NEBRASKA ADMINISTRATIVE CODE

TITLE 25, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 7

NEBRASKA DEPARTMENT OF AGRICULTURE

NEBRASKA SEED LAW REGULATIONS

January, 2014 Amendment

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NEBRASKA ADMINISTRATIVE CODE

TITLE 25 - NEBRASKA DEPARTMENT OF AGRICULTURE

CHAPTER 7 - NEBRASKA SEED LAW REGULATIONS

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APPROVED

AUG 13 2014

Dave Heineman
DAVE HEINEMAN
GOVERNOR

AUG 13

SECRETARY OF STATE

By Ashley Reiter

APPROVED
JON BRUNING
ATTORNEY GENERAL
BY Emily Rose
Assistant Attorney General
DATE 7-18-14

NEBRASKA ADMINISTRATIVE CODE

LAST DATE AMENDED: April 11, 2005

TITLE 25 - DEPARTMENT OF AGRICULTURE, BUREAU OF PLANT INDUSTRY

Chapter 7 - NEBRASKA SEED LAW REGULATIONS

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."

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.

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:

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ATTORNEY GENERAL
BY
Assistant Attorney General
DATE 7-18-14

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)



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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)

003.01C(2) 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:



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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 $LD_{50}$ up to and including 50 mg/kg, an inhalation $LD_{50}$ up to and including .2 mg/liter, or a dermal $LD_{50}$ 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:

003.06A(1) Seeds of a single named variety shall be labeled by the kind and variety, for example "Marigold, Butterball."

003.06A(2) 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."



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003.06A(3) 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.

## 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:



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| Kind | Percent |
|---|---|
| Artichoke | 60 |
| Asparagus | 70 |
| Asparagusbean | 75 |
| Bean,garden | 70 |
| Bean,lima | 70 |
| Bean, runner | 75 |
| Beet | 65 |
| Broadbean | 75 |
| Broccoli | 75 |
| Brussel sprouts | 70 |
| Burdock,great | 60 |
| Cabbage | 75 |
| Cabbage, tronchuda | 75 |
| Cantaloupe (see muskmelon) | |
| Cardoon | 60 |
| Carrot | 55 |
| Cauliflower | 75 |
| Celeriac | 55 |
| Celery | 55 |
| Chard, Swiss | 65 |
| Chicory | 65 |
| Chinese cabbage | 75 |
| Chives | 50 |
| Citron | 65 |
| Collards | 80 |
| Corn, sweet | 75 |
| Cornsalad | 70 |
| Cowpea | 75 |
| Cress, garden | 75 |
| Cress, upland | 60 |
| Cress, water | 40 |
| Cucumber | 80 |
| Dandelion | 60 |

| Kind | Percent |
|---|---|
| Eggplant | 60 |
| Endive | 70 |
| Kale | 75 |
| Kale, Chinese | 75 |
| Kohlrabi | 75 |
| Leak | 60 |
| Lettuce | 80 |
| Muskmelon | 75 |
| Mustard, India | 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 |
| Rutabaga | 75 |
| Salsify | 75 |
| Sorrel | 65 |
| Soybean | 75 |
| Spinach | 60 |
| Spinach, New Zealand | 60 |
| Squash | 75 |
| Tomato | 75 |
| Tomato, husk | 50 |
| Turnip | 80 |
| Watermelon | 70 |
| All other kinds | 5 |

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.



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| Kind | Percentage |
|---|---|
| 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 species | 30 |
| Ageratum - Ageratum mexicanum | 60 |
| Agrostemma (rose campion) - Agrostemma coronaria | 65 |
| Alyssum - Alyssum compactum, A. maritimum, A. procumbens, A. saxatile | 60 |
| Amaranthus - Amaranthus species | 65 |
| Anagalis (pimpernel) - Anagalis arvensis, Anagalis coerulia, Anagalis grandiflora | 60 |
| Anchusa - Two genera species: Cape bugloss - Anchusa capensis Italian bugloss - Anchusa azura 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 - As paragus sprengeri | 55 |
| Aster, China - Callistephus chinensis; except pompom, Powderpuff, and Princess types | 55 |
| Aubrieta - Aubrieta deltoides | 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 species | 50 |
| Black-eyed Susan - Rudbeckia hirta | 50 |
| Brachycome (Swan river daisy) - Brachycome iberidifolia | 60 |
| Bupthalum (sunwheel) - Buphthalum salicifolium | 60 |
| Buttercup - Ranunculus species | 50 |
| Butterfly milkweed - Asclepias tuberosa | 50 |
| Cactus - Cactaceae | 50 |
| Calceolaria - Calceolaria species | 60 |
| Calendula - Calendula officinalis | 65 |
| Californica poppy - Eschscholtzia californica | 60 |
| Calliopsis - Coreopsis bicolor, C. Drummondi, 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 - Aguilegia 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 - Probosicidea louisianica .....50



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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 cyllindrica.....70



