



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

March 21, 2023

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rule #22-010-AC)
Legislative Service Bureau (Secretary of State Filing #23-03-05)
Department of Agriculture and Rural Development

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2022-010-AC (Secretary of State Filing #23-03-05) on this date at 10:05 A.M. for the Department of Agriculture and Rural Development entitled, "Regulation No. 623. Field Seed Certification".

These rules take effect 7 days after filing with the Secretary of State.

Sincerely,

Jocelyn Benson
Secretary of State

A handwritten signature in black ink that reads "Lashana Threlkeld" followed by a stylized initial "LTK".

Lashana Threlkeld, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

ORLENE HAWKS
DIRECTOR

March 21, 2023

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2022-10 AC

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated April 20, 2022 for the Department of Agriculture and Rural Development “**Regulation No. 623 Field Seed Certification**”. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

A handwritten signature in black ink, appearing to read "Suzanne Sonneborn", written over a horizontal line.

Michigan Office of Administrative Hearings and Rules



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated April 20, 2022, in which the Department of Agriculture and Rural Development proposes to modify a portion of the Michigan Administrative Code entitled "**Regulation No. 623. Field Seed Certification**" by:

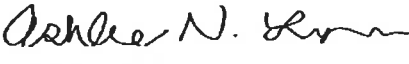
- ◆ Amending R 285.623.205, R 285.623.214, and R 285.623.215.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: September 6, 2022

Michigan Office of Administrative Hearings and Rules

By: 
Ashlee N. Lynn,
Attorney



Since 1941

Legal Division

Kevin H. Studebaker, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Agriculture and Rural Development dated April 20, 2022, amending R 285.623.205, R 285.623.214, and R 285.623.215 of the Department's rules entitled "Regulation No. 623. Field Seed Certification." I approve the rules as to form, classification, and arrangement.

Dated: September 6, 2022

LEGISLATIVE SERVICE BUREAU

By _____

Rachel M. Hughart,
Legal Counsel

Michigan Legislature

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GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

KATHLEEN ANGERER
ACTING DIRECTOR

January 13, 2023

CERTIFICATE OF ADOPTION

By authority conferred on the director of the department of agriculture and rural development by section 2 of 1959 PA 221, MCL 286.72, and section 178 of the Executive organization act of 1965, 1965 PA 380. The Michigan Department of Agriculture and Rural Development adopts its revised "Regulation No. 623, Field Seed Certification."

R 285.623.205, R 285.623.214, and R 285.623.215 of the Michigan Administrative Code are amended.

January 13, 2023

Date

Kathleen Angerer, Acting Director

DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

PESTICIDE AND PLANT PEST MANAGEMENT DIVISION

REGULATION NO. 623. FIELD SEED CERTIFICATION

Filed with the secretary of state on March 21, 2023

These rules take effect 7 days after filing with the secretary of state.

(By authority conferred on the director of agriculture and rural development by section 2 of 1959 PA 221, MCL 286.72, and section 178 of the Executive organization act of 1965, 1965 PA 380)

R 285.623.205, R 285.623.214, and R 285.623.215 of the Michigan Administrative Code are amended, as follows:

R 285.623.205 Small grains and buckwheat; field and seed standards.

Rule 205. (1) Field standards for small grain seed and buckwheat are as shown in table 205.1:

TABLE 205.1
Field Standards for Small Grain Seed and Buckwheat

Factor	Foundation	Maximum Each Class Certified
Other varieties or off-types	.02%	.05%
Inseparable other crops	1 per acre	5 per acre
Bunt	none	none
Other smuts	.5%	2.0%

(a) Rye, spelt, vetch, and winter barley are not permitted in wheat.

(b) Seed from fields that have more than 0.5% other smuts must be treated with a fungicide that is approved by the director.

(2) Rye must be 660 feet from fields that could be a source of contamination.

(3) Seed standards for small grain seed and buckwheat are as shown in table 205.2:

TABLE 205.2
Seed Standards for Small Grain Seed and Buckwheat

Factor	Foundation	Class of Seed Certified
Pure seed (minimum)	99.0%	99.0%
Inert matter (maximum)	1.0%	1.0%
Weeds (maximum)	2 per pound	2 per pound

April 20, 2022

Corn cockle, chess, and noxious weeds (maximum)	none	None
Other crops – no rye or vetch allowed (maximum)	1 per 2 pounds	2 per pound
Winter crops in spring crops	5 per 2 pounds	10 per pound
Spring crops in winter crops	5 per 2 pounds	10 per pound
Other varieties or off-type same crop (maximum)	.02%	.05%
Germination (minimum) wheat, oats, barley, or triticale		90.0%
Germination (minimum) rye, spelt, or buckwheat		80.0%

(a) Minimum pure seed percentage of rye or spelt is 98.0%; with inert matter at a maximum of 2.0%

(b) This does not apply in such cases where climatic conditions do not take care of the situation.

R 285.623.214 Foundation corn; inbred lines.

Rule 214. (1) An inbred line is a relatively true breeding strain of corn that results from not less than 5 successive generations of controlled self-fertilization with selection.

(2) Inbred increase fields must be isolated by a distance of not less than 660 feet from other corn or like color or texture and by a distance of not less than 1,320 feet from corn of a different color or texture.

However, the isolation distances must not apply when increase is by hand-pollination.

(3) Inbred lines are eligible for certification when used in the production of certified hybrids.

(4) Fields must be inspected by the certifying agency not less than 4 times during the pollinating period. Roguing for off-type plants must be performed before any pollen discharge. An inbred that has more than 0.1% definitely off-type plants or more than 1.0% of doubtful-type plants must not be certified.

(5) A seed lot of an inbred line must not have more than 0.1% definitely off-type ears or more than 0.2% ears with of-color kernels as determined by an ear inspection or winter grow out test.

R 285.623.215 Foundation corn; single cross hybrids.

Rule 215. (1) A single cross hybrid must consist of the first generation of a cross between 2 certified inbred lines.

(2) A single cross crossing field must be isolated by a distance of not less than 660 feet from other corn of like color or texture and 1,320 feet from corn of a different color of texture.

(3) All of the following field inspection standards must be complied with:

(a) Fields must be inspected by the certifying agency not less than 4 times during the pollinating period.

(b) Seed parent plants that are capable of producing viable pollen must be detasseled.

FILED WITH SECRETARY OF STATE

ON 3/21/23 AT 10:05 A.M.

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