

**CHAPTER 74-03-02
SPECIFIC CROP REQUIREMENTS - SMALL GRAINS**

Section

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74-03-02-01. Land requirements.

A crop of small grain will not be eligible for certification if planted on land on which the same kind was grown the year previous unless the previous crop was the same variety and was inspected for certification. A crop of winter wheat may be planted on a field that previously produced spring wheat. Foundation or registered class fields of durum will not be eligible for certification if planted on land on which spring wheat was planted either of the two previous years.

History: Amended effective May 1, 1986; January 2, 2006; July 1, 2010; July 1, 2018.

General Authority: NDCC 4.1-52-10

Law Implemented: NDCC 4.1-52-10, 4.1-53-42

74-03-02-02. Field inspection.

All field inspection of small grain will be made after the crop is fully headed. A field harvested before inspection will not be eligible for certification.

History: Amended effective January 2, 2006; July 1, 2018.

General Authority: NDCC 4.1-52-10

Law Implemented: NDCC 4.1-52-10, 4.1-53-42

74-03-02-03. Field standards.

1. Isolation.

- a. Prior to inspection, the field must be isolated from inseparable crops by a fence row, natural boundary, or by a strip at least five feet [1.52 meters] wide which is either mowed, sprayed, or uncropped.
- b. All rye fields producing certified seed must be isolated by at least six hundred sixty feet [201.17 meters] from rye fields of any other variety or fields of the same variety that do not meet the varietal purity requirements for certification.

2. Specific field standards(wheat - barley - oats - rye - triticale).

Factor	Foundation	Maximum Tolerance	
		Registered	Certified
Other varieties *	1:10,000	1:5,000	1:2,000
Inseparable other crops	1:30,000	1:10,000	1:5,000
Prohibited noxious weeds **	none	none	none

*Other varieties include plants that can be differentiated from the variety being inspected, but shall not include variants which are characteristic of the variety.

**The tolerance for prohibited or objectionable weeds, or both, in the field will be determined

by the inspector.

History: Amended effective May 1, 1986; September 1, 2002; January 2, 2006; July 1, 2010; October 1, 2012; July 1, 2018.

General Authority: NDCC 4.1-52-10

Law Implemented: NDCC 4.1-52-10, 4.1-53-42

74-03-02-04. Seed standards (wheat - oats - barley - rye - triticale).

Seed count required.

Variety identification test required for hard red spring wheat and barley.

Factor	Standards for Each Class		
	Foundation	Registered	Certified
Pure seed (minimum) *	99.0 percent	99.0 percent	99.0 percent
Total weed seeds (maximum)	2 per pound	5 per pound	10 per pound
Other varieties **	1 per 2 pounds	1 per pound	3 per pound
Other crop seeds (maximum)	1 per 2 pounds	1 per pound	3 per pound
Inert matter (maximum) ***	1.0 percent	1.0 percent	1.0 percent
Prohibited noxious weed seeds +	none	none	none
Objectionable weed seeds (maximum) ++	1 per 2 pounds	1 per 2 pounds	1 per pound
Germination +++	85.0 percent	85.0 percent	85.0 percent

*The standard for durum, triticale, and rye shall be 98.0 percent minimum.

**Other varieties shall not include variants characteristic of the variety. White wheat must be tested for red wheat contaminants.

***For all crops foreign matter other than broken seed shall not exceed 0.2 percent. Durum, triticale, and rye may contain 2.0 percent maximum inert matter.

+Including the seeds of quackgrass.

++Objectionable weed seeds shall include the following: dodder, wild oats, hedge bindweed (wild morning glory), giant ragweed (kinghead), falseflax, and dragonhead.

+++Winter wheat, durum, triticale, and rye minimum 80.0 percent.

Note: A barley labeler is responsible for having a loose smut test, by an official laboratory, on the harvested seed of each field of barley. If seed from more than one field is blended without having a test for each field, a loose smut test must be made on each seed lot or subplot. The percentage of loose smut will be printed on the certification certificate or label.

History: Amended effective May 1, 1986; May 1, 1988; December 18, 1989; August 1, 1991; September 1, 2002; January 2, 2006; July 1, 2010; October 1, 2012; July 1, 2018; July 1, 2020.

General Authority: NDCC 4.1-52-10

Law Implemented: NDCC 4.1-52-10, 4.1-53-42

74-03-02-05. Seed standards (flax).

Repealed effective July 1, 2018.