

these rules are readopted without amendment and shall continue in effect for a seven-year period.

(a)

DIVISION OF PLANT INDUSTRY

**Notice of Readoption
Seed Control**

Readoption: N.J.A.C. 2:21

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

Authorized By: The State Board of Agriculture and Douglas H. Fisher, Secretary, Department of Agriculture.

Effective Date: October 29, 2021.

New Expiration Date: October 29, 2028.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 2:21 were 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. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet occurred, therefore, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 103, this notice of readoption is timely filed.

The purpose of the rules is to facilitate the orderly marketing and sale of seed by providing the seed user with necessary and uniform information for buying seed. The following issues are addressed in the chapter: labeling requirements for treated seed, untreated seed, and hermetically sealed seed; seed testing methods; identification and regulation of noxious weed seeds found in all types of seed sold for planting purposes; minimum germination standards for vegetable and flower seed; and seed testing fees.

Subchapter 1 describes how seed is to be labeled to assure it is done in a uniform manner as to kind and variety name, and that comparable information is available for each lot. The subchapter lists labeling requirements for seed distributed to wholesale seedsmen, combination seed and products, and preplanted containers, mats, tapes, coated seed, and other devices. This subchapter also provides for relabeling seed in original containers.

Subchapter 2 identifies the methods used in testing seed to determine whether it is in compliance with the New Jersey State Seed Law, N.J.S.A. 4:8-17.13 et seq. Those methods are standardized and are prescribed by the Association of Official Seed Analysts in their "Rules for Testing Seed."

Subchapter 3 specifies the labeling requirements for treated seed. Seeds treated with a pesticide must be labeled with the appropriate signal word as is required on the pesticide label and must bear the caution statement, "Do not use for food or oil purposes." Seed treated with an inoculant must be labeled to show the inoculant and the expiration of the inoculant's effectiveness. Seed treated with other materials or processes must be labeled to reflect the name, date, and purpose of the treatment or process; if the material or process is harmful to humans or vertebrate animals, it must be labeled as such.

Subchapter 4 establishes lists of plants that have been found to be detrimental or difficult to control in farm fields, gardens, and lawns. Seeds of these plants are divided into two categories -- prohibited noxious weed seeds and restricted noxious weed seeds. No prohibited noxious weed seeds will be allowed in agricultural, vegetable, flower, tree, shrub, or lawn and turf seed. Restricted noxious weed seeds must be identified by number and name on the label; amounts exceeding the labeled number will be considered in violation of the law. The rules identify 10 species of seeds that are considered to be restricted noxious weeds when occurring in lawn and turf seed and mixtures. These 10 species are not considered restricted noxious weeds when occurring in pasture, forage, hay, conservation, or soil bank reclamation usage mixtures.

Subchapter 5 establishes germination standards for different kinds of vegetable seed. Labelers may use the words "Packed for (calendar year)" in lieu of germination percentages when germination rates meet or exceed the listed standards. Germination rates of vegetable seed that are less than two-thirds of the established standard shall be considered unfit for planting. Below standard rates that exceed two-thirds of the standard shall be considered fit for planting only if the label indicates the words "below standard." The rules establish a standard of 50 percent germination for any vegetable or herb not listed.

Subchapter 6 establishes germination standards for different kinds of flower seed. Labelers may use the words "Packed for (calendar year)" in lieu of germination percentages when germination rates meet or exceed the listed standards. Germination rates of flower seed that are less than two-thirds of the established standard shall be considered unfit for planting. Below standard rates that exceed two-thirds of the standard shall be considered for planting only if the label indicates the words "below standard." The subchapter includes a list of kinds of flowers with standards and establishes a standard of 50 percent germination for any kind not listed.

Subchapter 7 describes the fees to be charged for testing services performed by the New Jersey State Seed Laboratory. New Jersey commercial producers of agricultural and horticultural products are permitted two free germination tests within a fiscal year.

Subchapter 8 describes the procedures to be followed when samples are submitted to the laboratory for testing. Official testing for regulatory purposes is given priority at all times, and permits little other work during the spring and summer months. The rules allow the laboratory to reject samples submitted for testing if the time is not available. The rules also specify the amount of seed needed for testing, the fact that the sample should be representative of the lot of seed, and the information to be supplied with the sample. A noxious weed seed examination is conducted on all seed submitted for purity analysis, including lawn grasses.

Subchapter 9 establishes standards for seeds packaged in containers labeled as hermetically sealed. The subchapter sets standards for maximum percent moisture content of agricultural and vegetable seeds.

Subchapter 10 provides the penalties for violations of this chapter. Penalties include a fine of not less than \$500.00, nor more than \$1,000 for the first offense and a fine of not less than \$1,000, nor more than \$5,000 for each subsequent offense.

Therefore, pursuant to N.J.S.A. 44:1-11.1 and 4:8-17.13 et seq., specifically 4:8-17.23 and 17.24, and in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted without amendment and shall continue in effect for a seven-year period.

(b)

**STATE TRANSFER OF DEVELOPMENT RIGHTS
BANK**

**Notice of Readoption
Transfer of Development Rights**

Readoption: N.J.A.C. 2:77

Authority: N.J.S.A. 4:1C-52f.

Authorized By: State Transfer of Development Rights Bank, Douglas H. Fisher, Chairman.

Effective Date: October 25, 2021.

New Expiration Date: October 25, 2028.

Take notice that, pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 2:77 were scheduled to expire on November 12, 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. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet occurred, therefore, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 103, this notice of readoption is timely filed.