

Nebraska Department of Agriculture
TITLE 25 CHAPTER 7
NEBRASKA SEED LAW REGULATIONS

Amendment

February 6, 1991

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001. Other Crop Seeds. Different varieties of the same kind of seed, when present in quantities of less than five percent, will be considered as "other crop seed."

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002. Grower Declaration. No agricultural, vegetable, or flower seed which is incapable of being identified by common seed characteristic or which is incorrectly represented as to kind, variety or origin may be sold unless said seed is accompanied by invoice, grower's declaration or suitable labeling information which will insure the identity to be stated. The grower's declaration, if used, shall be of a form to show the above information.

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003. Label Requirements. All required labels shall be so attached to be clearly discernable, and securely fastened to the container or printed directly thereon, provided however, labels may be used for labeling if they are securely attached to the bag, box or container and when in place, are visible.

003.01. Label forms for agricultural, vegetable, and flower seed.

003.01A. The form of label for agricultural seeds, including lawn and turf seeds, shall show the necessary information as stated in the Nebraska Seed Law, such as:

Name of labeler

Address

Lot No.

Variety (or variety not stated) or hybrid

Kind

Pure Seed %

Crop Seed %

Inert Matter %

Coating material % (for seeds that are coated)

Weed Seed %

Germination %

Hard Seed % (for legumes and may be shown if present)
Dormant Seed % (may be shown if present)
Total Germ & Dormant Seed % (may be shown if present)
Total Germ & Hard Seed % (for legumes and may be shown if present)
Name and rate of occurrence of restricted noxious weed seed per pound
TZ Viability % (used only for grasses listed in section 81-2,147.02(2)(i))
Date tested or date of expiration (for lawn and turf seed)
Date inoculant expires (use only on pre-inoculated legumes)
Origin
Pure Live Seed (PLS) %

003.01B. The form of label for vegetable seeds shall show the necessary information as stated in the Nebraska Seed Law, such as:

Name of labeler

Address

Lot number

Variety

Kind

Packed for (year)

Germination % (for seeds that germinate less than the standard and for those seeds packaged in containers other than prepared for home use)

Hard Seed % (if present for seeds that germinate less than the standard and for those seeds packaged in containers other than prepared for home use)

Date tested (for seeds that germinate less than the standard and for those seeds packaged in containers other than prepared for home use)

The words "Below Standard" (for seeds that germinate less than the standard)

Minimum number of seeds (for seeds placed in a medium, mat, tape, or other device)

Name and rate of occurrence of restricted noxious weed seed

003.01C. The form of label for flower seeds and wildflower seeds shall show the necessary information as stated in the Nebraska Seed Law, such as:

003.01C.1 Label information for all flower seeds and wildflower seeds.

Name of labeler

Address

Kind

Variety or statement of type and performance characteristics

Packed for (year)

Germination % (for seeds that germinate less than the standard)

The words "Below Standard" (for seeds that germinate less than the standard)

Minimum number of seeds (for seeds placed in a medium, mat, tape, or other device)

003.01C2. Additional label information required for seeds in containers other than packets for home use:

Pure seed %

Lot number

Weed seed %

Name and rate of occurrence of restricted noxious weed seed

Test date

Germination %

Hard seed % (if present)

003.02. All agricultural, vegetable, or flower seed which has been treated with any substance which is harmful in the quantity remaining in the seed after treatment, to humans or to vertebrate animals, shall be labeled or

tagged with a caution statement in eight point type or larger in the following manner:

CAUTION -- TREATED SEED

DO NOT USE FOR FOOD, FEED OR OIL

PURPOSES

003.03. All agricultural and vegetable seed treated with mercurial or similarly toxic substance, shall include in red letters on a background of distinctly contrasting color a statement, such as "This seed has been treated with POISON," "Treated with POISON," "POISON treated," or "POISON." The word "POISON," shall appear in type no smaller than eight-point type, and shall bear a skull and crossbones. Substances considered similar in toxicity to mercurials shall be those with an oral LD50 up to and including 50 mg/kg, an inhalation LD50 up to and including .2 mg/liter, or a dermal LD50 up to and including 200 mg/kg.

003.04. The caution and process statements may be placed upon the kind, variety and germination tag or upon the manufacturer's tag if adequate space permits. All labeling and tags required to contain the caution and process information of this paragraph shall be approved as to form and content by the Department and copies of the Department approval shall be available at all times to inspectors upon request.

003.05. Disclaimers, nonwarranties or limited warranties may be printed or stenciled to all tags, labels, invoices or other required labeling provided they do not represent direct or indirect modifications or denials of caution and process statements and provided further that they do not render the required information thereon difficult to read by overprint, crowding or print style which distracts from the required labeling information.

003.06. The requirements of section 81-2,147.02(7)(a)(i) and (8)(a) of the Nebraska Seed Law which specify that flower seeds shall be labeled with the name of the kind and variety or a statement of type and performance characteristics as prescribed in these regulations shall be met as follows:

003.06A. Seeds of plants grown primarily for their blooms shall be labeled as follows:

003.06A1. Seeds of a single named variety shall be labeled by the kind and variety, for example "Marigold, Butterball."

003.06A2. Seeds of a single type and color for which there is no specific variety name shall be labeled by the type of plant and, if significant, the type and color of bloom, for example "Scabiosa, Tall, Large Flowered, Double, Pink."

