

CHAPTER 21

SEED CONTROL

Authority

N.J.S.A. 4:1-11.1 and 4:8-17.13 et seq.,
specifically 4:8-17.23 and 17.24.

Source and Effective Date

Effective: October 29, 2021.
See: 53 N.J.R. 2006(a).

Chapter Expiration Date

Chapter 21, Seed Control, expires on October 29, 2028.

Chapter Historical Note

Chapter 21, Seed Control, was adopted and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 21, Seed Control, was readopted as R.1996 d.402, effective July 26, 1996. See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a). Subchapter 9, Seed in Hermetically Sealed Containers, was adopted as new rules by R.1996 d.402, effective August 19, 1996.

Chapter 21, Seed Control, was readopted as R.2001 d.266, effective July 6, 2001. See: 33 N.J.R. 1493(a), 33 N.J.R. 2640(a).

Administrative correction. See: 33 N.J.R. 3649(a).

Subchapter 10, Penalties; Violations, was adopted as R.2003 d.292, effective July 21, 2003. See: 35 N.J.R. 1472(a), 35 N.J.R. 3295(a).

Chapter 21, Seed Control, was readopted as R.2006 d.437, effective November 21, 2006. See: 38 N.J.R. 2769(a), 38 N.J.R. 5349(b).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 21, Seed Control, was scheduled to expire on November 21, 2013. See: 43 N.J.R. 1203(a).

Chapter 21, Seed Control, was readopted, effective September 30, 2013. See: 45 N.J.R. 2383(c).

In accordance with N.J.S.A. 52:14B-5.1, Chapter 21, Seed Control, was scheduled to expire on September 30, 2020. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) and P.L. 2021, c. 103, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Chapter 21, Seed Control, was readopted, effective October 29, 2021. See: Source and Effective Date.

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SUBCHAPTER 1. LABELING

2:21-1.1 Seed for planting purposes

Seeds offered for sale or exposed for sale, or transported in the State, when the vendor either orally, in writing, or in advertising implies that such goods are "suitable for seed," "fit for seed," or similar terms shall be deemed to be offered for sale for planting purposes.

Amended by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21-1.2 Label position not considered conspicuous

The printing of the required label statement will not be considered to be conspicuous as required in the act when it is:

1. On the bottom of the container;
2. Super-imposed on other printing (not to include superimposed labels);
3. Wholly or partially inside of container;
4. In such a position on container wherein it commonly becomes wholly or partially illegible;
5. Blurred, or partially obliterated so as to make reading difficult.

2:21-1.3 Names used for labeling the kind of agricultural seed

(a) In labeling the "kind" of agricultural and vegetable seeds as required in the New Jersey State Seed Law, the names used shall be those specified below for the kinds indicated.

1. Agricultural seed names include:

Alfalfa—*Medicago sativa* L.
 Alfileria—*Erodium cicutarium* (L.) L'her.
 Alyceclover—*Alysicarpus vaginalis* (L.) DC.
 Bahiagrass—*Paspalum notatum* Fluegge.
 Barley—*Hordeum vulgare* L.
 Bean, adzuki—*Vigna angularis* (Willd.) Ohwi & H. Ohashi
 Bean, field—*Phaseolus vulgaris* L.
 Bean, mung—*Vigna radiata* (L.) var. *radiata* R. Wilczek
 Bean—(see Velvetbean)
 Beet, field and sugar—*Beta vulgaris* L. subsp. *vulgaris*
 Beggarweed—*Desmodium tortuosum* (Sev.) DC.
 Bentgrass, colonial—*Agrostis capillaris* L.
 Bentgrass, creeping—*Agrostis stolonifera* L. var. *palustris* (Hudson) Farw.
 Bentgrass, velvet—*Agrostis canina* L.
 Bermudagrass—*Cynodon dactylon* (L.) Pers.
 Bermudagrass, giant—*Cynodon dactylon* var. *aridus* Harlan et de Wit.
 Bluegrass, bulbous—*Poa bulbosa* L.
 Bluegrass, Canada—*Poa compressa* L.
 Bluegrass, Kentucky—*Poa pratensis* L.
 Bluegrass, Nevada—*Poa secunda* J.S. Presl.

Bluegrass, rough—*Poa trivialis* L.
 Bluegrass, Texas—*Poa arachnifera* Torr.
 Bluegrass, wood—*Poa nemoralis* L.
 Bluestem, big—*Andropogon gerardii* Vitman
 Bluestem, little—*Schizachyrium scoparium* (Michx.) Nash
 Bluestem, sand—*Andropogon hallii* Hack.
 Bluestem, yellow—*Bothriochloa ischaemum* (L.) Keng
 Brome, field—*Bromus arvensis* L.
 Brome, mountain—*Bromus marginatus* Nees.
 Brome, smooth—*Bromus inermis* subsp. *inermis*
 Broomcorn—*Sorghum bicolor* (L.) Moench
 Buckwheat—*Fagopyrum esculentum* Moench
 Buffalograss—*Buchloe dactyloides* (Nutt.) Engl.
 Bufflegrass, hairy—*Cenchrus ciliaris* L.
 Bur-clover, California—*Medicago polymorpha* L.
 Bur-clover, spotted—*Medicago arabica* (L.) DC.
 Burnet, little—*Sanguisorba minor* Scop.
 Buttonclover—*Medicago orbicularis* (L.) All.
 Canarygrass—*Phalaris canariensis* L.
 Canarygrass, reed—*Phalaris arundinacea* L.
 Carpetgrass—*Axonopus fissifolius* (Raddi) Kuhlmann.
 Castorbean—*Ricinus communis* L.
 Chickpea—*Cicer arietinum* L.
 Clover, alsike—*Trifolium hybridum* L.
 Clover, berseem—*Trifolium alexandrinum* L.
 Clover, cluster—*Trifolium glomeratum* L.
 Clover, Crimson—*Trifolium incarnatum* L.
 Clover, large hop—*Trifolium campestre* Schreber
 Clover, small hop (suckling)—*Trifolium dubium* Sibth.
 Clover, ladino—*Trifolium repens* L.
 Clover, lappa—*Trifolium lappaceum* L.
 Clover, Persian—*Trifolium resupinatum* L.
 Clover, red or red clover, mammoth or medium—*Trifolium pratense* L.
 Clover, rose—*Trifolium hirtum* All.
 Clover, strawberry—*Trifolium fragiferum* L.
 Clover, sub (subterranean)—*Trifolium subterraneum* L.
 Clover, white—*Trifolium repens* L.
 Corn, field—*Zea mays* L.
 Corn, pop—*Zea mays* var. *evarta* (Sturt.) Bailey

Cotton—*Gossypium* spp.

Cowpea—*Vigna unguiculata* (L.) Walp. subsp. unguiculata

Crambe—*Crambe abyssinica* Hockst. ex R.E. Fries.

Crested dogtail—*Cynosurus cristatus* L.

Crotalaria, lance—*Crotalaria lanceolata* E. May.

Crotalaria, showy—*Crotalaria spectabilis* Roth.

Crotalaria, slenderleaf—*Crotalaria brevidens* Benth. var. *intermedia* (Kotschy) Pohl.

