratus*)
4. Nutgrass (*Cyperus esculentus*, *C. rotundus*)
5. Poverty Weed (*Franseria discolor*)
6. Quackgrass (*Agropyron repens*)
7. Russian knapweed (*Centaurea repens*)
8. Thistle, Canada (*Cirsium arvense*)
9. Whitetop (*Cardaria draba*, *C. pubescens*)

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

B. Restricted Noxious Weed Seeds:

1. Dodder (*Cuscuta spp.*)
2. Goatgrass (*Aegilops spp.*)
3. Johnsongrass (*Sorghum halepense* and other perennial sorghums)
4. Morning glory (*Ipomoea spp.*)
5. Texas blueweed (*Helianthus ciliaris*)
6. White horenettle (Bullnettle) (*Solanum elaeagnifolium*)
7. Wild oat (*Avena fatua*)

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

Origin, State or Foreign Country – State or Foreign Country where the seed originated from and if not known that will be stated.

Test and/or Sell by Date (Month & Year) – is the date the seed was tested by a certified testing agency.

A “Test Date” for lawn, turfgrass and native grass seed means the tag information is only good for nine months and the ninth month period does not include the month it was tested.

A “Sell By Date” is the last month and year that a “Test Date” is valid for and may be listed in addition to or in place of the “Test Date”.

Seed must be retested and retagged when the “Test Date” period has ended.

Labeler’s Name and Address – the name of the person who labeled said seed, or who is selling the seed or who distributed the seed.

Other Requirements – seeds that contain a statement that the seed has been treated in some manner will have a separate label for that purpose. The treatment used, will be identified with the accepted coined, chemical or abbreviated chemical name of the applied substance or description of the process used in treating the seed. If the substance in the amount present is defined as harmful to human or other vertebrate animals a caution statement such as “Do not use for food or feed or oil purposes will be placed on the label. The caution for mercurial and

similarly toxic substance shall be a poison statement or symbol. If the seed is treated with an inoculant, the date beyond which the inoculant is not considered viable shall be stated.

[76-10-11 to 76-10-22 NMCA New Mexico Seed Law]

B. Seed Testing – seed will be tested by a certified seed testing laboratory or agency in accordance with the Rules for Testing Seeds established by the Association of Official Seed Analysts (AOSCA).

1. For intrastate sales and shipments of seed, tests will be completed within a nine month period.
2. For interstate sales and shipment of seeds tests will be completed within a five month period.

C. Labels, Tags for seed containers – All seed containers sold of the six classes of certification, Breeder, Foundation, Registered, Certified, Selected and Source-Identified, must have an official seed certification tag or label properly affixed to the container. The certification tag or label serves to identify the necessary items for the seed being sold or shipped.

D. Blends of Lots of Seed – Different lots of the same variety may be blended by approval of the New Mexico Seed Certification Agency. Blends can be given certification by that agency.