003.06A3. Seeds of an assortment or mixture of colors or varieties of a single kind shall be labeled by the kind name and the type of plant and, if significant, by the type or types of bloom. In addition, it shall be clearly labeled as either mixed or assorted, for example "Marigold, Dwarf Double French, Mixed Colors."

003.06B. Seeds consisting of an assortment or mixture of kinds or kinds and varieties shall be clearly labeled 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 "General Purpose Mixture" or "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.

003.06C. Containers that have more than 3 grams of seed shall list the kind or kind and variety of each component that is more than 5.0% of the total content by weight in the order of its predominance and shall list the percentage by weight of each component. Components of 5.0% or less shall be listed, but need not be in order of predominance. A single percentage, by weight, shall be given for these components. If no component of a mixture is more than 5% of the total content, the statement "No component in excess of

5%" may be used. Containers that have 3 grams of seed or less shall list the components without giving the percentage by weight. Such listing need not be in order of predominance.

003.07. The kinds of flower seeds listed in 004.02 are those for which standard testing procedures have been prescribed and which are required to be labeled in accordance with the germination labeling provisions of section 81-2,147.02(7)(b) and (8)(h) of the Nebraska Seed Law and these regulations.

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004. Germination standards for vegetable and flower seeds.

004.01. The minimum allowable germination standards for vegetable or garden seeds, including hard seeds, as prescribed in section 81-2,147.02(5), shall be as follows:

Kind	Percent	Kind	Percent
Artichoke	60	Dandelion	60
Asparagus	70	Eggplant	60
Asparagusbean	75	Endive	70
Bean, garden	70	Kale	75
Bean, lima	70	Kale, Chinese	75
Bean, runner	75	Kohlrabi	75
Beet	65	Leak	60
Broadbean	75	Lettuce	80
Broccoli	75	Muskmelon	75
Brussel sprouts	70	Mustard, India	75
Burdock, great	60	Mustard, spinach	75
Cabbage	75	Okra	50
Cabbage, tronchuda	75	Onion	70
Cantaloupe (see muskmelon)		Onion, Welsh	70
Cardoon	60	Pak-choi	75
Carrot	55	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	60
Cowpea	75	Squash	75
Cress, garden	75	Tomato	75
Cress, upland	60	Tomato, husk	50
Cress, water	40	Turnip	80
Cucumber	80	Watermelon	70
All other kinds	50		

004.02. The minimum allowable germination standards for flower seeds, as prescribed in section 81-2,147.02(7) and (8) shall be as listed below. For the kinds of seeds marked with an asterisk (*), the percentage is the total of percentage germination and percentage of hard or dormant seed. A mixture of kinds of flower seeds shall be considered to be below standard if the germination of any kind or combination of kinds that constitutes twenty-five percent (25%) or more of the mixture, by number, is below standard for the kind or kinds involved.

Kind	Percentage
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Achillea (The Pearl) - *Achillea ptarmica*50
 Adams needle - *Yucca filamentosa*50
 African daisy - *Dimorphoteca aurantiaca*55
 African lilac daisy - *Arctotis stoechadifolia*50
 African violet - *Saintpaulia* species30
 Ageratum - *Ageratum mexicanum*60
 Agrostemma (rose campion) - *Agrostemma coronaria*65
 Alyssum - *Alyssum compactum*, *A. maritimum*, *A. procumbens*, *A. saxatile*60
 Amaranthus - *Amaranthus* species65
 Anagalis (pimpernel) - *Anagalis arvensis*, *Anagalis coerulea*, *Anagalis grandiflora*60
 Anchusa - Two genera species: Cape bugloss - *Anchusa capensis* Italian bugloss - *Anchusa azurea* Forget-me-not - *Brunnera macrophylla*50
 Anemone - *Anemone coronaria*, *A. pulsatilla*55
 Angel's trumpet - *Datura arborea*60
 Arabis - *Arabis alpina*60
 Arctotis (African lilac daisy) - *Arctotis grandis*45
 Armeria - *Armeria formosa*55
 Asparagus, fern - *Asparagus plumosus*50
 Asparagus, sprenger - *Asparagus sprengeri*55
 Aster, China - *Callistephus chinensis*; except pompom, Powderpuff, and Princess types55
 Aubrieta - *Aubrieta deltoidea*45
 Baby smilax - *Asparagus asparagoides*25
 Balloonvine - *Cardiospermum halicacebum*50
 Balsam - *Impatiens balsamina*70
 Beach evening primrose - *Camissonia cheiranthifolia* (*oenothera cheiranthifolia*)50
 Begonia - (*Begonia* fibrous rooted)60
 Begonia - (*Begonia* tuberous rooted)50
 Bells of Ireland - *Molucella laevis*60
 Bellflower (Bluebells of Scotland) - *Campanula rotundifolia*50
 Bergamot - *Monarda* species50
 Black-eyed Susan - *Rudbeckia hirta*50
 Brachycome (Swan river daisy) - *Brachycome iberidifolia*60
 Bupthalam (sunwheel) - *Bupthalam salicifolium*60
 Buttercup - *Ranunculus* species50
 Butterfly milkweed - *Asclepias tuberosa*50
 Cactus - *Cactaceae*50
 Calceolaria - *Calceolaria* species60
 Calendula - *Calendula officinalis*65
 Californica poppy - *Eschscholtzia californica*60
 Calliopsis - *Coreopsis bicolor*, *C. Drummondii*, *C. elegans*65
 Camomile, golden - *Anthemis tinctoria*50
 Camomile, St. John's - *Anthemis sancti-johannis*50
 Campanula: Canterbury bells - *Campanula medium*60
 Cup and saucer bellflower - *Campanula medium calycanthema*60
 Carpathian bellflower - *Campanula carpatica*50
 Peach bellflower - *Campanula persicifolia*50
 Campion, clammy - *Lychnis viscaria*50
 Candytuft, annual - *Iberis gibraltarica*, *I. umbellata*65
 Candytuft, perennial - *Iberis amara*, *I. sempervirens*55
 *Castor bean - *Ricinus communis*60
 Cathedral bells - *Cobaea scandens*65
 Celosia - *Celosia argentea*65
 Centaurea: Basket flower - *Centaurea americana* Cornflower - *C. cyanus*
 Dusty Miller - *C. Candidissima* Royal centaurea - *C. imperialis* Sweet