Crotalaria striped—*Crotalaria pallida* Aiton

- Crotalaria, Sunn—*Crotalaria juncea* L.
 Crownvetch—*Cornilla varia* L.
 Dallisgrass—*Paspalum dilatatum* Poir.
 Dichondra—*Dichondra repens* Forst.
 Dropseed, sand—*Sporobolus cryptandrus* (Torr.) A. Gray
 Emmer—*Triticum dioccon* Schrank.
 Fescue, chewings—*Festuca rubra* L. subsp. *commutata*
 Fescue, hair—*Festuca temufovia* Sibth.
 Fescue, hard—*Festuca ovina* var. *duriuscula* (L.) Koch
 Fescue, meadow—*Festuca pratensis* Hudson
 Fescue, red—*Restuca rubra* L. subsp. *rubra*
 Fescue, sheep—*Festuca ovina* L. var. *ovina*
 Fescue, tall—*Festuca arundinacea* Schreb.
 Foxtail, meadow—*Alopecurus pratensis* L.
 Flax—*Limum usitatissimum* L.
 Grama, blue—*Bouteloua gracilis* (H.B.K) Lag.
 Grama, side-oats—*Bouteloua curtipendula* (Michx.) Torr.
 Guar—*Cyanopsis tetragonoloba* (L.) Taub.
 Guineagrass—*Panicum maximum* Jacq.
 Hardinggrass—*Phalaris stenoptera* Hackel
 Hemp—*Cannabis sativa* L.
 Indiangrass, yellow—*Sorghastrum nutans* (L.) Nash.
 Indigo, hairy—*Indigofera hirsuta* L.
 Kudzu—*Pueraria montana* (Lour.) Merr. var. *lobata* (Willd.) Maesen & S. Almeida
 Lespedeza, Korean—*Kummerowia stipulacea* (Maxim.) Makino
 Lespedeza, sericea or Chinese—*Lespedeza cuneata* Dum.-Cours.
 Lespedeza, Siberian—*Lespedeza juncea* G. Don (L.f.) Pers.
 Lespedeza striate—*Kummerowia striata* (Thunb.) Schindler
 Lovegrass, sand—*Eragrostis trichodes* (Nutt.) Wood.
 Lovegrass, weeping—*Eragrostis curvula* (Schrad.) Nees.
 Lupine, blue—*Lupinus angustifolius* L.
 Lupine, white—*Lupinus albus* L.
 Lupine, yellow—*Lupinus luteus* L.
 Manilagrass—*Zoysia matrella* (L.) Merr.
 Meadow foxtail—*Alopecurus pratensis* L.
 Millet, browntop—*Brachiaria rumosa* (L.) Stapf
 Millet, foxtail—*Setaria italica* (L.) Beauv.
 Millet, Japanese—*Echinochloa frumentata* Link
 Millet, pearl—*Pennisetum glaucum* (L.) R. Br.
 Millet, proso—*Panicum miliaceum* L.
 Molassesgrass—*Melinis minutiflora* Beauv.
 Mustard, black—*Brassica nigra* Koch.
 Mustard, India—*Brassica juncea* (L.) Coss.
 Mustard, white—*Sinapis alba* L.
 Napiergrass—*Pennisetum purpureum* Schumach.
 Oat—*Avena sativa* L.
 Oatgrass, tall—*Arrhenatherum elatius* (L.) Mert. and Koch.
 Orchardgrass—*Dactylis glomerata* L.
 Panicgrass, blue—*Panicum antidotale* Retz.
 Peanut—*Arachis hypogaea* L.
 Pea, field—*Pisum sativum* var. *arvense* (L.) Poir.
 Poa trivialis—(see Bluegrass, rough.)
 Rape, annual—*Brassica napus* var. *annua* Koch.
 Rape, bird—*Brassica rapa* L. subsp. *rapa*
 Rape, turnip—*Brassica rapa* L. var. *silvestris* (Lam.) Briggs.
 Rape, winter—*Brassica napus* var. *biennis* (Schubert and Mart) Reichb.
 Redtop—*Agrostis gigantea* Roth
 Rescuegrass—*Bromus catharticus* Vahl.
 Rhodesgrass—*Chloris gayana* Kunth.
 Rice—*Oryza sativa* L.
 Ricegrass, Indian—*Oryzopsis hymenoides* (Roem. and Schult.) Ricker
 Roughpea—*Lathyrus hirsurus* L.
 Rye—*Secale cereale* L. subsp. *cereale*
 Ryegrass, annual or Italian—*Lolium multiflorum* Lam.
 Ryegrass, intermediate—*Lolium x hybridum*
 Ryegrass, perennial—*Lolium perenne* L.
 Ryegrass, Wimmera—*Lolium rigidum* Gaud.
 Safflower—*Carthamus tinctorius* L.

- Sainfoin—*Onobrychis viciifolia* Scop.
- Sesame—*Sesamum indicum* L.
- Sesbania—*Sesbania exaltata* (Raf.) Rydb. ex A. W. Hill
- Smilo—*Piptatherum miliaceum* (L.) Cosson
- Sorghum—*Sorghum bicolor* (L.) Moench
- Sorghum—Sundangrass hybrids—*Sorghum drummondii* (Nees exstrudel) Millsp. & Chase
- Sorghum alum—*Sorghum alum* Parodi
- Soybean—*Glycine max* (L.) Merr.
- Spelt—*Triticum spelta* L.
- Sunflower—*Helianthus* L. spp.
- Sweetclover—*Melilotus* Miller spp.
- Sweetclover, white—*Melilotus albus* Medikus
- Sweetclover, yellow—*Melilotus officinalis* Lam.
- Switchgrass—*Panicum virgatum* L.
- Timothy—*Phleum pratense* L.
- Trefoil, big—*Lotus uliginosus* Schkuhr.
- Trefoil, birdsfoot—*Lotus corniculatus* L.
- Vaseygrass—*Paspalum urvillei* Steud.
- Veldtgrass—*Ehrharta calycina* J. E. Smith
- Vernalgrass, sweet—*Anthoxanthum odoratum* L.
- Vetch—*Vicia* L. spp.
- Vetch, common—*Vicia sativa* L. subsp. *sativa*
- Vetch, hairy—*Vicia villosa* Roth subsp. *villosa*
- Vetch, Hungarian—*Vicia pannonica* Crantz.
- Vetch, monantha—*Vicia ariculata* Hornem.
- Vetch, narrowleaf—*Vicia sativa* L. subsp. *nigra* (L.) Ehrh.
- Vetch, purple—*Vicia benghalensis* L.
- Vetch, wollypod—*villosa* L. subsp. *varia* (Host.) Corbeire
- Wheat—*Triticum* L. spp.
- Wheat, common—*Triticum aestivum* L. (*T. Vulgare* Vill.)
- Wheat, club—*Triticum compactum* Host.
- Wheat, durum—*Triticum durum* Desf.
- Wheat, Polish—*Triticum polonicum* L.
- Wheat, poulard—*Triticum turgidum* L.
- Wheatgrass, crested or fairway crested—*Agropyron cristatum* (L.) Gaertn.
- Wheatgrass, crested or standard crested—*Agropyron desertorum* (Fisch.) Schult.
- Wheatgrass, intermediate—*Elytrigia intermedia* (Host) Nevski subsp. *intermedia*
- Wheatgrass, pubescent—*Elytrigia intermedia* (Host) Nevski subsp. *intermedia*
- Wheatgrass, slender—*Elymus trachycaulus* (Link) Gould ex Shinn. subsp. *trachycaulus*
- Wheatgrass, tall—*Elytrigia elongata* (Host.) Nevski.
- Wheatgrass, western—*Pascopyrum smithii* (Rydb.) A. Love
- Wildrye, Canada—*Elymus canadensis* L.
- Wildrye, Russian—*Psathyrostachys juncea* (Fischer) Nevski
- Zoysia—*Zoysia japonica* Steud.
2. Vegetable seed names include:
- Anise—Pimpinella anisum
- Artichoke—*Cynara cardunculus* L. subsp. *cardunculus*
- Asparagus—*Asparagus officinalis* L.
- Asparagus bean—*Vigna unguiculata* (L.) Walp. subsp. *sesquipedalis* (L.) Verdc.
- Basil, sweet—*Ocimum basilicum* L.
- Bean—*Phaseolus vulgaris* L.
- Bean, lima—*Phaseolus lunatus* L.
- Bean, scarlet runner—*Phaseolus coccineus* L.
- Beet—*Beta vulgaris* L. subsp. *vulgaris*
- Borage—*Borago officinalis*
- Broadbean—*Vicia faba* L.
- Broccoli—*Brassica oleracea* var. *botrytis* L.
- Brussels sprout—*Brassica oleracea* var. *gemifera* Zenker
- Cabbage—*Brassica oleracea* var. *capitata* L.
- Cabbage, tronchuda—*Brassica oleracea* L. var. *costata* DC
- Cantaloupe—*Cucumis melo* L.
- Caraway—*Carum carvi* L.
- Cardoon—*Cynara cardunculus* L. subsp. *cardunculus*
- Carrot—*Daucus carota* L. subsp. *sativus* (Hoffm.) Arcang.
- Cauliflower—*Brassica oleracea* var. *botrytis* L.

