

SDSU Seednews

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PVP and the Importance of Communication

Kyle Gustafson

As I reflect on my first six months in the director's role, I am thankful you are all willing to work with us and entrust us with your seed for certification. We didn't set any records for the number of acres in seed certification in 2025, but we had many new growers who grew certified seed for the first time, and you should be proud of the work you did to grow high quality certified seed.

With the positive aspects of the job, there are also challenges. Almost all certified seed we handle has some level of plant variety protection (PVP) associated with it. Think of PVP as a patent for a seed variety. It guarantees the developer exclusive use of the seed for 20 years from the time of the PVP application approval. Many varieties that have PVP also have 'Title V', which means they may only be sold as a class of certified seed. Any time you are working with a variety that has PVP and Title V, you should be working with South Dakota Crop Improvement Association (or whatever your state certification agency is in the state you reside).

Unfortunately infractions do occur, and when they occur SDCIA is forced to make difficult decisions. At a recent SDCIA board meeting, it was decided that Andrew Laprath of Laprath Farms, Dallas/Gregory, SD may no longer produce or sell certified seed. We were made aware of PVP oat varieties being sold without proper seed testing and subsequent certification paperwork by Laprath. After repeated attempts to contact at their place of business, it was decided to remove them from certification.

We at SDCIA do our best to communicate with you if there are issues. Between Joyce and I, we are here to help you and ensure you produce the highest quality seed possible, we only ask that you communicate with us appropriately so you can sell your seed timely. If you have more questions on seed certification, check out the 'The Do's and Do Nots of Certified Seed' on page 5 of this newsletter.

I will admit writing articles like this is difficult, however in order to maintain the value and quality of certified seed we need to make sure everybody is following the rules so certified seed continues to be a value for farmer customers for years to come.

Understanding Tolerance Levels for Regulatory Seed Samples SDSU Seed Testing Laboratory

We're back into a normal schedule at the SDSU Seed Testing Lab now that the holidays have passed. Kids are back in school, so I thought we could do a little math too! First off, the tests required for labeling seed for sale are purity analysis, germination, and noxious weed seed examination. The components of the purity analysis, by percentage, are pure seed, inert matter, weed seed, and other crop seed. Test results are issued from a seed testing laboratory as a Report of Analysis (ROA). Seed cannot be labeled better than the values on the ROA (a higher germination or pure seed percent or a lower inert, weed seed, or other crop seed percent). A person/company can choose to label exactly at the ROA values or below them (at a lower quality). But why would you label below your tested values?

The Federal Seed Act has truth-in-labeling laws, and it is a function of each State's Department of Agriculture to ensure that seed sold in their state is labeled accurately. An inspector pulls a regulatory sample, obtains a copy of the label, and submits these to the approved State seed lab. The lab conducts the three required tests (purity, germination, noxious) and compares their results to the label. If the results of the regulatory tests are higher than the labeled values, the sample passes. If the results of the regulatory tests are lower than the labeled values, tolerance tables are used to determine whether the difference is statistically significant. **The AOSA Rules for Testing Seeds has tolerance tables for each test and for each type of seed (Not every tested value has the same tolerance, as you will note below).** Here are some examples of applying tolerances to purity and germination results of a non-chaffy seed:

<u>Pure seed %</u>	<u>germination %</u>
label = 99.50	label = 98
regulatory test = 98.99	regulatory test = 96
average = 99.245	average = 97
tolerance = 0.55	tolerance = 3
difference = 0.51	difference = 2

The average of the label and the regulatory test results tells the lab what tolerance value to use from the appropriate AOSA tolerance table. The difference between the test results ($99.50 - 98.99 = 0.51$ and $98 - 96 = 2$) is less than the tolerance for both tests above, so it is not statistically significant, and the sample passes.

Pure seed %
label = 99.98
regulatory test = 98.99
average = 99.485
tolerance = 0.47
difference = 0.99

germination %
label = 98
regulatory test = 93
average = 95.5 round to 96
tolerance = 4
difference = 5

Again, the average of the label and the regulatory test results determines the tolerance value to use. In this case, the difference between the test results ($99.98 - 98.99 = 0.99$ and $98 - 93 = 5$) is higher than the tolerance for both tests, so the sample is out of tolerance (by 0.52% for pure seed and by 1% for germination).

So, a person may choose to “label down” to avoid the chance of being out of tolerance with a second test performed on the same lot. Keep in mind, though, that State and Federal seed laws, as well as certification standards, still need to be followed.

**Respectfully submitted by Kathy Mathiason, RST/CVT, Manager, SDSU
Seed Testing
Laboratory.**

Foundation Seed Stocks Division Update

Zach Loomis– FSSD Manager

Spring-Seeded Crop Orders Coming Soon

We are currently in the process of conditioning our seed harvested this fall, and we expect to have a strong supply available for the season. We will be sending order information for spring-seeded crops to our Level 1, 2, and 3 growers during the first week of January, with order forms due January 15. Once those orders are received, we will update our inventory and price list, and ordering will open for all other customers.