sultan - *C. moschata* Velvet centaurea - *C. gymnocarpa*60
Cerastium (snow-in-summer) *Cerastium biebersteini* and *C. tomentosum*65
Chinese forget-me-not - *Cynoglossum amabile*55
Chinese Houses - *Collinsia heterophylla*50
Chrysanthemum, annual - *Chrysanthemum carinatum*, *C. coronarium*, *C. segetum*40
Cineraria - *Senecio cruentus*60
Clarkia - *Clarkia elegans*65
Cleome - *Cleome gigantea*65
Coleus - *Coleus blumei*65
Columbine - *Aquilegia species*50
Coral bells - *Heuchera sanguinea*55
Coreopsis, perennial - *Coreopsis lanceolata*40
Corn, ornamental - *Zea mays*75
Cosmos: Sensation, mammoth, and crested types - *Cosmos bipinnatus*
Klondyke type - *C. sulphureus*65
Crossandra - *Crossandra infundibuliformis*50
Cyclamen - *Cyclamen africanum*50
Dahlia - *Dahlia species*55
Dames rocket - *Hesperis matronalis*50
Daylily - *Hemerocallis species*45
Delphinium, perennial: *Belladonna* and *bellamosum* types Cardinal larkspur
- *Delphinium cardinale* *Chinensis* types Pacific giant, gold medal and
other hybrids of *D. elatum*55
Devils claws - *Proboscidea louisianica*50
Dianthus: Carnation - *Dianthus caryophyllus*60
China pinks - *Dianthus chinensis*, *heddewigi*, *heddensis*70
Grass pinks - *Dianthus plumarius*60
Maiden pinks - *Dianthus deltoides*60
Sweet William - *Dianthus barbatus*70
Sweet Wivelsfield - *Dianthus allwoodi*60
Didiscus - (blue lace flower) - *Didiscus coerulea*65
Dittany - *Dictamus albus*50
Doronicum (leopard's bane) - *Doronicum caucasicum* 60
Dracaena - *Dracaena indivisa*55
Dragon tree - *Dracaena draco*40
Edelweiss - *Leontopodium alpinum*50
English daisy - *Bellis perennis*55
Euphorbia, painted - *Euphorbia heterophylla*50
Evening primrose - *Oenothera biennis*; *O. argillicola*50
Everlasting pea - *Lathyrus latifolius*50
Flame violet - *Episcia species* 50
Flax: Golden flax, *Linum flavum* Flowering flax, *L. grandiflorum*
Perennial flax, *L. perenne*60
Fleece flower - *Polygonum capitatum*50
Flowering maple - *Abutilon species*35
Foxglove - *Digitalis species* 60
Fuschia - *Fuschia species*50
Gaillardia: Annual - *Gaillardia pulchella*, *G. picta* Perennial - *G. grandiflora*45
Gasplant - *Distamus albus*50
Gayfeather (blazing star) - *Liatris species* 50
Gazania, pied - *Gazania rigens* 50
Geranium - *Geranium species* 50
Gerbera (transvaal daisy) - *Gerbera jamesoni*60
German violet - *Exacum affine*50
Geum - *Geum species*55