- Celerica—*Apium graveolens* var. *rapaceum* DC.
 Celery—*Apium graveolens* var. *dulce* (Mill.) Pers.
 Chard, Swiss—*Beta vulgaris* var. *cicla* L.
 Chervil, salad—*Anthiscus cerefolium*
 Chicory—*Cichorium intybus* L.
 Chinese cabbage—*Brassica pekinensis* (Lour.) Rupr.
 Chives—*Allium schoenoprasum*
 Citron-melon—*Citrullus lanatus* (Thunb.) Matsum and Nakai var. *citroides* (L. Bailey) Mansf.
 Collards—*Brassica oleracea* var. *acephala* DC.
 Coriander—*Coriandrum sativum* L.
 Corn, sweet—*Zea mays* L.
 Cornsalad, European—*Valerianella locusta* (L.) Laterrade
 Cowpea—*Vigna unguiculata* (L.) Walp. subsp. *unguiculata*
 Cress, garden—*Lepidium sativum* L.
 Cress, upland—*Bararea verna*
 Cucumber—*Cucumis sativus* L.
 Dandelion—*Taraxacum officinale* Wigg
 Dill—*Anethum graveolens* L.
 Eggplant—*Solanum melongena* L.
 Endive—*Cichorium endivia* L.
 Fennel—*Foeniculum vulgare* Mill.
 Kale—*Brassica oleracea* var. *acephala* DC.
 Kale, Chinese—*Brassica alboglabra* L. Bailey
 Kale, Siberian—*Brassica napus* var. *pabularia* (D.C.) Reichb.
 Kohlrabi—*Brassica oleracea* var. *gongylodes* L.
 Leek—*Allium porrum* L.
 Lettuce—*Lactuca sativa* L.
 Marjoram, sweet—*Origanum majorana* L.
 Muskmelon—*Cucumis melo* L.
 Mustard—*Brassica juncea* (L.) Coss.
 Mustard, spinach—*Brassica perviridis* (Bailey) L. Bailey
 Okra—*Abelmoschus esculentus* L. Moench
 Onion—*Allium cepa* L.
 Onion, Welsh—*Allium fistulosum* L.
 Pak-choi—*Brassica chinensis* L.
 Parsley—*Petroselinum crispum* (Miller) Nyman ex A.W. Hill
 Parsnip—*Pastinaca sativa* L.
 Pea—*Pisum sativum* L.
 Pepper—*Capsicum* spp.
 Pumpkin—*Cucurbita pepo* L.
 Radish—*Raphanus sativus* L.
 Rhubarb—*Rheum rhabarbarum*
 Roquette—*Eruca sativa*
 Rutabaga—*Brassica napus* var. *napobrassica* (L.) Reichb.
 Sage—*Salvia officinalis* L.
 Salsify—*Tragopogon porrifolius* L.
 Savory, summer—*Satureja hortensis*
 Sorrel—*Rumex acetosa* L.
 Soybeans—*Glycine max* (L.) Merr.
 Spinach—*Spinacia oleracea* L.
 Spinach, New Zealand—*Tetragonia tetragonioides* (Palla) Kuntze
 Squash—*Cucurbita moschata* Duchesne Poirlet
 Thyme—*Thymus vulgaris*
 Tomato—*Lycopersicon esculentum* Miller var. *esculentum*
 Tomato, husk—*Physalis pubescens* L.
 Turnip—*Brassica rapa* L. subsp. *rapa*
 Watercress—*Rorippa nasturtium-aquaticum* (L.) Hayek
 Watermelon—*Citrullus lanatus* (Thunb.) Matsum. & Nakai var. *lanatus*

Amended by R.1996 d.402, effective August 19, 1996.
 See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21-1.4 Full name used for variety or strains

When variety or strain names are stated, they shall be used in connection with the full kind name. A kind or variety name shall not be abbreviated or modified. Descriptive words or phrases shall not appear on analysis label. Brand names shall not be used as a substitute for the variety name or to represent a specific variety.

Amended by R.1996 d.402, effective August 19, 1996.
 See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21-1.5 Names used for lawn grasses

(a) The following kinds shall be considered to be lawn grasses unless the lot is specifically labeled for another

purpose such as "pasture" or "forage" or unless the kind is designated as a restricted noxious weed in N.J.A.C. 2:21-4.3:

1. Bentgrass;
2. Kentucky bluegrass;
3. Chewings fescue;
4. Red fescue;
5. Hard fescue;
6. Varieties of Perennial ryegrass; and
7. Named varieties of 'Turf-type' Tall fescue.

