

# SDSU Seednews

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*Special points of interest:*

- May 15 Cool Season Grass Applications Due
- May 31 Small Grain, Pulse, Flax and Warm Season Grasses Applications Due
- June 29 SDCIA Board of Directors Meeting-Brookings
- July 1 Soybeans, Millet and All Other Crop Applications Due

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## PVP VIOLATION SETTLEMENT REACHED

By Neal Foster

Spring is the time of year when all things start again. The lawns and pastures are starting to green up, a few brave tulips and daffodils are showing the blooms, the crab apples are starting to flower; farm yards are full of lambs, piglets and calves. It is also the time when a not so nice practice is occurring – brown bagging seed.

Over the last few years, SDCIA has invested over a quarter of a million dollars into the SDSU Oat Breeding Program. This money comes from the producers of certified seed and wisely reinvested by your board of directors. As an organization, this is a very large investment of hard-earned dollars in a lagging agricultural economy. All of the oat varieties released since 2006 have Plant Variety Protection with Title V – meaning that it can only be sold by variety name as a class of certified seed. This date would go back even farther for spring and winter wheat.

SDCIA is a member of Farmers Yield Initiative, this is a group of public and private breeding programs as well as certification agencies who try to educate the public on the importance of Plant Variety Protection but are also very active in investigation of violations, as they are made aware of them. SDCIA takes advantage of this program when an

infringement is brought to our attention

In a recent situation, Jerry Olson from the Mobridge SD area paid a non-confidential settlement of \$50,000.00 to resolve the infringing sale of Shelby 427 oats as non-certified seed. This investigation started in the spring of 2016 and was settled in early 2017. When the information of brown bagging is provided and we can build a strong case, it is acted upon but it takes time for it to move through the system. The monies received in these cases go to offset the university legal fees.

At one time, I had reservations about pursuing these cases but I realize and strongly support the enforcement of PVP. The individuals who participate in brown bagging are stealing from those who follow the rules and are conducting their business legally. Furthermore, this theft impacts the breeding programs who are diligently working to provide better genetics to increase yield and fight disease.

SDCIA works to protect SDSU varieties but also those from other states. When a variety that is not one of SDSU's appears to be infringed upon we will inform the owner of that variety and vice versa. So if you come across any information – print ads – etc. promoting the sale of uncertified seed please let us know.

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## APPLICATIONS FOR FIELD INSPECTION – **FILE EARLY!**

By Dan Olson

Applications for field inspection of classes of Certified seed, including Quality Assurance, will be due soon. It is important that the application(s) be filled out completely and have all the necessary documentation included. Now is a good time to line up the following:

1. **FOUNDATION OR REGISTERED** name tag or bulk sales certificate to show proof of the seed source planted (growers planting their own **REGISTERED** seed must include a copy of the official **SEED TEST REPORT**).
2. Legal description of the field, plus a map (FSA preferred) or a drawing on the application will work.
3. Previous crop grown on the field in 2016.
4. The date the field(s) was planted.
5. Provide directions to your field and/or farm.

Check names preprinted on the applications, as well as phone numbers, for accuracy. If you have contract growers, you will need to provide their addresses and phone numbers as well. **New in 2017**, all contract growers of certified seed (**excluding Quality Assurance**) will need to be members of the SDCIA and sign the Grower Agreement form. We will bill the contract growers from our office.

Due dates for 2017 Field Inspection Applications are as follows:

May 15.....	Cool Season Grasses
<b>May 31</b> .....	Small Grains, Pulse Crops, Flax and Warm Season Grasses
July 1.....	Soybeans (One Inspection), Millet and all other Crops
**.....	Soybeans (Two Inspections), Two weeks following planting

Late fees will apply on applications postmarked after the above due dates. **Beginning in 2017, one late fee of \$50.00 will be applied. There will no longer be a late field fee on top of the late application fee.** Growers who delay in filing an application until after inspections for that crop have already begun cannot be guaranteed that their application will be accepted. In such cases where applications are accepted, the grower will be charged actual time and mileage incurred by the inspector in addition to the late application fee. Field inspection fees for 2017 will again be \$1.50 per acre. If fields require two inspections (soybeans) the applicant will be charged for each visit. If an inspector needs to make a re-inspection of the field due to a problem that requires a correction, the applicant will be charged the \$1.50/acre fee for the second inspection.