New Oat Variety: SD Soldier

We are releasing SD Soldier, an early-season oat variety with excellent yield potential and strong test weight. Its name, “Soldier”, comes from its ability to defend against crown rust. A full variety description and the Spring 2026 price list will be posted on our website in the coming weeks.

Release of SD Soldier Oat

The South Dakota Agricultural Experiment Station is releasing a new white oat variety, SD Soldier, to Certified Seed growers in the spring of 2026. SD Soldier (Natty/BT1020-1) was tested as SD200198 and is a potential replacement for Shelby427. SD Soldier is an early-maturing, white hulled oat line that exhibits excellent yield potential and test weight. It has a similar heading date and lodging resistance as Shelby427, and a similar plant height as SD Ranger. It is very resistant to crown rust and moderately resistant to BYDV, but susceptible to smut. The proportion of plump kernels is lower than average. Protein content is average, while beta-glucan and oil contents are above average.

There will be a \$0.30/bushel research fee on the sales of Certified SD Soldier and Plant Variety Protection will be applied for. There will be no saleable Registered Seed class.

2023-25 CPT Yield Data

Variety	2023* Yield (7 Loc)	2024* Yield (8 Loc)	2025* Yield (6 Loc)	2023-25 * Yield (21 Loc)
<i>SD Soldier</i>	122	124	131	121
Shelby427	109	97	104	99
SD Ranger	124	118	135	122
SD Buffalo	120	107	114	110
Hayden	113	104	118	107
Rushmore	115	98	103	101

*Yield Trials are not treated with a fungicide.



Out Going Director Honored

Steve Kuecker, SDCIA Board member (At-large director 2023—2025) and North Region Director (2017—2022) being presented directors plaque from Jess Sondgeroth, SDCIA President at the December, 2025 SDCIA annual meeting.

Steve's service and dedication to SDCIA has been greatly appreciated and will be missed. We are thankful for Steve's service to seed certification.

2026 Field Inspections

Joyce Kindvall

If you find yourself with more time this time of the year than in May, our computer program is ready to **enter fall-planted field inspections**. You can avoid the stress of trying to get these entered with all the other busyness of May. There is no worry of missing the deadline and incur a late fee by getting them in now. As always if something happens and you do not need an inspection done on all are part of the field anything can be changed or canceled up until the inspector steps into the field with no penalty.

Carry-over Inventory

Joyce Kindvall

We have had a few requests for SDCIA to report carryover inventory in our grower directory. This is something we are very interested in providing, but it does require reporting on your end. Our computer program www.sdciacert.org, has a built-in inventory calculator within it. To access this, simply click on “seed sales”, on the dropdown find “seed disposition control panel”, choose “review 5 main disposition”. Within this area of the program you can report, your clean out, own use, non-seed sales, such as grain or feed sales. Any seed sales reported are automatically recorded. These items are deducted from your beginning inventory and calculates your new inventory going forward.

We mail over 900 grower directories (in multiple states), take them to industry trade shows and have them available in our office and online, so, there is quite a little exposure for our directory. If we can fulfill this request not only, would we have the acres grown in the current year listed, but we would also have a section in the directory showing each variety and who has carryover inventory.

SDCIA takes all requests seriously and do everything in our power to implement these if it's for the betterment of the program. We do not lose sight of our role of supporting the growers, conditioner and sellers of certified seed. If there is anything we can do to better market SD grown certified seed, we're darn sure going to research it and implement it if possible!

The Do's and Do Not's of Certified Seed:

Do Not: Sell or Buy seed that has not had certification tests completed on it. Tests for certification include: HPLC (variety confirmation), Germ, Purity, SD Noxious and Seed count.

Do Not: Sell or Buy seed that has an out-of-date germ test (9 months in state 5 months out of state).

Do Not: Ship seed until all testing is completed.

Do Not: Label any sales VNS (Variety Not Stated). All sales must have a variety.

Do: Enter all sales on **sdciacert.org** under the sales tab, especially important when selling seed to someone who may resell.

**South Dakota Crop
Improvement Association**

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Plant Variety Protection (PVP) Violations are Illegal!

- Threatens the integrity of the variety – illegally sold seed may not have the proper testing completed for certification or may not even be the correct variety in the bag.
- Threatens the introduction of noxious or other weeds.
- Threatens the seed producer or retail facility's financial bottom line.

If you know someone who is brown bagging seed, please report it!

You can report anonymously to your state crop improvement or directly to the Farmers Yield Initiative. Simply call or write up your report on plain paper, and mail to:

SD Crop Improvement Association
2380 Research Park Way St 136
Brookings, SD 57006
605-688-5909

Or

Farmers Yield Initiative
Henry Law Firm
PO Box 4800
Fayetteville, AR 72702-4800