Gilia - *Gilia* species 65
Gladiolus - *Gladiolus* species 50
Globe amaranth - *Gomphrena globosa* 50
Globethistle, small - *Echinops ritro* 50
Gloriosa daisy (rudbeckia) - *Echinacea purpurea* and *Rudbeckia hirta* 60
Gloxinia - *Sinningia speciosa* 40
Godetia - *Godetia amoena*, *G. grandiflora* 65
Goldmoss sedum - *Sedum acre* 50
Gourds: Yellow flowered - *Cucurbita pepo* White flowered - *Lagenaria sisceraria* Dishcloth - *Luffa cylindrica* 70
Gypsophila: Annual baby's breath - *Gypsophila elegans* Perennial baby's breath - *G. paniculata*, *G. pacifica*, *G. repens* 70
Helenium - *Helenium autumnale* 40
Helichrysum (strawflower) - *Helichrysum bracteatum* 60
Heliopsis - *Heliopsis scabra* 55
Heliotrope - *Heliotropium* species 35
Helipterum (acroclinium) - *Helipterum roseum* 60
Hens and chickens - *Sempervivum* species 50
Herb treemallow - *Lavatera trimestris* 50
Hesperis (sweet rocket) - *Hesperis matronalis* 65
Hibiscus - *Hibiscus* species 60
*Hollyhock - *Althea rosea* 65
Hunnemania (Mexican tulip poppy) - *Hunnemania fumariaefolia* 60
*Hyacinth bean - *Lablab purpureus* 70
Impatiens - *Impatiens holstii*, *I. sultani* 55
*Ipomea: Cypress vine - *Ipomea guamoclit* Moonflower - *I. noctiflora*
Morning glories, cardinal climber, hearts and honey vine - *Ipomea* species 75
Japanese Iris - *Iris kaempferi* 50
Jasmine primrose - *Oenothera pallida* 50
Jerusalem cross (maltese cross) - *Lychnis chalcedonica* 70
Job's tears - *Coix lacrymajobi* 70
Jupiter's beard - *Centranthus ruber* 50
Kalanchoe - *Kalanchoe blossfeldiana* 50
Kochia - *Kochia childsii* 55
Larkspur, annual - *Delphinium ajacis* 60
Lamb's ear - *Stachys byzantina* 50
Lantana - *Lantana camara*, *L. hybrida* 35
Lemon mint - *Monarda citriodora* 50
Lilium (regal lily) - *Lilium regale* 50
Linaria - *Linaria* species 65
Livingstone daisy (iceplant) - *Dorotheanthus belliformis* 50
Lobelia, annual - *Lobelia erinus* 65
Lunaria, annual - *Lunaria annua* 65
*Lupine - *Lupinus* species 65
Maltese cross - *Lychnis coronaria* 50
Marigold - *Tagetes* species 65
Marvel of Peru (four o'clock) - *Marabalis jalapa* 60
Matricaria (feverfew) - *Matricaria* species 60
Mignonette - *Reseda odorata* 55
Monarch daisy - *Venidium fastuosum* 50
Mullein pink - *Lychnis coronaria* 50
Myosotis - *Myosotis alpestris*, *M. oblongata*, *M. palustris* 50
Nasturtium - *Tropaeolum* species 60
Nemesia - *Nemesia* species 65
Nemophila - *Nemophila insignis* 70
Nemophila, spotted - *Nemophila maculata* 60

New England aster - *Aster novae-angliae* 50
 Nicotiana - *Nicotiana affinis*, *N. sanderae*, *N. sylvestris* 65
 Nierembergia - *Nierembergia species* 55
 Nigella - *Nigella damascena* 55
 Oregon fleabane - *Erigeron speciosus* 50
 Ozark sundrops - (*Oenothera macrocarpa*, *Oenothera missouriensis*) 50
 Pansy - *Viola tricolor* 60
 Pearlwort - *Sagina sabulata* 50
 Pearly everlasting - *Anaphalis margaritacea* 50
 Penstemon - *Penstemon barbatus*, *P. grandiflorus*, *P. laevigatus*, *P. pubescens* 60
 Peppermint - *Mentha piperita* 50
 Periwinkle - *Catharanthus roseus* 50
 Petunia - *Petunia species* 45
 Phacelia - *Phacelia campanularia*, *P. minor*, *P. tanacetifolia* 65
 Phlox, annual - *Phlox drummondii* all types and varieties 55
 Physalis - *Physalis species* 60
 Platycodon (balloon flower) - *Platycodon grandiflorum* 60
 Plumbago, cape - *Plumbago capensis* 50
 Polka-dot plant - *Hypoestes phyllostachya* 50
 Ponytail - *Beaucarnea recurvata* 40
 Poppy: Shirley poppy - *Papaver rhoeas* Iceland poppy - *P. nudicaule*
 Orientale poppy - *P. orientale* Tulip poppy - *P. glaucum* 60
 Portulaca - *Portulaca grandiflora* 55
 Prairie coneflower - *Ratibida columnifera* 50
 Prairie gentian - *Eustoma grandiflorum* 50
 Primula (primrose) - *Primula species* 50
 Purple coneflower - *Echinacea purpurea* 50
 Pyrethrum (painted daisy) - *Pyrethrum coccineum* 60
 Rock rose - *Helianthemum nummularium* 50
 Rose champion - *Lynchis coronaria* 50
 Salpiglossis - *Salpiglossis gloxinaeflora*, *S. sinuata* 60
 Salvia: Scarlet sage - *Salvia splendens* Mealycup sage (blue bedder) -
Salvia farinacea 50
 Saponaria - *Saponaria ocymoides*, *S. vaccaria* 60
 Scabiosa, annual - *Scabiosa atropurpurea* 50
 Scabiosa, perennial - *Scabiosa caucasica* 40
 Schizanthus - *Schizanthus species* 60
 *Sensitive plant (mimosa) - *Mimosa pudica* 65
 Shasta daisy - *Chrysanthemum maximum*, *C. leucanthemum* 65
 Silk oak - *Grevillea robusta* 25
 Snapdragon - *Antirrhinum species* 55
 Snow-on-the-mountain - *Euphorbia marginata* 50
 Solanum - *Solanum species* 60
 Speedwell, Hungarian - *Veronica austriaca* 50
 Speedwell, spike - *Veronica spicata* 50
 Spiderflower - *Cleome hasslerana* 50
 Statice - *Statice sinuata*, *S. suworonii* (flower heads) 50
 Stocks: Common - *Mathiola incana* Evening scented, *Mathiola bicornis* 65
 Sunflower - *Helianthus species* 70
 Sunflower, Inula - *Inula grandiflora* 50
 Sunrose - *Helianthemum species* 30
 Swan river daisy - *Brachycome iberidifolia* 50
 *Sweet pea, annual and perennial other than dwarf bush - *Lathyrus odoratus*, *L. latifolius* 75
 *Sweet pea, dwarf bush - *Lathyrus odoratus* 65
 Sweet sultan - *Amberboa moschata* 50

