



The North Dakota Seed Journal

JANUARY 2022

Newsletter of the North Dakota State Seed Department

Inside

- 1 Sell the Sizzle, Not the Steak
- 2 From the Commissioner's Desk
- 2 ND State Seed Commission
- 3 2022 Approved Plant Inspections
- 3 NDCISA Annual Meeting
- 4 2022 Regulatory Inspections
- 4 Seed Sales Reminders
- 4 A Perfect Storm
- 5 Labeling is the Law
- 5 Factors Affecting Seed Quality and Success
- 5 Staff Changes at the Seed Department
- 6 Calendar

Sell the Sizzle, Not the Steak

Steve Sebesta, Deputy Commissioner

My route home from work takes me past a particular restaurant that uses wood for smoking various meats. A wonderful aroma emanates from that corner of the intersection and I often roll my windows down to get a better whiff as I drive by. Is it accidental or purposeful that the smoke is ever present regardless of wind direction? It doesn't matter, I savor it. It reminds me of the old marketing slogan – *Sell the sizzle* (or in this case aroma), *not the steak*. In other words, sell the benefits and not the features. Which begs the question, how do you market your certified seed to your customers?

Retailers should certainly understand the features of their products they sell. And anyone who purchases seed would do well to critically examine the features of the products they are buying. But how do you define and locate the features of your seed products? It's simple. They are clearly stated on the label and are required by law. Crop and variety, lot number, germination percentage and date of test, percent purity, percent weed seed, percent other crop seed, to name a few are the "features" that determine the quality of the product. All seed, whether certified or not, must be labeled. If there is no label, that should be a red flag to you. Seed certification provides for a regulated process to achieve the standards documented in the rules and obtain a legal label.

The benefits of certified seed are the "sizzle" – and should be part of marketing your products to your customers. These benefits are what the producer realizes from planting certified seed, and why they should purchase certified seed. These benefits have been the foundation of our certified seed promotional efforts for years. Last year we developed the poster on the right to underscore the value of certified seed compared to bin-run seed and emphasize the importance of planting high quality seed.

PROVEN QUALITY - ND certification rules and regulations help ensure that seed is produced to achieve the established minimum standards for the crop and class and that it is handled properly to maintain that quality. Variety and field eligibility is determined through the unbiased, third-party review of documentation provided by the applicant. Thorough field inspections at the proper stage of plant development enable us to evaluate varietal identity compared to the breeder's description and identify any potential weed or seed-borne disease problems. Lab analysis of seed samples after conditioning determines the quality of the seed lot, and in some crops the genetic identity of the variety. All of these reviews, inspections and tests are documented and result in quality that is **PROVEN** for every lot of certified seed.

SUPERIOR PERFORMANCE - The end result of the certification process is a product that possesses the **FEATURES** that deliver the **BENEFITS** the consumer desires. Cleaner seed with less inert matter and other crop seed results in better

You don't get a mulligan...
once the seed
is in the
ground!

PLANT NORTH DAKOTA CERTIFIED SEED

- Proven Quality**
 - Known variety
 - High germination
 - Fewer weed seeds
- Superior Performance**
 - Better plantability
 - Rapid stand establishment
 - More uniform maturity
- Greater Profitability**
 - Less weed control cost
 - Less disease control cost
 - Greater yield per acre
 - Greater ROI

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ND SEED



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Sell the Sizzle, Not the Steak
continued on page 3

From the Commissioner's Desk

Readers of *The Seed Journal* often see references to many state and national organizations that our agency is affiliated with. Most often, these are commodity organizations or industry partners with missions similar to ours- improving seed quality or the business/regulatory environment surrounding seed movement. Our staff is encouraged to devote time and energy to service; we are firm believers that being at the table and representing our agency and/or industry is a valuable investment of their time.

The Association of Official Seed Certifying Agencies (AOSCA), is our national affiliate and organization that collaborates with all Federal Seed Act designated certification authorities around the U.S. and worldwide. The Seed Department has, for decades, devoted field seed program staff time to serving on committees and leadership positions with AOSCA. Steve Sebesta, in particular, has devoted hundreds of hours to developing seed standards ultimately adopted by AOSCA and now implemented around the U.S., not to mention having served on the board as its president. Kent Sather also contributes countless hours to both National Potato Council and Potato Association of America committees on certification of seed potato. Jason Goltz has recently completed his term as president of the Association of American Seed Control Officials (AASCO) and continues to represent our seed regulatory program at the national level. Finally, Jeanna Mueller represents our agency with the Association of Official Seed Analysts (AOSA), and has served for years on committees and the board of directors.