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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 childsi ..... 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) - Marabilis jalapa ..... 60
Matricaria (feverfew) - Matricaria species ..... 60
Mignonette - Reseda odorata ..... 55
Monarch daisy - Venidium fastuosum ..... 50
Mullein pink - Lynchnis coronaria ..... 50
Myosotis - Myosotis alpestris, M. oblongata,
M. palustris ..... 50
Nasturtium - Tropaeolum species ..... 60
Nemesia - Nemesia species ..... 65



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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 drummondi 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 - Lynchnis 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 - Chrysantheumum maximum,
C. leucanthemum .....65
Silk oak - Grevillea robusta .....25



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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 - Lupdinus 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 - Probosicides lousianica .....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
Wooly 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 seed described in section 81-2,147.02(5)(1)of the Nebraska Seed Law shall be tested each fifteen months. All other new germination tests on 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, Big | Sandreed, Prairie |
| Bluestem, Little | Switchgrass |
| Bluestem, Sand | Timothy |
| Bluestem, Yellow | Wheatgrass, Beardless |
| Buffalograss | Wheatgrass, Crested |
| Brome, Smooth | Wheatgrass, Intermediate |
| Dropseed, Sand | Wheatgrass, Pubescent |
| Grama, Blue | Wheatgrass, Slender |
| Grama, Sideoats | Wheatgrass, Streambank |
| Indiangrass | Wheatgrass, Tall |
| Lovegrass, Sand | Wheatgrass, Thickspike |
| Needlegrass, Green | Wheatgrass, Western |
| Orchardgrass | Wildrye, 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;



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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. $H_2O$/24 hr/100 sq. in/100°F/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:

005.03C(1) 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 |

005.03C(2) 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 |



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

005.03D(1) That the seed is hermetically sealed;

005.03D(2) That the seed has been preconditioned as to moisture content; and

005.03D(3) 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.

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 Nebraska 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, sell by, 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, not labeled in accordance with, or products causing any person to be in violation of the Nebraska Seed Law.



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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.

008 Adopt Rules for Testing Seeds. The official methods and tolerances adopted by the Association of Official Seed Analysts, entitled "Rules for Testing Seeds", which includes the Seedling Evaluation Handbook and the Uniform Classification of Weed and Crop Seeds and the methods of inspecting, handling and sampling of all seeds as published by the Association of American Seed Control Officials in the "Handbook on Seed Sampling", provided such publications are 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 these publications are attached hereto as Appendix A and incorporated herein by reference and are hereby adopted and promulgated and may be used.

009 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 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, Big
Bluestem, Little
Bluestem, Sand
Bluestem, Yellow
Dropseed, Sand

Buffalograss
Grama, Blue
Grama, Sideoats
Indiangrass
Lovegrass, Sand
Needlegrass, Green
Ricegrass, Indian
Sandreed, Prairie
Switchgrass
Wheatgrass, Crested
Wheatgrass, Beardless
Wheatgrass, var. Intermediate or var. Pubescent
Wheatgrass, Slender
Wheatgrass, Streambank
Wheatgrass, Tall
Wheatgrass, Thickspike
Wheatgrass, Western
Sandreed, Prairie
Switchgrass

011 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":

Alfalfa
Bahiagrass
Barley
Bean, field
Beet, field
Brome, Smooth
Broomcorn
Clover, crimson
Clover, red
Clover, white
Corn, field
Corn, pop
Cotton
Cowpea
Crambe
Fescue, Tall
Flax
Lespedeza, striate
Millet, foxtail
Millet, Pearl
Millet, Proso
Oat
Pea, field
Peanut
Rape
Rice
Rye
Safflower
Sorghum
Sorghum-Sudangrass Hybrid
Soybean
Sudangrass
Sunflower
Tobacco
Trefoil, birdsfoot
Triticale
Wheat, common
Wheat, 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.

012 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.



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012.01 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.

012.02 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.

012.03 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.

012.04 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.

012.05 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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013 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 (½ 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

014 Definition of Terms.

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

014.02 The definitions listed in the Official Definitions adopted and published by the Association of American Seed Control Officials attached hereto as Appendix B incorporated herein by reference, which do not conflict with the Nebraska Seed Law, shall apply to such terms when used in these regulations.

014.03 Nebraska noxious weed means weeds from primary noxious weed seeds, prohibited noxious weed seeds, and restricted noxious weed seeds.

014.04 Tolerance means on allowance that variation may reasonably be expected in results obtained from different laboratory analysis tests of the same lot of seed. Tolerances are applied when comparing one laboratory analysis test result with another or to a seed analysis label statement or claim. They are for the protection for the seed labeler and shall not be used to show higher quality on the label than is indicated by an actual laboratory test.

015 Administration. These regulations shall be administered by the Department of Agriculture, 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) 471-2351.



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016 Publications Adopted. See Appendix A and Appendix B.

017 Annotation. Neb. Rev. Stat. §§81-2,147 to 81-2,147.12.

APPROVED
AUG 13 2014
Dave Heineman
DAVE HEINEMAN
GOVERNOR

FILED
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SECRETARY OF STATE
BY Ashley Reitz

APPROVED
JON BRUNING
ATTORNEY GENERAL
BY Emily Kal
Assistant Attorney General
DATE 7-18-14