

**A LITTLE BIT COUNTRY
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New Seed Source Publication Available

Recently I received several copies of the 2012 North Dakota Field Inspected Seed publication which lists fields of various crops and varieties that were inspected this past summer. Field inspection is a prerequisite for final seed certification. This year's publication is smaller than usual, very likely due to the poor growing conditions experienced statewide. Because fewer acres were inspected in 2011 and most seed varieties may only be sold as a class of certified seed, I suspect there will be a scramble for seed prior to the 2012 planting season.

Nearly every commonly used small grain variety is protected by Plant Variety Protection (PVP) Title V. Seed of these protected varieties may only be sold as a class of certified seed. This means that farmer-to-farmer exchange or sales, commonly referred to as brown-bagging, is illegal.

With tight supplies, the temptation to circumvent seed laws will be great. The State Seed Department is utilizing every media possible to discourage illegal seed sales. Consequences of breaking seed laws are stiff for both buyer and seller (up to \$5000 fine per sale for violating PVP laws). Variety owners will also go after violators. They can collect up to triple damages for the seed sold and the production from illegally acquired seed. All partners involved, including the seller, conditioner and the buyer have responsibility under PVP laws.

Seed certification ensures that high quality seed of known genetic identity and purity is available to the agricultural industry. Illegal seed sales are detrimental to the entire seed industry. The Seed Department will work with other agencies and seed industry partners to investigate violations and enforce seed laws.

The buyer's proof of seed certification is either a valid seed tag or a bulk sale certificate issued by an official seed certification agency such as the North Dakota State Seed Department. Seed sellers are required to provide this documentation with each container of certified seed sold. Seed regulatory agencies may ask for these documents when examining potential seed violations.

Additionally, North Dakota seed laws require that seed sold in North Dakota be labeled with specific information regarding the variety and quality of the seed in the container. The full name and address of the person who labels or offers the seed for sale must also be included. Proper labeling is required for all seed, whether it is a protected variety or not.

The State Seed Department, which is responsible for the enforcement of seed laws in North Dakota, regards violations of PVP as very serious. State and federal seed laws were established to protect consumers and provide for standardization of testing and labeling requirements. Research fees generated by legal sales help fund development of new varieties that benefit the entire state. In addition, producers, conditioners and retailers view "brown-bagging" as detrimental to the state's seed industry.

Copies of the new Field Inspected Seed publication can be obtained free of charge by calling this office 701-577-4595. It can be viewed on the seed department's web: www.ndseed.com.