



# Field Seed Program

## Guidelines for Certification of Industrial Hemp Seed in North Dakota

### Definitions

- "Industrial Hemp" means the plant *Cannabis sativa* L. and any part of such plant whether growing or not with a delta-9 THC concentration of not more than 0.3 percent on a dry weight basis including the following kinds:
  - Dioecious: Types with male and female flowers on separate plants
  - Monoecious: Types with male and female flowers separated but on the same plant
  - Unisexual Hybrids: Types with sterile male flowers and fertile female flowers on the same plant.
- "Approved variety" means any variety of industrial hemp designated by the commissioner in a published list and may be amended from time to time.
- "Seed Certification" means the process of seed production that maintains the varietal identity and genetic purity of the seed from propagation, conditioning, testing and labeling.

### Grower eligibility

- Only growers licensed by the North Dakota Department of Agriculture (NDDA) to produce Industrial Hemp (according to Chapter 7-14-02-02) are eligible to produce certified hemp seed.
- Growers must provide proof of a current license with their Application for Field Inspection and annually upon renewal with the NDDA to ensure seed is labeled to the legal owner.

### Variety eligibility

- Only varieties approved by the NDDA are eligible for production of certified classes of seed.
- To be eligible for certification, approved varieties must meet all the requirements of Federal Seed Act §201.68.
- Only varieties that are accepted by one of the following will be accepted for certification:
  - AOSCA national variety review board
  - An official seed certifying agency
  - OECD

### Field eligibility

- Field eligibility requirements are intended to reduce or eliminate the potential for contamination from volunteer plants. Eligibility is determined by previous cropping history and the class of seed being produced.
- Foundation and Registered seed may not be produced on fields that produced industrial hemp the previous three years.



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- Certified seed may not be produced on fields that produced industrial hemp the previous two years.
- Fields should be selected with isolation requirements in mind also. Isolation from other fields of industrial hemp are greater than three miles for Foundation and Registered class seed fields, for example, so seed growers need to plan ahead to ensure no other hemp production is planned within the isolation areas.

## Planting requirements

- Fields should be planted to facilitate roguing and field inspection. Solid-seeding is not recommended due to the difficulty in getting through the field and identifying plants that should be removed.
- Fields planted with row spacing less than 30 inches will be assessed higher inspection fees.

## Roguing

- Roguing to remove off-type plants should be completed prior to the arrival of the field inspector. The field inspector's job is to assess the purity of the seed field according to the variety description and certification standards, not to identify problems for the producer to address later.
- Identification of fertile, pollen producing off-types during the field inspection is too late and will likely result in failure of the inspection.
- Rogued plants must be removed from the field in such a way that regrowth is not possible.

## Field inspection

- Seed producers must apply for field inspection with the Seed Department by June 1.
- Applications received after that date will be assessed late fees.
- Applications submitted after the optimal time for inspection will be rejected.
- The NDDA will be notified of any field that fails inspection, regardless of reason.
- Fields must be inspected at a stage of growth when varietal purity is best determined. It is important that the seed producer communicates with the Seed Department.
- Foundation seed fields – two inspections required
  - The first inspection will be made after the formation of male flowers, preferably before pollen shed, and before female flowers are receptive.
  - Second inspections will be made when female flowers are receptive, approximately three weeks after the first inspection.
- Registered and Certified seed fields – one inspection required
  - The inspection will be made within three weeks of first flowering.



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## Seed Conditioning

- To be eligible for final certification seed must be conditioned by the seed grower or an approved certified seed conditioner. A list of approved conditioners is maintained by the Seed Department. Seed conditioned by a non-approved conditioner will not be eligible for certification.
- It is not likely that any approved certified seed conditioning facility has experience with hemp so the seed grower should be cautious when arranging for conditioning. Ask questions.
- Approved seed conditioners will sample the seed as it is being conditioned and will submit a representative sample to the Seed Department Seed Lab for testing.

## Lab testing

- All eligible seed lots must be tested for germination and purity by the State Seed Lab.
- If lab testing for THC is required by the NDDA, test results must be provided to the Seed Department before final certification is completed.
- Only seed lots that meet NDDA requirements for THC levels will be eligible for labeling.
- THC testing will be conducted according to NDDA requirements for test protocols and designated labs.

## Final Certification

- Field inspected seed is not certified until a clean sample has been tested, and the results have been determined to meet or exceed seed standards for the class of seed.
- Once final certification has been completed, labels will be issued to the applicant only.
- Ownership of seed may not be transferred to anyone other than the licensee until seed is sold to a licensed producer for planting.

## Fees\*

- Field Inspection
  - Field inspection is a critical component of seed certification and accessibility is important to enable visual inspection of the entire field for purity as well as the seed producer's ability to recognize and rogue off-type plants.
  - Therefore, field inspection fees shall be assessed accordingly:
    - for fields planted in 30 inch rows or greater - \$10 per acre for single inspection (Registered and Certified classes), \$15 per acre for two inspections (Foundation class);
    - for fields planted in less than 30 inch rows - \$25 per acre for single inspections (Registered and Certified classes), \$30 per acre for two inspections (Foundation class);
  - Re-inspection fees will be assessed if fields need to be re-inspected and will include the inspector's time plus mileage.



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- Lab testing
  - To be eligible for final certification, seed samples must be submitted to the State Seed Lab for testing.
  - Currently, only germination and purity testing is required for labeling purposes. Seed count will be provided automatically, at cost.
  - Standard test fees apply.
- Final Certification
  - All certified seed labeled in North Dakota is assessed final certification fees.
  - Bushel fee - \$.06 per bushel (equates to approximately \$0.0014/lb for hemp)
  - Lot fee - \$10.00 per lot
  - Tag fee - \$0.06 per tag
  - Bulk certificates - \$0.25 each

\* Fees are accurate at time of printing but are subject to change at any time.

## Other Seed Department Requirements

- Seed Labeling Permit is required to label seed for sale in North Dakota. There is no charge.