Amended by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21-1.6 Flower seeds labeled

(a) The provision that flower seeds be labeled to show, "The name of the kind and variety or a statement of type and performance characteristics," shall be met in one of the following ways:

1. For seed of plans grown primarily for their blooms:
 - i. If the seeds are of a single name variety, the kind and variety shall be stated, for example—"Marigold, Butterball."
 - ii. If the seeds are of a single type and color for which there is no specific variety name, the type of plant (if significant), and the type and color of bloom shall be indicated, for example—"Scabiosa, Tall, Large Flowered, Double, Pink."
 - iii. If the seeds consist of an assortment or mixture of colors or varieties of a single kind, the kind name, the type of plant (if significant) and the type or types of bloom shall be indicated. In addition, it shall be clearly indicated that the seed is mixed or assorted. An example of labeling such a mixture or assortment is—"Marigold, Dwarf Double French, Mixed Colors."
 - iv. If the seeds consist of an assortment or mixture of kinds, it shall be clearly indicated that the seed is assorted or mixed and the specific use of the assortment or mixture shall be indicated, for example—"Cut Flower Mixture," or "Rock Garden Mixture". Such statements as "Wild Flower Mixture," "General Purpose Mixture," "Wonder Mixture" or any other statement which fails to indicate the specific use of the seed shall not be considered as meeting the requirements of this provision unless the specific use of the mixture is also stated.
 - v. Containers of mixed flower seed of over three grams shall list the kind or kind and variety names in excess of 5.0 percent in the order of predominance, giving the percentage by weight of each. Components of less than 5.0 percent may be listed. A single percentage by weight shall be given for these components. Containers of three grams or less shall list the components.

vi. Labeling of flower seed mixtures shall be considered misleading if the kind or kinds and varieties found by analysis differs by 20 percent or more from those listed on the label.

(b) For seeds of plants grown for ornamental purposes other than their blooms, the kind and variety shall be stated, or the kind shall be stated together with a descriptive statement concerning the ornamental part of the plant, for example—"Ornamental Gourds, Small Fruited Mixed."

Amended by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21-1.7 Names used for labeling the kind of tree and shrub seed

In labeling the 'kind' of tree and shrub seed as required in the New Jersey State Seed Law, the names used shall be those specified below for the kinds indicated:

- Alaska Cedar—*Chamaecyparis nootkatensis* (D. Don.) Spach.
- Aleppo Pine—*Pinus halepensis* Mill.
- American Bittersweet—*Celastrus scandens* L.
- American Elm—*Ulmus americana* L.
- American Sycamore—*Platanus occidentalis* L.
- Amur Maple—*Acer ginnala* Maxim.
- Apple—*Malus spp.*
- Apricot—*Prunus armeriaca* L.
- Arizona Cypress—*Cupressus arizonica* Greene
- Atlas Cedar—*Cedrus atlantica* Manetti
- Austrian Pine—*Pinus nigra* Arnold
- Balkan Pine, Bosnian Pine—*Pinus heldreichii* var. *leucodermis* (Ant.) Markgraf ex Fitschen
- Balsam Fir—*Abies balsamea* (L.) Mill.
- Beefwood—*Casuarina spp.*
- Bigleaf Maple—*Acer macrophyllum* Pursh.
- Bishop Pine—*Pinus muricata* D. Don.
- Black Spruce—*Picea mariana* (Mill.) B.S.P.
- Black tupelo—*Nyssa sylvatica* var. *sylvatica*
- Black Locust—*Robinia pseudoacacia* L.
- Black Ash—*Fraxinus nigra* Marsh.
- Blue Spruce, Colorado Spruce—*Picea pungens* Engelm.
- Blue Douglas Fir—*Pseudotsuga menziesii* var. *glauca* (Beissn.) Franco
- Boxelder—*Acer negundo* L.
- Bristlecone Pine—*Pinus aristata* Engelm.

- California Red Fir—*Abies magnifica* A. Murr.
 Canary pine—*Pinus canariensis* C. Smith
 Caribbean Pine—*Pinus caribaea*
 Cedar of Lebanon—*Cedrus libani* (Loud.)
 Cherry—*Prunus avium* (L.) L.
 Chinese Elm—*Ulmus parvifolia* Jacq.
 Chinkapin oak—*Quercus muehlenbergii* Engelm.
 Cluster pine—*Pinus pinaster* Sol.
 Colorado Blue Spruce—*Picea pungens* var. *glauca* Reg.
 Common Lilac—*Syringa vulgaris* L.
 Corsican Pine—*Pinus nigra poiretiana* (Ant.) Aschers & Graebn.
 Coulter Pine, Bigcone Pine—*Pinus coulteri* D. Don.
 Crabapple—*Malus spp.*
 Deodar Cedar—*Cedrus deodara* (Roxb.) Loud.
 Downy hawthorn—*Crataegus mollis*
 Dunkfeld Larch—*Larix eurolepis* Henry
 Eastern Hemlock, Canada Hemlock—*Tsuga canadensis* (L.) Carr.
 Eastern White Pine—*Pinus strobus* L.
 Engelmann Spruce—*Picea engelmanni* Parry
Eucalyptus grandis
Eucalyptus deglupta
 European White Birch—*Betula pendula* Roth.
 European Larch—*Larix decidua* Mill
 European Ash—*Fraxinus excelsior* L.
 European Barberry—*Berberis vulgaris* L.
 Flowering dogwood—*Cornus florida* L.
 Formosa pine—*Pinus taiwanensis* Hayata
 Fraser Fir—*Abies fraseria* (Pursh.) Poir
 Giant Sequoia—*Sequoia gigantea* (Lindl.) Decne.
 Grand Fir—*Abies grandis* (Dougl.) Lindl.
 Gray Douglas Fir—*Pseudotsuga menziesii* var. *caesia* (Beissn.) Franco
 Gray Birch—*Betula populifolia* Marsh.
 Green Ash—*Fraxinus pensylvanica* Marsh.
 Green Ash—*Fraxinus pensylvanica* var. *lanceolata* (Borkh.) Sarg.
 Green Douglas Fir—*Pseudotsuga menziessi* var. *viridis*
 Himalayan Pine—*Pinus griffithi* McClelland
 Honey Locust—*Gleditsia triacanthos* L.
 Incense-cedar—*Libocedrus decurrens*
 Italian Stone pine—*Pinus pinea* L.
 Jack Pine—*Pinus banksiana* Lamb.
 Japanese White Pine—*Pinus parviflora* Sieb. & Zucc.
 Japanese Black Pine—*Pinus thunbergii* Parl.
 Japanese Red Pine—*Pinus densiflora* Sieb. & Zucc.
 Japanese Larch—*Larix leptolepis* (Sieb. & Zucc.) Gord.
 Japanese Rose—*Rosa multiflora* Thunb.
 Japanese Barberry—*Berberis thunbergii* DC.
 Jeffrey Pine—*Pinus jeffreyi* Grev. & Balf.
 Jelecote pine—*Pinus patula* Schl. & Cham.
 Khasia pine—*Pinus khasya* Royle
 Koyama Spruce—*Picea koyamai* Shiras.
 Limber Pine—*Pinus flexilis* James
 Live Oak—*Quercus virginiana* Mill.
 Loblolly Pine—*Pinus taeda* L.
 Lodgepole Pine—*Pinus contorta* var. *latifolia* Engelm.
 Lodgepole Pine—*Pinus contorta* Dougl.
 Longleaf Pine—*Pinus palustris* Mill.
 Markus pine—*Pinus markusii* DeVriese
 Mexican Pinyon Pine—*Pinus cembroides* Zucc.
 Monterey pine—*Pinus radiata* D. Don.
 Mountain Pine—*Pinus mugo* Turra.
 Mountain Maple—*Acer spicatum* Lam.
 Mugo Swiss Mountain Pine—*Pinus mugo* var. *mughus* (Scop.) Zenari
 Nikko Fir—*Abies homolepis* Sieb & Zucc.
 Nobel Fir—*Abies procera* Rehd.
 Northern Catalpa—*Catalpa speciosa* Warder.
 Northern White Cedar, Eastern Arborvitae—*Thuja occidentalis* L.
 Norway Spruce—*Picea abies* (L.) Karst.
 Norway Maple—*Acer platanoides* L.
 Oregon Ash—*Fraxinus latifolia* Benth.
 Oriental Arborvitae, Chinese Arborvitae—*Thuja orientalis* L.
 Oriental Spruce—*Picea orientalis* (L.) Link.
 Oriental Bittersweet—*Celastrus orbiculata* Thunb.