Sweet William catchfly - *Silene armeria* 50
 Tahoka daisy - *Machaeanthera tanacetifolia* 60
 Tansy - *Tanacetum vulgare* 50
 Texas bluebonnet - *Lupinus subcarnosus* 50
 Thunbergia - *Thunbergia alata* 60
 Tidy tips daisy - *Layia platyglossa* 50
 Tiger monkeyflower - *Mimulus hybrids* 50
 Torch flower - *Tithonia speciosa* 70
 Torenia (wishbone flower) - *Torenia fournieri* 70
 Transvaal daisy - *Gerbera jamesoni* 50
 Tritoma (torch lily) - *Kniphofia species* 65
 Unicorn plant - *Proboscides louisianica* 50
 Verbena, annual - *Verbena hybrida* 35
 Vinca - *Vinca rosea* 60
 Viola - *Viola cornuta* 55
 Virginian stocks - *Malcolmia maritime* 65
 Wallflower - *Cheiranthus allioni*; *Erysimum x allionii* 65
 Willowleaf oxeye - *Buphtalmum salicifolium* 50
 Woolly marigold - *Baileya multiradiata* 50
 Yarrow - *Achillea millefolium* 50
 Yucca (Adam's needle) - *Yucca filamentosa* 50
 Zinnia (except *Linearis* and creeping) - *Zinnia angustifolia*, *Z. elegans*,
Z. grandiflora, *Z. gracillima*, *Z. haegeana*, *Z. multiflora*, *Z. pumila* 65
Zinnia, Linearis and creeping - *Zinnia Linearis*, *San vitalia*
procumbens 50
 All other kinds 50

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005. Time Period for Germination Tests.

005.01. New germination tests on all agricultural, vegetable, or flower seed shall be obtained on carry-over seed each nine months, except for those seeds as listed in 005.02 which shall be tested each twelve months, and hermetically sealed seed which shall be retested for germination after thirty-six months. For purpose of enforcement of this regulation, the date of the germination test on the label or tag shall be binding upon any person in possession of agricultural or vegetable seed. Following retesting, all seed shall be relabeled to reflect the new germination tests of the seed. The following information shall appear on a label for relabeling seeds in their original containers: (a) the calendar month and year the test was completed to determine such percentage; (b) the same lot designation as on the original labels; (c) the identity of the labeling person if such person is different from the original labeler.

005.02. The following kinds of agricultural seed may be sold within a 12-month period, exclusive of the calendar month in which the germination test was completed as prescribed in section 81-2,147.02(1)(a):

Bluestem, BigBluestem, LittleBluestem, Sand
 Bluestem, YellowBuffalograssBluegrass, Kentucky
 Bentgrass, ColonialBentgrass, CreepingBrome, Smooth
 Dropseed, SandFescue, RedFescue, Tall
 Fescue, ChewingsFescue, HardFescue, Sheep
 Grama, BlueGrama, SideoatsIndiangrass
 Lovegrass, SandNeedlegrass, GreenOrchardgrass
 Ryegrass, AnnualRyegrass, PerennialSandreed, Prairie
 SwitchgrassTimothyWheatgrass, Beardless
 Wheatgrass, CrestedWheatgrass, Intermediate
 Wheatgrass, PubescentWheatgrass, SlenderWheatgrass,
 StreambankWheatgrass, TallWheatgrass,

ThickspikeWheatgrass, WesternWildrye, Canada

005.03. For agricultural and vegetable seeds labeled, packaged, and sold in hermetically sealed containers, the 9-month or 12-month limitation of date of test in section 81-2,147.03(1)(a) is extended. The germination test for agricultural and vegetable seeds labeled, packaged, and sold in hermetically sealed containers shall have been completed within a 36-month period exclusive of the calendar month in which the test was completed, if the following conditions are met:

005.03A. The seed was packaged within nine months after harvest;

005.03B. The container used does not allow water vapor penetration through any wall, including the seals, greater than 0.05 grams of water per 24 hours per 100 square inches of surface at 100 degrees F. with a relative humidity on one side of 90 percent and one the other side of 0.00 percent. Water vapor penetration or WVP is measured by the standards of the National Institute of Standards and Technology as:

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

005.03C. The seed in the container used does not exceed the percentage of moisture, on a wet weight basis, as listed below:

005.03C1. Agricultural Seeds.

Kind	Percent
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
Mixtures of the above	8.0

005.03C2. Vegetable Seeds.