You can help the inspector by having your fields ready before the actual inspection. Keep the following items in mind:

- 1) Isolation. Different crops require certain isolation distances, either from other crops or varieties of the same crop. Please refer to the SDCIA Handbook of Seed Certification Standards for the crop you are producing. The inspector needs to be able to see how fields are separated.
- 2) Weeds of concern. A number of weeds are listed in the Standards that need to be controlled. Examples include field bindweed, wild oats and jointed goatgrass.
- 3) Other crops. You may need to rogue (remove) other crops from your seed fields before the field inspector arrives. Examples include corn in soybeans, rye or triticale in winter wheat and oats in wheat, or vice versa.

Be proactive. You know your fields and the areas that are prone to problems. Also, the inspector may advise an easy correction to a field that may not need a re-inspection. It is your responsibility to make any corrections noted on the field inspection report. If you have not heard from your inspector or our office, don't assume the field has been walked. If a field has been harvested before inspection, it cannot be certified. Call if you are not sure.

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# The Grower's Responsibilities

## SDCIA Seed Certification Standards

1. Be a member of the South Dakota Crop Improvement Association (SDCIA).
2. Become familiar with the regulations in this handbook for both the General Seed Certification Standards and the specific Field and Seed Standards for the crop being produced.
3. Plant only FOUNDATION or REGISTERED seed of varieties eligible for certification.
4. Plant eligible seed on clean, eligible land, with adequate isolation from other varieties of the same crop.
5. Clean seeding equipment thoroughly.
6. Submit an application for field inspection before the established deadline date.
7. Fill in all required information, and send payment for inspection fees. List the legal description and previous crop(s) on the field for which certification is requested.
8. Submit seed source verification (certification tag or Bulk Transfer Certificate or SDSU Seed Laboratory Testing Report) with application. Where more than one seed lot is used for production of a variety, a tag from each seed lot must be submitted.
9. Prepare seed fields for inspection before the inspector arrives: clearly mark field boundaries, rogue out objectionable weeds and other crop plants, etc.
10. Harvest the mature crop with properly adjusted, thoroughly cleaned equipment and bin in clean, dry, identified storage.
11. Submit a representative sample for identification and pre-germination.
12. After the seed is conditioned, send a representative sample to the certification office for testing. Also write the name of the conditioner/cleaner on the Form C.
13. Label seed lots that meet certification requirements with official certification labels, analysis tags and appropriate plant variety statement as required on protected varieties. Eligible seed sold in bulk must be accompanied by a completed BULK TRANSFER CERTIFICATE.
14. Send a report (Form E) of seed sales and a check to cover the sales fee and or royalty and/or variety development assessments on those varieties requiring such fees to the certification office.

## SDCIA Responsibilities

### SDCIA Seed Certification Standards

1. Supply each grower with forms and instructions for making applications for field inspection.
2. Review each application for completeness with special emphasis on land and seed stock eligibility.
3. Make field inspection of all crops at proper time and notify the grower of inspection results.
4. Arrange for testing with the SDSU Seed Laboratory and report the analysis of samples representing conditioned seed lots for germination, purity percentage and freedom from noxious weed seeds.
5. Issue Certificate of Inspection (Form D) final or provisional, certification tags and authorize Bulk Transfer Certificates for seed lots that qualify for certification.
6. Publish and distribute Certified Seed Grower Directories listing field-approved seed.
7. Assist in promoting the use of quality Certified Seed.

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## Update on the SDCIA Computer System

By Neal Foster

The computer system is progressing, albeit slowly. Over the past year, we have spent many hours on computer conference calls between programmer at Pushing7, Wisconsin, Nebraska and South Dakota Crop Improvements. Hopefully, we will be able to start to implement the new program in late summer or early fall. The new system will be cloud based allowing you access for field applications, inspection results, seed test reporting and bulk sales certificates by your computer or cell phone. There will be many advantages to the new system but also some disadvantages. Efficiencies in paperwork will increase as will accuracy with bulk sales certificates. Some growers and inspectors will still feel the need to use good old paper which we will still accept. I have been through this enough times to know that custom computer programs do not always proceed as smoothly with the desired outcomes, so we will ask for your patience and understanding during the change period.