- Pacific Silver Fir—*Abies amabilis* (Dougl.) Forbes
 Paper Birch—*Betula papyrifera* Marsh.
 Peach—*Prunus persica* Batsch.
 Pear—*Pyrus communis* L.
 Pecan—*Carya illinoensis* (Wang.) K. Koch
 Pitch Pine—*Pinus rigida* Mill.
 Plum—*Prunus domestica* L.
 Pond Pine—*Pinus serotina* Michx.
 Ponderosa Pine, Western Yellow Pine—*Pinus ponderosa* Laws.
 Poplars—*Populus spp.*
 Port Orford Cedar—*Chamaecyparis lawsoniana* (A. Murr.) Parl
 Red Maple—*Acer rubrum* L.
 Red or black oak group—*Quercus spp.*
 Red Pine, Norway Pine—*Pinus resinosa* Ait.
 Red Buckeye—*Aesculus pavia* L.
 Red Spruce—*Picea rubens* Sarg.
 Red-osier dogwood—*Cornus stolonifera* Michx.
 Redwood—*Sequoia sempervirens* (D. Don.) Engl.
 Rhododendron—*Rhododendron spp.*
 River Birch—*Betula nigra* L.
 Riverbank Grape—*Vitis vulpina* L.
 Sakhalin Spruce—*Picea glehnii* (Fr. Schmidt) Mast.
 Sand Pine—*Pinus clausa*
 Scotch Pine—*Pinus sylvestris* L.
 Shagbark hickory—*Carya ovata* (Mill) K. Koch
 Shasta Red Fir—*Abies magnifica* var. *shastensis* Lemm.
 Shortleaf Pine—*Pinus echinata* Mill.
 Siberian Elm—*Ulmus pumila* L.
 Siberian Larch—*Larix sibirica* Ledeb.
 Siberian Spruce—*Picea omorika* (Pancic.) Purkyne
 Silk-oak—*Grevillea robusta*
 Silver Maple—*Acer saccharinum* L.
 Sitka Spruce—*Picea sitchensis* (Bong.) Carr
 Slash Pine—*Pinus elliottii* Engelm.
 Southern Catalpa—*Catalpa bignonioides* Walt.
 Southern magnolia—*Magnolia grandiflora*
 Spruce pine—*Pinus glabra* Walt.
 Striped Maple—*Acer pensylvanicum* L.
 Subalpine Fir—*Abies lasiocarpa* (Hook.) Nutt
 Sugar Pine—*Pinus lambertiana* Dougl.
 Sugar Maple—*Acer saccharum* Marsh
 Sweet Birch—*Betula lenta* L.
 Sweetgum—*Liquidambar styraciflua* L.
 Sycamore Maple—*Acer pseudoplatanus* L.
 Tigertail Spruce—*Picea polita* (Sieb. & Zucc.) Carr
 Tree of Heaven, Ailanthus—*Ailanthus altissima* (Mill.) Swingle
 Veitch Fir—*Abies veitchii* (Lindl.)
 Virginia Pine, Scrub Pine—*Pinus virginiana* Mill.
 Water tupelo—*Nyssa aquatica* L.
 Western White Spruce, Alberta White Spruce—*Picea glauca* var. *albertiana* (S. Brown) Sarg.
 Western White Pine—*Pinus monticola* Dougl.
 Western Red Cedar, Giant Arborvitae—*Thuja plicata* Donn.
 Western Hemlock, Pacific Hemlock—*Tsuga heterophylla* (Raf.) Sarg.
 Western Larch—*Larix occidentalis* Nutt.
 White oak—*Quercus alba* L.
 White Spruce—*Picea glauca* (Moench.) Voss
 White Ash—*Fraxinus americana* L.
 White Fir—*Abies concolor* (Gord. & Glend.) Lindl.
 Whitebark Pine—*Pinus albicaulis* Engelm.
 Yeddo Spruce—*Picea jezoensis* (Sieb. & Zucc.) Carr
 Yellow Birch—*Betula alleghaniensis* Britton
 Yellow poplar—*Liriodendron tulipifera* L.

New Rule, R.1996 d.402, effective August 19, 1996.
 See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21-1.8 Labeling of seed distributed to wholesale seedsmen

After seed has been conditioned, it shall be labeled before distribution to any person, including a wholesale seedsman. Each bag or bulk lot shall be completely labeled when supplied to a retailer or consumer. Labeling of seed supplied to a wholesale seedsman, as defined in N.J.S.A. 4:8-17.13(aa), may be by invoice, if each bag or other container is clearly identified by a lot number stenciled on the container, or if the seed is in bulk. Each bag or container that is not so identified shall carry complete labeling.

New Rule, R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21-1.9 Labeling combination mulch, seed and fertilizer products

(a) The word "combination" followed by the words "mulch-seed-fertilizer (if appropriate)" must appear on the upper 30 percent of the principal display panel. The word "combination" must be the largest and most conspicuous type on the container, equal to or larger than the product name. The words "mulch-seed-fertilizer" shall be no smaller than one-half the size of the word "combination" and in close proximity to the word "combination". These products shall contain a minimum of 70 percent mulch.

(b) The word "mulch" as used in this section shall mean "a protective covering of any suitable substance placed with seed which acts to retain sufficient substance moisture to support seed germination and sustain early seedling growth and aid in the prevention of the evaporation of soil moisture, the control of weeds and the prevention of erosion.

(c) The analysis label on any product labeled with the word "combination" shall include:

1. The product name;
2. The lot number;
3. The percentage by weight of pure seed of each kind and variety named which may be less than five percent of the whole;
4. The percentage by weight of other crop seeds;
5. The percentage of weight of inert matter which shall not be less than 70 percent;
6. The percentage by weight of weed seeds;
7. The name and number of noxious weed seeds per pound, if present;
8. The percentage of germination (and hard seed if appropriate) of each kind or kind and variety named and date of test; and
9. The name and address of the tagger.

New Rule, R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21-1.10 Labeling preplanted containers, mats, tapes, coated seed, and other devices

Seed that is coated or pelleted shall be labeled to reflect the percentage of pure seed, not including coating material. The coating or pelletizing material shall be declared as inert matter, expressed as percentage by weight, except that the percentage of pure seed and inert matter does not need to be shown on flower or vegetable seed containers of less than 1 pound when the net quantity is labeled on a seed count basis.

New Rule, R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21-1.11 Relabeling

(a) The following information shall appear on a label when relabeling seeds in their original containers:

1. The percentage of germination;
2. The calendar month and year the test was completed to determine such percentage;
3. The same lot designation as on the original labels; and
4. The identity of the labeler.

(b) Germination test results substantiating the replacement label shall be made available by the labelers to the Department, upon the Department's request.