We're also actively involved with numerous state-level associations, most often in an ex-officio or advisory role. Steve and I maintain a close connection with our field crop partner, the ND Crop Improvement and Seed Association. Kent and I both work closely with the ND Certified Seed Potato Growers Association. Both organizations are affected by and interested in standards and programs related to certification of all field crop and potato seed production in this state. Both provide critical input to the development of standards and input to changes in services at the Department.

We also maintain connections with the State Board of Agriculture and Education (SBARE) and state commodity groups, both of whom prioritize the development of improved seed varieties. The State Seed Department is also a member of the Ag Coalition, which represents a broad range of state agricultural associations, commodity groups, agencies and NDSU in promoting legislation that benefits the state's most important industry.

Not surprisingly, many of these connections are a two-way street. Several of those partner associations are named to the State Seed Commission (our de-facto board of directors). The list below depicts the statutory relationship between the Department and these organization's representatives acting as the Seed Commission, whose powers and duties both guide and decide how this agency operates. Their input in the administration of inspection, testing and regulation of seed is vitally important in serving the agriculture industry in North Dakota.

Seed Commission member's dedication to service of the state's seed industry and Department is deserving of our thanks. The same is true of the dedication of our staff to our agency, our constituent organizations and our national partners.

Best wishes for a safe, healthy and profitable winter season

Ken Bertsch



ND State Seed Commission

Doug Goehring (Chairman)
Kim Alberty, West Fargo
Lance Fugleberg, Portland
Luke Anderson, Forman
Dr. Greg Lardy, Fargo
Dan Mostad, Berthold
David Fedje, Crystal
Brad Nilson, Hoople
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Ken Bertsch (Commissioner)

ND Department of Agriculture
ND Agriculture Association
ND Dry Edible Bean Seed Growers
ND Crop Improvement
ND State University
ND Grain Dealers Association
ND Potato Council
Northern Plains Potato Growers
ND Certified Seed Potato Growers
State Seed Department

Ken Bertsch.....State Seed Commissioner
Steve Sebesta.....Deputy Seed Commissioner
Kent Sather.....Director, Potato Program
Jason Goltz.....Field Seed Program Manager
Joe Magnusson.....Field Seed Program Manager
Jeanna Mueller.....Seed Laboratory Manager
Presley Mosher.....Diagnostic Laboratory Manager
Starr Thies.....Business Manager
Mike Oosterwijk.....Potato Program Supervisor

2022 Approved Plant Inspections

Kyle Bednar, Field Seed Inspector II

Annual facility inspections were completed in mid-December. Thanks to all managers and staff for the support shown while we were on site. Managers should have received the 2022 Approved Facility Permit in the mail along with a copy of this year's inspection report. Please display the permit and review the inspection report for any nonconformities with the appropriate employees and retain your copy. I encourage you to contact the State Seed Department office or your inspector if you have any questions on the report or any procedures for handling certified seed.

In order to become an Approved Facility, an Agreement to Operate as an Approved Facility must be submitted. This document is found in the Forms section of the department's web site, www.ndseed.com. You may also contact the office if you prefer a paper application. Secondly, a Seed Department inspector will contact you to set up an inspection of your facility to make sure it meets the minimum requirements and to review any questions you may have. A few years back the Seed Department launched a new online bulk certificate printing program for growers/retailers. Contact the office if you are interested in getting set up for the online program.

Several advantages to online printing are:

- Labelers can print bulk certificates as soon as the seed lot passes final certification.
- The new system records each transaction and deducts the quantity sold from the total number of bushels certified. It also creates the sales log sheet, eliminating the need to complete by hand. Simply print and retain a copy of the log sheet in your records for each lot sold.