Kind	Percent	Kind	Percent
Bean, garden	7.0	Leek	6.5
Bean, lima	7.0	Lettuce	5.5
Beet	7.5	Muskmelon	6.0
Broccoli	5.0	Mustard, India	5.0
Brussell Sprouts	5.0	Onion	6.5
Cabbage	5.0	Onion, Welsh	6.5
Carrot	7.0	Parsley	6.5
Cauliflower	5.0	Parsnip	6.0
Celeriac	7.0	Pea	7.0
Celery	7.0	Pepper	4.5
Chard, Swiss	7.5	Pumpkin	6.0
Chinese Cabbage	5.0	Radish	5.0
Chives	6.5	Rutabaga	5.0
Collards	5.0	Spinach	8.0
Corn, sweet	8.0	Squash	6.0
Cucumber	6.0	Tomato	5.5
Eggplant	6.0	Turnip	5.0
Kale	5.0	Watermelon	6.5
Kohlrabi	5.0	All others	6.0

005.03D. The container is conspicuously labeled in not less than eight-point type to indicate:

005.03D1. That the seed is hermetically sealed;

005.03D2. That the seed has been preconditioned as to moisture content;

and

005.03D3. The calendar month and year in which the germination test was completed as well as all labeling information required in section 81-2,147.02 of the Nebraska Seed Law.

005.03E. The percentage of germination of seed at the time of packaging was equal to or above the standards specified elsewhere in the law;

005.03F. Adequate records are kept, giving the percent moisture of the seed at the time of packaging; and

005.03G. Hermetically sealed seed is not repackaged and relabeled as hermetically sealed seed unless it meets all conditions for seeds packaged in hermetically sealed containers including 005.03A above.

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006. Enforcement Orders. Three enforcement orders to be used in administering the provisions of the law and this rule shall be stop sale orders, relabel to comply orders, and minor violation warning orders. A description of the utilization of each order follows:

006.01. Stop sale orders shall be issued with respect to the following:

006.01A. Products found to be outside of tolerance with respect to germination.

006.01B. Products found to be outside of tolerance with respect to weed seed and noxious weed seed.

006.01C. Products found to be double or more out of tolerance with respect to pure seed, crop seed, inert matter, or coating material.

006.01D. Products found to bear an expired test date, date of expiration, or year packed for date.

006.01E. Products found to be outside of tolerance with respect to Pure Live Seed (PLS).

006.01F. Products labeled by a person in violation of section 81-2,147.10(1) and (2).

006.01G. Products not labeled in accordance with section 81-2,147.02.

006.01H. Products causing any person to be in violation of section 81-2,147.03.

006.02. Relabel to comply orders shall be issued with respect to the following:

006.02A. All products found to be in violation of the labeling provisions of the law, so long as the labeling violations are the only violations found, and so long as the labeling violations are not of a type having an affect on the quality of the seed; or

006.02B. Products found to be less than double out of tolerance but more than one-half of one percent out of tolerance with respect to pure seed, crop seed, inert matter, or coating material.

006.03. Minor violation warning orders shall be issued with respect to products found to be less than or equal to one-half of one percent out of tolerance with respect to purity, crop seed, inert matter, or coating material.

006.04. A stop sale order shall mean that the products covered thereby cannot be sold until the order has been officially released. A stop sale order may be released on all agricultural, vegetable, and flower seed upon compliance with the terms of the act. The director may issue a release from a stop sale order when satisfied that:

006.04A. The seed has been relabeled to comply with official test findings and a copy of the new label or tag has been furnished the Department, or

006.04B. The seed has been reconditioned, an official sample taken, a new official test completed, and labeled with the new official test results, or

006.04C. The seed has been returned to the supplier marked, "NOT FOR SALE" or similarly identified as not available to any purchaser by sale, trade, or exchange.

006.05. A relabel to comply order shall specify the relabeling required within 14 days of such order, unless an extension of time is sought and obtained from the Department for good cause shown.

006.06. A minor violation warning order shall not require any specific actions to be taken, but shall constitute notice of deficiencies needing future corrective actions.

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007. Bulk Labeling Requirements. When agricultural, vegetable, or flower seed is sold in bulk or sold from bulk bins or containers, the seller may supply the purchaser with a printed or written statement in lieu of the attached label or tag. In addition, the printed or written statement shall contain all the required labeling information and caution or process statements required by the Nebraska Seed Law and these regulations promulgated thereunder. In such cases, the seller's liability for labeling and tagging shall cease upon delivery of the seed and written statement.

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008. Adopt Rules for Testing Seeds. The official methods and tolerances adopted by the Association of Official Seed Analysts in the Journal of Seed Technology, Volume 16, Number 3, Revised 1995, entitled "Rules for Testing Seeds," and not in conflict with the Nebraska Seed Law, shall be the official methods and tolerances of the Nebraska Department of Agriculture for the methods of inspecting, handling and sampling all seeds, the methods of examining, analyzing and testing seed samples in the laboratory and the methods of computing tolerances of purity analyses, germination tests, tetrazolium (TZ) test, and Pure Live Seed (PLS) and rates of occurrence of noxious weed seeds. Section 5.5 of the Rules for Testing Seeds shall be utilized when computing tolerances for percentages of Pure Live Seed (PLS) and tetrazolium (TZ). A copy of this publication is attached hereto as Appendix A and incorporated herein by reference and is hereby adopted and promulgated and may be used.

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009. Prohibited Noxious Weed Seed Labeling. In all sampling conducted by the laboratory, the official report shall include the seed of globe-podded hoary cress (*Hymenophysa pubescens*), lens-podded hoary cress (*Lepidium draba* var. *repens*), all bursage (*Ambrosia* species), and all morning glory (*Ipomea* species when found in field crop seed) within the definition of prohibited noxious weed seed and the classification shall be as prohibited noxious weed seed. In addition, the following interpretation shall be used:

009.01. The term "dodder" (*Cuscuta* spp.) shall be interpreted as seed of all species of dodder, when found in agricultural seeds.

