

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 18 SEEDS, FEEDS, AND FERTILIZERS
PART 4 SEED STANDARDS AND CLASSIFICATIONS

21.18.4.1 ISSUING AGENCY: New Mexico State University, New Mexico Department of Agriculture
[MSC 3189, Box 30005, Las Cruces, New Mexico 88003-8005, Telephone No. (575) 646-3007]
[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.2 SCOPE: Part 4 shall apply to any person selling commercial seeds in New Mexico.
[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.3 STATUTORY AUTHORITY: Granted to the board of regents of New Mexico state university
under the New Mexico Seed Law, Chapter 76, Article 10, Sections 11 through 22, New Mexico Statutes Annotated
1978 Compilation.
[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.4 DURATION: Permanent.
[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.5 EFFECTIVE DATE: October 7, 2025, unless a later date is cited at the end of the history note at
the end of a section.
[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.6 OBJECTIVE: The objective of Part 4 of Chapter 18 is to establish a list of prohibited and
restricted noxious weed seeds, set germination standards for vegetable seeds, set tolerances for the testing of seeds,
set guidelines for the sampling and testing of seeds, and set fees to be charged for seed testing when done at the
request of or for the benefit of persons, firms or individuals, and designate the seed certification agency for New
Mexico.
[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.7 DEFINITIONS: [RESERVED]

21.18.4.8 PROHIBITED NOXIOUS WEED SEEDS: The following weed seeds are declared to be
prohibited noxious weed seeds. Seeds containing any of the weed seeds listed herein shall not be sold in New
Mexico.

- A.** Field Bindweed (*Convolvulus arvensis*)
- B.** Camelthorn (*Alhagi camelorum*)
- C.** Halogeton (*Halogeton glomeratus*)
- D.** Nutgrass, Purple Nutgrass (*Cyperus esculentus*, *C. rotundus*)
- E.** Poverty Weed (*Ambrosia tomentosa*)
- F.** Quackgrass (*Elymus repens*)
- G.** Russian Knapweed (*Rhaponticum repens*)
- H.** Thistle, Canada (*Cirsium arvense*)
- I.** Whitetop (*Cardaria draba*)

[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.9 RESTRICTED NOXIOUS WEED SEEDS: The following weed seeds are declared to be
restricted noxious weed seeds. Seeds containing any of the weed seeds listed herein shall not be sold in New Mexico
if the number of restricted noxious weed seeds exceeds those established in this section.

	Maximum allowed per pound
dodder (<i>Cuscuta</i> spp.)	45

goatgrass (<i>Aegilops</i> spp.)	1
Johnsongrass (<i>Sorghum halepense</i>) and other perennial sorghums	45
morning glory (<i>Ipomoea</i> spp.)	45
Texas blueweed (<i>Helianthus ciliaris</i>)	45
white horenettle (Bullnettle) (<i>Solanum elaeagnifolium</i>)	90
wild oat (<i>Avena fatua</i>)	90

[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.10 GERMINATION STANDARDS FOR VEGETABLE SEEDS: The germination standards for vegetable seeds shall be as found in 7 CFR 201.31.

[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.11 METHODS OF SAMPLING AND TESTING: The methods of sampling, inspecting, analyzing, testing, and examining agricultural and vegetable seed shall be the methods adopted by the Federal Seed Act 7 CFR Part 201. Methods of testing seeds for which the Federal Seed Act 7 CFR Part has not adopted methods of testing shall be determined by the state seed analyst or methods adopted by the association of official seed analysts.

[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.12 TOLERANCES: Tolerances shall be the applicable tolerances established by the Federal Seed Act 7 CFR Part 201. In the case of prohibited noxious weed seeds, the tolerance shall be based on declaration of "none". In the case of vegetable seed in amounts of one pound or less not labeled as to actual germination, it will be interpreted that vegetable seeds must meet or exceed the minimum germination established by Section 10, germination standards for vegetable seeds.

[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.13 FEE SCHEDULE FOR SEED TESTING:

A. The following fees shall be charged to persons bringing seed into the laboratory for testing:

	Complete Test	Purity Only	Germ Only	Weed Only
grass seed	\$45.00	\$24.00	\$24.00	\$16.00
seed other than grass	\$25.00	\$15.00	\$15.00	\$16.00

B. Special charges.

Tetrazolium test for viability	\$30.00
Vigor/cold test	\$25.00

C. Hourly charges. Whenever the seed to be tested is unusually dirty or poses other problems so as not to be routine in its testing, the state seed analyst may elect to charge for the testing at the rate of \$45 per hour for the time involved in testing for purity and/or conducting the germination test, but not to include the time in the germinator. Special testing requests not listed charged at the hourly rate.

[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

21.18.4.14 SEED CERTIFICATION AGENCY: New Mexico state university seed certification is hereby designated to be the seed certification agency for the state.

[21.18.4.1 NMAC - Rp, 21.18.4.1 NMAC, 10/7/2025]

HISTORY OF 21.18.4 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

NMDA Rule 67-3, Seed Law Regulations, Regulatory Order No. 1, filed 12/5/67.

NMDA Rule 67-3 Amendment No. 1, Seed Lab Fees, Regulatory Order No. 1, Regulation No. 6, filed 5/19/1971.

NMDA Rule 67-3 Amendment No. 2, Seed Lab Fees, Regulatory Order No. 3, filed 9/28/1976.

NMDA Rule 67-6, Seed Certifying Committee, Resolution No. 1, filed 12/26/1967.

NMDA Rule 72-3, Regulatory Order No. 2, Seed Corn Labeling, filed 9/19/1972.
NMDA Rule 86-1, Seed Standards and Classifications, filed 5/14/1986.
NMDA Rule 86-2, Fees for Seed Tests, filed 7/9/1986.

History of Repealed Material:

21.18.4 NMAC – Seed Standards and Classifications, filed 7/1/1997, was repealed and replaced by 21.18.4 NMAC – Seed Standards and Classifications, effective 10/7/2025.