

# SDSU Seednews

Volume 30 Issue 1

September 2022

*Special Dates of Interest*

- Nov. 28, 2022 SDCIA Board Meeting
- Nov. 29 and 30, 2022 Ag Horizons Conference
- Feb 3, 2023 Sample Deadline for State Crops Contest
- Feb 8-11, 2023 Watertown Winter farm Show

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## PVP Tips Do Matter

Neal Foster Ex. Dir SDCIA

Whether you send a tip of suspected illegal seed sales/brown bagging directly to Farmers Yield Initiative or the SDCIA office your tip does matter and is followed up on. Although, working with the university and outside legal counsel, these cases move slowly. Not all tips will result in penalties, that has much to do with the timing of all parties involved. The window for catching infringements is narrow and in the case of winter wheat very narrow. Below is the result of one of those tips. After reading the judgement, I always wonder why people try and take shortcuts. It seems that they (the shortcut) always come back to bite. SDCIA has tried to keep our process of certification and reporting as simple as possible. I have always been of the opinion that if we keep it simple, we will get better compliance from seed growers completing certification and reporting sales and seed movements. The judgement against Discount Seeds of Watertown, SD makes it almost impossible for them to merchandise any small grains produced in South Dakota. The grain that they purchase from area farmers will most certainly contain a mixture of SDSU/SDBOR varieties. They are not allowed to deal with these varieties for seeding purposes even if it is just a few pounds of SDSU/SDBOR varieties in one of the seed lots. The following is an excerpt from the SDBOR judgement.

Discount Seeds stipulates and agrees that it has infringed the PVPA Certificate for the Shelby427 and Stallion varieties owned or licensed by SDBOR.

Discount Seeds and all successors, assigns, officers, agents, employees, representatives, and all other entities or persons in active concert or participation with Discount Seeds agree to be hereby enjoined and permanently restrained from selling, offering for sale, marketing, brokering, stocking, exchanging, or transferring title or possession of seed of all federally protected varieties owned or licensed by SDBOR, including but not limited to the Shelby427 and Stallion oat varieties, except with express prior written approval of SDBOR and then only in accordance with all rules, laws, procedures and standards established by the South Dakota Crop Improvement Association, Seed Certification Service, and state and federal laws, including but not limited to the Plant Variety Protection Act.

Discount Seeds is liable to SDBOR for damages in the amount of Three Hundred Thousand Dollars (\$300,000.00) to be entered as a Consent Judgment as a condition of this settlement. However, SDBOR will accept as full payment a total amount of \$150,000 payable as follows over a period of 3 years.

VNS Seed Sales Prohibited. Discount Seeds shall not sell or offer for sale, for planting purposes, any seed oats unless the variety's identity has been preserved and the sale is otherwise authorized; sales of "Variety Not Stated," "VNS," or the like are prohibited.

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## SDCIA Director Elections

Call for nominations: The North Region will be holding an election to fill the seat being vacated by Steve Kuecker, who has completed his second term as regional director. Ryan VanTassel's 1<sup>st</sup> term as a West Regional Director will be completed in December of 2022. VanTassel is eligible for a second term as West Regional Director. If you are interested in running or know of someone who is, please send me the name. Neal.Foster@sdstate.edu or 605-688-4606

The counties that comprise the West Region are Bennett, Butte, Campbell, Corson, Custer, Dewey, Fall River, Harding, Haakon, Hughes, Jackson, Lawrence, Meade, Pennington, Perkins, Shannon, Stanley, Walworth, and Ziebach.

The North Region is comprised of Beadle, Brookings, Brown, Clark, Codington, Day, Edmunds, Faulk, Grant, Hand, Hyde, Kingsbury, McPherson, Marshall, Lake, McCook, Miner, Moody, Roberts, Potter, Spink, and Sully.

The South Region is comprised of Aurora, Bon Homme, Brule, Buffalo, Charles Mix, Clay, Davison, Douglas, Gregory, Hanson, Hutchinson, Jerauld, Jones, Lincoln, Lyman, Mellette, Minnehaha, Sanborn, Todd, Tripp, Turner, Union, and Yankton counties.