009.02. The term "wild mustard" (*Brassica* spp.) shall be interpreted as Indian mustard (*Brassica Juncea*), Charlock (*Brassica arvensis*), black mustard (*Brassica nigra*), bird rape (*Brassica campestris*) and all other members of the wild mustard (*Brassica*) species when occurring incidentally in agricultural seeds.

009.03. The term "dock" (*Rumex* spp.) shall be interpreted as curled dock (*Rumex crispus*), smoothleaf dock (*Rumex altissimus*), winged dock (*Rumex venosus*), red sorrel (*Rumex acetocells*), and seed of all other members of the dock (*Rumex*), species which may incidentally occur in agricultural seeds.

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010. Testing Categories and Fees. Service testing categories and fees are as follows:

010.01. Seed Species by Category.

010.01A. Category 1: Barley, Flax, Oats, Rye, Sorghum, Sudangrass, Sunflower, Triticale, Wheat, Buckwheat, and Spelt

010.01B. Category 2: Field Beans (Dry Edible), Soybeans

010.01C. Category 3: Field Corn, Popcorn

010.01D. Category 4: Alfalfa, Clovers, Crownvetch, Rape (Canola), Trefoil

- 010.01E. Category 5: Lespedeza, Millet, Vetch, Crambe, Safflower
- 010.01F. Category 6: Bentgrass, Bluegrass, Fescues, Orchardgrass, Redtop, Reed Canarygrass, Ryegrass, Timothy
- 010.01G. Category 7: Wheatgrass spp. (except Western), Wildrye spp., Smooth Brome
- 010.01H. Category 8: Buffalograss, Green Needlegrass, Indian Ricegrass, Sand Dropseed, Sand Lovegrass, Switchgrass, Western Wheatgrass, Sugar Beets, Eastern Gamagrass
- 010.01I. Category 9: Blue Grama, Prairie Sandreed, Foxtail spp., Side-Oats Grama
- 010.01J. Category 10d: Bluestem spp., Indiangrass
- 010.01K. Category 11: Tree and Shrubs, Flowers, Wildflowers, Weeds
- 010.01L. Category 12: Vegetables and Herbs

010.02. Testing fees for categories are as follows:

Category	Purity	Germination	NE Noxious	Complete	Tetrazolium (TZ)	a	b
1\$	6.00	\$10.00	\$ 4.00	\$18.00	\$15.00		
2\$	6.00	\$10.00	\$ 2.00	\$16.00	\$15.00		
3\$	6.00	\$10.00	\$ 2.00	\$16.00	\$15.00		
4\$	7.00	\$10.00	\$ 5.00	\$20.00	\$15.00		
5\$	7.00	\$10.00	\$ 4.00	\$19.00	\$15.00		
6\$	8.00	\$14.00	\$ 5.00	\$23.00	\$18.00		
7\$	10.00	\$14.00	\$ 5.00	\$25.00	\$18.00		
8\$	8.00	\$20.00	\$ 5.00	\$31.00	\$20.00		
9\$	23.00	\$23.00	\$ 8.00	\$52.00	\$20.00		
10\$	45.00	\$25.00	\$ 8.00	\$75.00	\$20.00		
11\$	\$15/hr.	\$15/hr.	\$15/hr.	\$15/hr.	\$15/hr.		
12\$	\$15/hr.	\$12.00	\$15/hr.	\$15/hr.	\$20.00		

+ Germination

a In lieu of the above, all mixtures will be charged at the rate of \$15.00/hour for any separation including purity, NE noxious, or both, plus the germination, TZ or both, cost for each kind. In addition to the above, when samples contain excess foreign material, or are difficult, a charge of \$15.00/hour will be made for the extra examination time required if samples are accepted by the lab for testing.

b Includes Preliminary Report by fax or mail.

c Germination tests of Green Needlegrass only = \$25/sample; Complete = \$35/sample

d Seed caryopses of category 10: Purity = \$15; Germination = \$25; Noxious = \$4; Complete = \$42; TZ = \$20.

010.03. Other tests, fees, and requests, as explained below are as follows:

010.03A. Rush. Samples submitted for analysis are normally tested in the order in which they are received. The request for a Rush Test will give that sample first testing priority ahead of other samples received previously except other rush test samples. Extra cost per sample: When regular charge is \$20.00 or less, add \$5.00. When regular charge is over \$20.00, but less than \$40.00, add \$7.00. When regular charge is \$40.00 or more, add one-fourth (25%) of the regular sample charge.

010.03B. Examination for Annual Bluegrass (Poa annua). Cost: \$15/hr.

010.03C. Cold Test (Corn, Soybeans) - Standard germination not included. Cost: \$10.00.

010.03D. Soybean Stress Test (Accelerated Aging) - for carryover soybeans, includes standard germination test. Cost: \$20.00. (Complete plus Stress Test: \$26.00).

010.03E. All States Noxious Weed Examination. Cost: \$3.00 plus Nebraska noxious price. (Excessively weedy samples - \$15/hr.)

010.03F. Seed Count (Cereals, Soybeans). Cost: \$4.00 per sample examined.

010.03G. Sweetclover Species Purity Test. Cost: \$15 per sample.

010.03H. Weed Examinations for other countries. Cost: \$15/hr.