New Rule, R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

SUBCHAPTER 2. METHODS OF TESTING

2:21-2.1 Methods of testing prescribed by the Association of Official Seed Analysts

Methods used in sampling, inspecting, analyzing, testing, and examining seed and the tolerances used, unless specifically stated in these rules, shall be those prescribed by the "Rules for Testing Seeds" of the Association of Official Seed Analysts in effect at the time of the activity.

Amended by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

SUBCHAPTER 3. LABELING OF TREATED SEED

2:21-3.1 Seed treated with a pesticide

(a) Seed treated with a pesticide shall be labeled with the same signal word as that required on the pesticide container.

(b) The label on seed treated with a pesticide labeled with a "Danger" signal word shall contain in type not less than eight-point the word "DANGER" or, if required, the word "POISON" and the skull and crossbones symbol. The container or attached tag shall bear in a conspicuous manner and place the appropriate signal word and, if required, the symbol in a red color on a background of a contrasting color.

(c) The label on seed treated with a pesticide labeled with a "Caution" or "Warning" signal word shall contain in

a conspicuous place the signal word, either "CAUTION" or "WARNING", stated on the pesticide container label.

(d) When more than one pesticide is used to treat seed, the labeling required for the seed container shall be for the pesticide with the higher level of toxicity.

(e) A container of seed treated with a pesticide shall be labeled in type not smaller than 8-point with caution statement "Do not use for food or oil purposes."

(f) The information may be on the analysis tag, or in close association with the analysis tag on a separate tag attached to the container, or on the container.

Repeal and New Rule, R.1996 d.402, effective August 19, 1996.

See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

Section was "Classification of seed treatment substances in accordance with Federal Seed Act".

2:21-3.2 Seed treated with an inoculant

Each seed lot treated with an inoculant shall be labeled to show the presence of the inoculant, and the expiration date beyond which the inoculant is no longer claimed to be effective.

New Rule, R.1996 d.402, effective August 19, 1996.

See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21-3.3 Seed treated with other materials or processes

(a) Other treatment materials or processes not included in N.J.A.C. 2:21-3.1 shall be labeled to reflect the purpose of the treatment or process. The name of the applied material or process, and the date of treatment, shall be stated on the label.

(b) If the material or process is harmful to humans or other vertebrate animals the seed shall be labeled as such with an appropriate caution statement in type no smaller than eight-point.

(c) Each seed lot bearing a label claiming improvements and advantages due to, or as a result of, a treatment may be tested by the Department to determine the effectiveness of the treatment. If the evidence does not substantiate the label claim, the seed lot shall be considered mislabeled.

New Rule, R.1996 d.402, effective August 19, 1996.

See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

SUBCHAPTER 4. NOXIOUS WEED SEEDS

2:21-4.1 Prohibited weed seed

(a) The prohibited noxious weed seeds shall be the seeds of the following plants:

1. Bindweed—*Convolvulus arvensis* L.;

2. Hedge bindweed—*Convolvulus sepium* L.;
3. Quackgrass—*Agropyron repens* L. Beauv.;
4. Canada thistle—*Cirsium arvense* L. Scop.;
5. Horse nettle—*Solanum carolinense* L.; and
6. Purple loosestrife—*Lythrum salicaria* L.

(b) No prohibited noxious weed seed shall be allowed in agricultural, vegetable, flower, tree, shrub or lawn and turf seed. A seed lot containing prohibited noxious weed seed shall be in violation of the New Jersey Seed Law, N.J.S.A. 4:8-17.16(d).

Amended by R.1996 d.402, effective August 19, 1996.

See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

Amended by R.2003 d.378, effective October 6, 2003.

See: 34 N.J.R. 3449(a), 35 N.J.R. 4711(b).

In (a), added 6.

2:21-4.2 Restricted weed seed in agricultural, vegetable, flower, or shrub seed

(a) The restricted noxious weed seeds shall be the seeds of the following plants when occurring in agricultural, vegetable, flower, or shrub seed and mixtures of such seed:

1. Dodder—*Cuscuta* spp.;
2. Corn cockle—*Agrostemma githago* L.;
3. Wild garlic—*Allium vineale* L.;
4. Wild onion—*Allium canadense* L.;
5. Cheat—*Bromus secalinus* L.;
6. Bermuda grass—*Cynodon dactylon* (L.) Pers.;
7. Johnsongrass, perennial sweet Sudangrass, *Sorghum alnum* and hybrids derived therefrom—*Sorghum* spp., perennial;
8. Spurred anoda—*Anoda cristata*;
9. Giant ragweed—*Ambrosia trifida*; and
10. Bur cucumber—*Sicyos angulatus*.

(b) Restricted noxious weed seed present in a seed lot shall be listed on the label under the heading "Noxious weed seed". The name and number of seed per pound or ounce shall be declared. No deviation from the labeled amount shall be allowed for a seed lot containing restricted noxious weed seed. The terms "Free" and "None" shall mean that no noxious weed seed was found in a test conducted using methods established by the Association of Official Seed Analysts.

Amended by R.1996 d.402, effective August 19, 1996.

See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21-4.3 Restricted noxious weed seed in lawn and turf seed and mixtures

(a) Seeds of the following plants shall be considered restricted noxious weeds and shall be listed on the tag or

label under the heading "Undesirable grass seed" or "Noxious Weed Seed" by name and number per pound or ounce when present in lawngrasses:

1. Bermudagrass, *Cynodon spp.*;
2. Annual bluegrass, *Poa annua*;
3. Rough bluegrass, *Poa trivialis*;
4. Bentgrass, *Agrostis spp.* (including, but not limited to, creeping, colonial, velvet, and redtop);
5. Meadow fescue, *Festuca pratensis*;
6. Tall fescue, *Festuca arundinaceae*;
7. Orchardgrass, *Dactylis glomerata*;
8. Timothy, *Phlem pratense*; and
9. Velvetgrass, *Holcus lanatus*.

(b) The requirements of paragraph (a) above shall not apply to the seeds of plants in (a)3, 4, 5 and 6 above when present in amounts of five percent or more, by weight, of the mixture.

(c) The total amount of restricted noxious weed seeds set forth in (a) above shall not exceed 0.5 percent by weight.

(d) The restricted noxious weed seed set forth in (a) above shall not apply to grasses or mixtures clearly labeled for:

1. Pasture;
2. Forage;
3. Hay;
4. Conservation; or
5. Soil bank reclamation usage.

New Rule, R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

SUBCHAPTER 5. GERMINATION STANDARDS FOR VEGETABLE SEEDS

2:21-5.1 Germination standards for vegetable seeds

Germination standards for vegetable seeds including hard seeds shall be those as indicated:

	%		%
Anise	50	Brussels sprouts	70
Artichoke	60	Cabbage	75
Asparagus	70	Caraway	55
Asparagus bean	75	Cardoon	60
Basil, sweet	60	Carrot	55
Bean, garden	70	Cauliflower	75
Bean, lima	70	Celeriac	55
Bean, runner	75	Celery	55
Beet	65	Chard, Swiss	65
Borage	70	Chervil	65
Broadbean	75	Chicory	65
Broccoli	75	Chinese cabbage	75
		Chives	50
		Citron	65
		Collards	80
		Coriander	70
		Corn, sweet	75
		Cornsalad	70
		Cowpea	75
		Cress, garden	75
		Cress, upland	60
		Cress, water	40
		Cucumber	80
		Dandelion	60
		Dill	60
		Eggplant	60
		Endive	70
		Fennel, Florence	60
		Fennel, sweet	50
		Kale	75
		Kale, Chinese	75
		Kohlrabi	75
		Leek	60
		Lettuce	80
		Marjoram, sweet	50
		Muskmelon	75
		Mustard	75
		Mustard, spinach	75
		Okra	50
		Onion	70
		Onion, Welsh	70
		Pak-choi	75
		Parsley	60
		Parsnip	60
		Pea	80
		Pepper	55
		Pumpkin	75
		Radish	75
		Rhubarb	60
		Roquette	60
		Rutabaga	75
		Sage	60
		Salsify	75
		Savory, summer	55
		Sorrel	65
		Soybean	75
		Spinach	60
		Spinach, New Zealand	40
		Squash	75
		Thyme	50
		Tomato	75
		Tomato, husk	50
		Turnip	80
		Watermelon	70
		All other kinds	50

Amended by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21-5.2 Vegetable seeds unfit for planting

Vegetable seeds will be considered to be unfit for planting if the germination percentage obtained in a standard laboratory test is less than $\frac{2}{3}$ of the germination standard for the kind in question specified in these rules and regulations.

SUBCHAPTER 6. GERMINATION STANDARDS FOR FLOWER SEEDS

2:21-6.1 Germination standards for flower seeds

Germination standards for flower seeds including hard seeds when marked with an asterisk shall be those indicated below:

	%
African daisy— <i>Dimorphotheca aurantiaca</i>	55
African violet— <i>Saintpaulia</i> spp.	30
Ageratum— <i>Ageratum mexicanum</i>	60
Alyssum— <i>Alyssum compactum</i> , <i>A. Maritimum</i> , <i>A. procumbens</i> , <i>A. saxatile</i>	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
Aster, China— <i>Callistephus chinensis</i> , except <i>Pompon</i> , <i>Powderpuff</i> , and <i>Princess</i> types	55
Aster, China— <i>Callistephus chinensis</i> , <i>Pompon</i> , <i>Powderpuff</i> and <i>Princess</i> types	50
Aubrietia— <i>Aubrietia deltoides</i>	45
Baby Smilax— <i>Asparagus asparagoides</i>	25
Balsam— <i>Impatiens balsamina</i>	70
Calendula— <i>Calendula officinalis</i>	65
California poppy— <i>Eschscholtzia californica</i>	60
Calliopsis— <i>Coreopsis bicolor</i> , <i>C. drummondii</i> , <i>C. elegans</i>	65
Campanula:	
Canterbury bells— <i>Campanula medium</i>	60
Cup and Saucer bellflower— <i>Campanula medium calycanthemata</i>	60
Carpathian bellflower— <i>Campanula carpatica</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
* Castor bean— <i>Ricinus communis</i>	60
Cathedral bells— <i>Cobaea scandens</i>	65
Celosia— <i>Celosia argentea</i>	65
Centaurea: Basket flower— <i>Centaurea american</i> , Cornflower— <i>C. cyanus</i> , Dusty Miller— <i>C. candidissima</i> , Royal centaurea— <i>C. imperialis</i> , sweet sultan— <i>C. moschata</i> , Velvet centaures— <i>C. gymnocarpa</i>	60
Chinese forget-me-not— <i>Cynoglossum amabile</i>	55
Chrysanthemums, annual— <i>Chrysanthemum carinatum</i> , <i>C. Coronarium</i> , <i>C. segetum</i>	40
Clarkia— <i>Clarkia elegans</i>	65
Cleome— <i>Cleome gigantea</i>	65
Columbine— <i>Aquilegia</i> spp.	50
Coral bells— <i>Heuchera sanguinea</i>	55

Coreopsis, perennial— <i>Coreopsis lanceolata</i>	%
Cosmos: Sensation, Mammoth and Crested types— <i>Cosmos bipinnatus</i> : Klondike type— <i>C. sulphureus</i>	40
Dahlia— <i>Dahlia</i> spp.	65
Daylily— <i>Hemerocallis</i> spp.	55
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>	45
Dianthus:	
Carnation— <i>Dianthus caryophyllus</i>	55
China pinks— <i>Dianthus chinensis</i> , <i>Heddeewigi</i> , <i>Heddensis</i>	70
Grass pinks— <i>Dianthus plumarius</i>	60
Maiden pinks— <i>Dianthus deltoides</i>	60
Sweet William— <i>Dianthus barbatus</i>	60
Sweet Wivelsfield— <i>Dianthus allwoodii</i>	70
Dracena— <i>Dracena indivisa</i>	60
Dragon tree— <i>Dracaena draco</i>	55
English daisy— <i>Bellis perennis</i>	35
Flowering maple— <i>Abutilon</i> spp.	60
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>Lagen aria sisceraria</i> ; Dishcloth— <i>Luffa cylindrica</i>	70
Gypsophila: annual baby's breath— <i>Gypsophila elegans</i> ; perennial baby's breath— <i>G. paniculata</i> , <i>G. pacifica</i> , <i>G. repens</i>	60
Helichrysum— <i>Helichrysum monstrosum</i>	35
Heliotrope— <i>Heliotropum</i> spp.	65
* Hollyhock— <i>Althea rosea</i>	65
Ipomea: Cypress— <i>Ipomea quamoelet</i> ; Moonflower— <i>I. noctiflora</i> ; Morning glories, Cardinal climber, Hearts and Honey vine— <i>Ipomea</i> spp.	75
Job's tears— <i>Coix lacrymajobi</i>	70
Kochia— <i>Kochia childsi</i>	55
Larkspur, annual— <i>Delphinium ajacis</i>	60
Lantana— <i>Lantana camera</i> , <i>L. hybrida</i>	35
Linaria— <i>Linaria</i> spp.	65
Lobelia, annual— <i>Lobelia crinus</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
Mignonette— <i>Reseda odorata</i>	55
Myosotis— <i>Myosotis alpestris</i> , <i>M. oblongata</i> , <i>M. pulastris</i>	50
Nasturtium— <i>Tropacolum</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
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 campanularia</i> , <i>P. minor</i> , <i>P. tenacetifolia</i>	65

Phlox, annual— <i>Phlox drummondii</i> all types and varieties	55
Physalis— <i>Physalis</i> spp.	60
Ponytail— <i>Beaucarnea recurvata</i>	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
Salpiglossis— <i>Salpiglossis gloxinaeflora</i> , <i>S. sinuata</i>	60
Salvia—Scarlet sage— <i>Salvia solendens</i> : Mealycup sage (blue bedder)— <i>S. Farinacea</i>	50
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
Silk oak— <i>Grevillea</i> spp.	25
Snapdragon— <i>Antirrhinum</i> spp.	55
Solanum— <i>Solanum</i> spp.	60
Stocks: Common— <i>Mathiola incana</i> ; Evening scented— <i>M. bicornis</i>	65
Sunflower— <i>Helianthus</i> spp.	65
Sunrose— <i>Helianthemum</i> spp.	30
* Sweet pea, annual and perennial other than dwarf bush— <i>Lathyrus odoratus</i> , <i>L. latifolius</i>	75
* Sweet pea, dwarf bush— <i>Lathyrus odoratus</i>	65
Thunbergia— <i>Thunbergia alata</i>	60
Torch flower— <i>Tithonia speciosa</i>	70
Tritoma— <i>Kniphofia</i> spp.	65
Verbena, annual— <i>Verbena hybrida</i>	35
Vinca— <i>Vinca rosea</i>	60
Viola— <i>Viola cornuta</i>	55
Wallflower— <i>Cheiranthus allioni</i>	65
Zinnia (except linearis and creeping)— <i>Zinnia angustifolia</i> , <i>Z. elegans</i> , <i>Z. grandiflora</i> , <i>Z. gracillima</i> , <i>Z. haegeana</i> , <i>Z. multiflora</i> , <i>Z. pumilla</i>	65
Zinnia, linearis and creeping— <i>Zinnia linearis</i> , <i>Salvitalis procumbens</i>	50