If you or your business reside in any one of these counties and you are a member of SDCIA in 2022 you are eligible to run. The term of office is 3 years with a maximum of 2 consecutive terms as a regional director. The SDCIA Board serves in an advisory capacity to the Executive Director, who also serves as secretary/treasurer and is appointed annually by the elected members of the board. The board provides a very important function in giving direction to the College of Agriculture, Food and Environmental Sciences, Department of Agronomy, Horticulture and Plant Science, South Dakota Crop Improvement Association and the South Dakota Seed Certification program in order to benefit South Dakota agriculture. The board of directors normally meets 3 times per year, 1) Ag Horizons, 2) February or March and 3) June or July. Formal letters will go out to all members of the North Region this fall.

## U of M Research Fees Increase – Effective July 1<sup>st</sup> 2022

Please be advised that the University of Minnesota has announced that the Variety Development Fund (VDF) fee for Minnesota Agricultural Experiment Station-developed spring wheat varieties will increase. VDF fees support spring wheat variety research and development.

**Effective July 1, 2022, the VDF fee will be \$0.75 per bushel for all registered and certified seed sold of wheat varieties (both old and new) released by the Minnesota Agricultural Experiment Station.**

This means that all seed of these varieties sold before July 1, 2022, will be assessed at the old fee rate, and all seed sold on or after that date will be assessed at the new **\$0.75 per bushel** rate.

Here is a list of affected varieties:

<b>Bolles</b>	<b>Lang-MN</b>	<b>Linkert</b>	<b>MN-Rothsay</b>	<b>MN-Torgy</b>
<b>MN-Washburn</b>	<b>RB07</b>	<b>Rollag</b>	<b>Sabin</b>	<b>Shelly</b>

## Ag Horizons Conference Ramkota Convention Center, Pierre, South Dakota November 29<sup>th</sup> and 30<sup>th</sup>, 2022

The Ag Horizons Conference is hosted by seven organizations: South Dakota Crop Improvement Association, South Dakota Oilseeds Council, South Dakota Pulse Growers, South Dakota Seed Trade Association, South Dakota No-Till Association, South Dakota Soil Health Coalition and South Dakota Wheat Inc. Watch the SD Wheat Inc. web site for speaker list and details (<http://sdwheat.org/inc/>)

## Thank You Past Board Members:

In December 2021 two past board members were recognized and presented with plaques by current board president Jess Sondgeroth. Thank-you Henry Glen Roghair & Bryan Jorgensen for your years of hard work and dedication to SDCIA!



### Keep Germination Test Current When Moving Seed In State or Out of State

Germination tests are valid for 9 months in state and 5 months out of state. This means if seed is sold in state the germination test is valid for 9 months excluding the month tested. If seed was tested in December, the 9 month period would run from January through September. For out of state sales, the germination test is valid for 5 months excluding the month tested. If seed moving out of state was tested in December that 5 month period would run from January through May. The time period in both cases excludes the month that the germination test was completed. In order to complete a Bulk Sales Certificate the germination test must be current. If it has expired the program will not allow the certificate to be printed and the sale is not legal. All sales of clean seed must have a purity, noxious, germination, seed count and variety verification.

### SDCIA Meetings and Conferences for 2022-23

The Ag Horizons Conference will be held November 29<sup>th</sup> and 30<sup>th</sup> 2022 In Pierre SD at the Ramkota Convention Center.

The Watertown Winter Farm Show and State Crops Contest will be held February 8<sup>th</sup>-11<sup>th</sup> at the Extension Center in Watertown SD. The State Crops Contest will also be conducted at this time. To be eligible for the contest samples must be at the Extension Office by noon February 3<sup>rd</sup>, 2023.

### Watch the Web Site: [SDCrop.org](http://SDCrop.org)

For an easy reference to the Crop Performance Testing Trial Data go to the [SDCrop.org](http://SDCrop.org) website and look under the "CPT" tab. The winter wheat results are posted and spring wheat and oats are soon to follow. We will also post the corn and soybean results as they become available. The 2022-23 Certified Seed Directory is also available.

**South Dakota Crop  
Improvement Association**

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We're on the Web  
[www.SDCrop.org](http://www.SDCrop.org)



## 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! All leads will be taken seriously and investigated.**

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Brookings, SD 57006  
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Or

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## Annual SDCIA Membership Meeting

The Annual SDCIA Membership meeting will be held in conjunction with the Ag Horizons Conference in Pierre at the Ramkota Convention Center. The meeting will be held on Tuesday November 29<sup>th</sup>, 2022. Watch the SD Wheat Inc. website (<https://sdwheat.org>) for the exact time and place of the meeting.