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011. Labeling of Seeds as Percentage of Pure Live Seed. The following kinds of agricultural seed may be labeled as to the percentage of Pure Live Seed (PLS) as prescribed in section 81-2,147.02(9):

Bluestem, BigBluestem, Little
Bluestem, SandBluestem, Yellow
Dropseed, SandBuffalograss
Grama, BlueGrama, Sideoats
IndiangrassLovegrass, Sand
Needlegrass, GreenRicegrass, Indian
Sandreed, PrairieSwitchgrass
Wheatgrass, CrestedWheatgrass, Beardless
Wheatgrass, var. Intermediate or var. PubescentWheatgrass, Slender
Wheatgrass, StreambankWheatgrass, Tall
Wheatgrass, ThickspikeWheatgrass, Western

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012. Seeds Labeled Variety not Stated. The following kinds of agricultural seeds are generally labeled as to variety and shall be labeled to show the variety name or the words "Variety Not Stated," or "VNS":

AlfalfaBahiaGrassBarleyBean, field
Beet, fieldBrome, SmoothBroomcornClover, crimson
Clover, redClover, whiteCorn, fieldCorn, pop
CottonCowpeaCrambeFescue, Tall
FlaxLespedeza, striateMillet, foxtailMillet, Pearl
Millet, ProsoOatPea, fieldPeanut
RapeRiceRyeSafflower
SorghumSorghum-Sudangrass HybridSoybeanSudangrass
SunflowerTobaccoTrefoil, birdsfootTriticale
Wheat, commonWheat, durum

When two or more varieties are present in excess of five per cent (5%) and are named on the label, the names of each variety in excess of five percent (5%) shall be accompanied by the percentage of each.

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013. Labeling of Kind or Kind and Variety of Seed. The name of a kind or kind and variety of seed and any descriptive terms pertaining thereto shall be correctly represented in any advertisement of seed.

013.01. Name of Kind or Kind and Variety. The representation of the name of a kind or kind and variety of seed in any advertisement subject to the act shall be confined to the name of the kind or kind and variety determined in accordance with Section 81-2,147.01. The name shall not have associated therewith words or terms that create a misleading impression as to the history or characteristics of the kind or kind and variety. Descriptive terms and firm names may be used in kind or variety names; Provided, that the descriptive terms or firm names are a part of the name of the kind or variety of seed; for example, Stringless Green Pod, Detroit Dark Red, Black Seed Simpson and Henderson Bush Lima. Seed shall not be designated as hybrid seed in any advertisement subject to the act unless it comes within the definition of "Hybrid" in Section 81-2,147.01.

013.02. Characteristics of Kind or Variety. Terms descriptive as to color, shape, size, habit of growth, disease resistance, or other characteristics of the kind or variety, may be associated with the name of the kind or variety; provided, that it is done in a manner which clearly indicates the descriptive term is not part of the name of the kind or variety; for example, Oshkosh

pepper (yellow), Copenhagen Market (round head) cabbage, and Kentucky Wonder pole bean.

013.03. Description of Quality and Origin. Terms descriptive of quality or origin and terms descriptive of the basis for representations made may be associated with the name of the kind or variety of seed; Provided, that the terms are clearly identified as being other than part of the name of the kind or variety; for example, Blue Tag Gem Barley, Idaho Origin Alfalfa, and Grower's Affidavit of Variety Atlas Sorghum.

013.04. Description of Manner of Production or Conditioning. Terms descriptive of the manner or method of production or conditioning the seed may be shown; for example, certified, registered, delinted, scarified, treated, and hulled, may be associated with the name of the kind or variety of seed, providing such terms are not misleading.

013.05. Separation of Brand Names from Kind and Variety Names. Brand names and terms taken from trademarks may be associated with name of the kind and variety or mixtures of kinds or blends of varieties of seed as an indication of source; Provided, that the terms are clearly indicated as being other than part of the name of the kind and variety, mixture or blend; for example, Valley Brand Blend 15 Alfalfa VNS, or River Brand Golden Cross Corn VNS. Seed shall not be advertised under a trademark or brand name in any manner that may create the impression that the trademark or brand name is a variety name.

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014. Seed Allowing 4% Weed Seed. The following kinds of agricultural seeds may not contain more than four percent (4%) by weight of weed seed of which not more than one-half of one percent ($\frac{1}{2}$ of 1%) may be restricted noxious weed seed as prescribed in section 81-2,147.03(1)(f). No mixture of any such seed may qualify for this exemption unless the total pure seed by weight of the seeds listed in this section is greater than 50% of the total pure seed by weight:

- Bluestem, Big
- Bluestem, Little
- Bluestem, Sand
- Bluestem, Yellow
- Grama, Blue
- Grama, Sideoats
- Indiangrass
- Sandreed, Prairie

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015. Definition of Terms. The definitions of terms contained in the Nebraska Seed Law shall apply to such terms when used in these regulations.

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016. Administration. These regulations shall be administered by the Department of Agriculture's Bureau of Plant Industry, located in the State Office Building, Fourth Floor, 301 Centennial Mall South, Lincoln, Nebraska. The mailing address is P.O. Box 94756, Lincoln, Nebraska 68509-4756. The telephone number is (402) 471-2394.

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017. Publication Adopted. See Appendix A.

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018. Annotation. Neb. Rev. Stat. §§81-2,147 to 81-2,147.11 (Reissue 1994 and Supp. 1995).

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