Amended by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21-6.2 Flower seeds unfit for planting

Flower seeds shall be considered unfit for planting if the germination percentage is less than two thirds of the germination standard for the kind in question as specified in this subchapter. A mixture of kinds of flower seeds shall be considered unfit for planting if the germination of any kind or combination of kinds, constituting 25 percent or more of the mixture by number is less than two thirds the standard for the kind or kinds involved.

Amended by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

SUBCHAPTER 7. FEES FOR SEED TESTING

2:21-7.1 Free testing for New Jersey residents

Any New Jersey resident actively engaged in the commercial production of agricultural or horticultural products and

% not engaged in the business of a wholesale seedsman or seed conditioner will be allowed two free germination tests by the State Seed Laboratory each fiscal year July 1, to June 30, based on the published list of fees at N.J.A.C. 2:21-7.2.
Amended by R.1991 d.400, effective August 5, 1991.
See: 23 N.J.R. 1231(a), 23 N.J.R. 2330(a).
Increased from \$10.00 to \$25.00 worth of free testing.
Amended by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

2:21-7.2 Charges for testing

(a) For all samples submitted the following charges will be assessed:

- | | |
|-------------------------------|----------------------|
| 1. Germination test | \$10.00 per sample; |
| 2. Purity test | \$30.00 per hour; |
| 3. Noxious weed test | \$15.00 per sample; |
| 4. Vigor test | \$15.00 per sample; |
| 5. Viability—Tetrazolium test | \$30.00 per hour; |
| 6. Varietal identification | \$100.00 per sample; |
| 7. Mycotoxin test | \$15.00 per test; |
| 8. Other tests | \$30.00 per hour. |

(b) Fees for testing shall be waived for Federal or State agencies, local governments and park commissions.

Amended by R.1991 d.400, effective August 5, 1991.
See: 23 N.J.R. 1231(a), 23 N.J.R. 2330(a).

Increased fees for testing.
Amended by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).
Amended by R.2001 d.266, effective August 6, 2001.
See: 33 N.J.R. 1493(a), 33 N.J.R. 2640(a).
In (a), inserted 7 and recodified former 7 as 8.

2:21-7.3 Fees due; method of payment

(a) Fees are due when a sample is accepted for testing. Acknowledgements of receipt of samples are accompanied by a statement of charges and it is expected that payment will be made upon receipt of statement.

(b) Additional tests shall not be made for persons who have not paid for previous testing services promptly.

Amended by R.1991 d.400, effective August 5, 1991.
See: 23 N.J.R. 1231(a), 23 N.J.R. 2330(a).
Recodified from 2:21-7.4 by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).
Former section, "Charges for seed mixtures and other tests", repealed.

2:21-7.4 (Reserved)

Recodified to 2:21-7.3 by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).
Section was "Fees due; method of payment".

SUBCHAPTER 8. PROCEDURES FOR SUBMITTING SAMPLES

2:21-8.1 Samples submitted before February 1

(a) Samples representing seed to be planted in the spring, should be submitted to the seed laboratory after September but before February 1.

(b) After January the laboratory must give top priority to a heavy load of official samples and handles service samples only as time permits.

2:21-8.2 Rejecting samples

Since the quota of service samples must be limited to the time and space available, the right must be reserved to reject samples on the basis of when they are submitted.

2:21-8.3 Samples to be representative

(a) Seed test reports apply only to the sample submitted.

(b) Samples should be representative of the lots from which they are taken.

(c) This responsibility lies with the individuals submitting the samples.

2:21-8.4 Relevant information on samples

(a) Samples should bear the name of the seed as well as the name and address of the sender.

(b) The kind of test desired should be stated and also whether the seed is for sale or the test is for guidance in planting.

2:21-8.5 Requesting test on seed previously analyzed

When requesting a test on seed that has been previously analyzed, a copy of this analysis should accompany the sample as well as the reason for requesting a new analysis.

2:21-8.6 Minimum seeds required for testing

At least 800 seeds should be submitted for a germination evaluation. A standard germination test requires 400 seeds and another 400 seeds are needed in the event that a retest is necessary.

2:21-8.7 Noxious weed examination included in purity analysis

A New Jersey noxious weed examination is included as part of the purity analysis on all seeds submitted for analysis, including lawn seed.

Amended by R.1996 d.402, effective August 19, 1996.
See: 28 N.J.R. 2818(a), 28 N.J.R. 3916(a).

SUBCHAPTER 9. SEED IN HERMETICALLY SEALED CONTAINERS

2:21-9.1 Moisture content of seed

(a) Seed in an hermetically sealed container shall not exceed the percentage of moisture, on a wet weight basis, as listed below:

1. Agricultural seeds	Percent 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
Mixture of above	8.0
2. Vegetable seeds	Percent moisture
Bean, Garden	7.0
Bean, Lima	7.0
Beet	7.5
Broccoli	5.0
Brussels Sprouts	5.0
Cabbage	5.0
Carrot	7.0
Cauliflower	5.0
Celeriac	7.0
Celery	7.0
Chard, Swiss	7.5
Chinese Cabbage	5.0
Chives	6.5
Collards	5.0
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
Tomato	5.5
Turnip	5.0
Watermelon	6.5
All others	6.0

2:21-9.2 Labeling for hermetically sealed seed

(a) The container of hermetically sealed seed shall be labeled conspicuously in not less than eight-point type to indicate:

1. That the container is hermetically sealed.
2. That the seed has been preconditioned as to moisture content; and
3. The calendar month and year in which the germination test was completed.

(b) In addition to the requirements of (a) above, the container shall be labeled in accordance with all applicable requirements and standards set forth in N.J.S.A. 4:18-17.14 through 17.16 and this chapter.

SUBCHAPTER 10. PENALTIES; VIOLATIONS

2:21-10.1 Penalties for violations

Any person who shall violate any of the provisions of N.J.S.A. 4:8-17.29 or the orders, rules and regulation of the State Board of Agriculture as adopted in this chapter, pursuant to N.J.S.A. 4:8-17.29, or who prevents or hinders a representative of the Department of Agriculture in performing his or her duty under N.J.S.A. 4:8-17.29, shall be deemed guilty of a violation and shall pay a penalty of not less than \$500.00 nor more than \$1,000 for the first offense, and not less than \$1,000 nor more than \$5,000 for the second, or each subsequent offense committed within a 12-month period. These penalty amounts supersede the penalty amounts set forth by N.J.S.A. 4:8-17.29 as of July 21, 2003.