Here are a couple of requirements to keep in mind:

- Re-label any carry-over seed with an updated germ.
- Label all bins with certified seed with kind, lot, class and variety. Blue certified seed adhesive labels are provided with each lot after completing final certification.
- Keep an up-to-date bin chart to ensure all approved seed bins are identified and physically numbered.
- Retain a two-pound sample of each seed lot for one year from the last date of sale. A copy of the bulk certificate works well for this requirement.
- Return all un-used paper bulk certificates and corresponding log sheets after final disposition of each lot, or by September 1.
- Issue a bulk certificate for each seed sale.

Be sure to monitor your seed bins for any signs of heating or insect damage that can occur during the winter months.

Sell the Sizzle, Not the Steak

continued from page 1

plantability. Higher germination percentage and more uniform seed size results in rapid stand establishment and more uniform crop development and maturity which translate into faster, easier harvest with less dockage.

GREATER PROFITABILITY – What better benefit could there possibly be? In my last *Seed Journal* article, I highlighted the solid economic basis supporting the old, familiar slogan “*Certified seed doesn’t cost it pays*”. Compared to bin-run seed, certified spring wheat seed generates a higher income per acre. The recent uptick in commodity prices has driven this profitability even higher compared to last spring’s prices. Whether the markets are high or low, certified seed is still the best option to increase your profitability and you should be promoting that with your customers.

For more than 100 years, seed certification has been recognized as a critical component in delivering value of new and improved crop varieties to American farmers. In high markets and low, the two key principles of seed certification – varietal identity and genetic purity – continue to serve as the solid foundation for seed quality now and into the future.

NDCISA Annual Meeting - Seed Conditioner's Workshop

The annual meeting of the North Dakota Crop Improvement and Seed Association is scheduled for February 15 & 16 at the Clarion Hotel Convention Center in Minot. This year will also feature a seed conditioner's clinic. It has been a number of years since the Seed Department conducted its last conditioners clinic, so we were pleased to have the opportunity to participate during the NDCISA annual meeting.



All approved certified seed conditioners are encouraged to attend the meeting. The NDCISA has done a great job of lining up vendors for a trade show and Seed Department staff will be on hand to present timely and relevant information that seed conditioners should know. Joe Magnusson will talk about seed certification; Jason Goltz will talk about seed laws and labeling; Steve Sebesta will talk about intellectual property rights. Brian Otteson, director of the NDSU Agronomy Seed Farm will discuss Foundation Seed production and conditioning. Randy Martinson, Martinson Ag Risk Management will be the featured speaker during the evening dinner on February 15. The second day will feature a presentation by Todd Hyra of SeCan and the annual NDCISA business meeting.

This is a great opportunity to gather and learn more about conditioning certified seed in North Dakota and what the NDCISA is doing to bring more value to its members. Pre-registration is required for meal planning. There is a \$50 registration fee, which includes 2022 membership in the NDCISA. Register at ndcropimprovement.com. See you in Minot!

2022 Regulatory Inspections

Parker Bush, Inspector

As we round the corner into a new year, it's time to start thinking about seed sales and regulatory seed sampling. The primary goal of our Regulatory Program is to protect consumers and be an advocate for the seed industry. This involves the rights of the variety owners to protect their property and for seed growers to produce and market seed on a level playing field.

As a regulatory inspector, the main things we consider during an inspection are:

- Seed tags and/or labels available for each seed lot
- Properly labeled seed samples drawn from each lot; including lot number, class, and variety
- Clean, well-maintained bin sites and seed storage areas
- Sampling ports, conveyors, and other equipment free of contaminants

Ensuring all of these standards are met is not only important to each retailer or company, but also to their customers and seed growers. Taking the additional steps to guarantee seed is the highest quality possible and is sold following the appropriate guidelines is the ultimate goal of our program.

Best wishes to everyone for a safe and prosperous year ahead.

Seed Sales Reminders

Joe Magnusson, Certification Manager

As we transition into the 2022 sales season, here are a few reminders about fees that need your attention so you don't come up short next year when filing sales reports. Two reports are due September 1 every year; one for research fees and one for labeling fees. The initial labeler is responsible for reporting and paying the fees on seed sold for planting purposes.

When selling certified seed don't forget to collect the appropriate research fees. Consult the Field Inspected Seed Directory or our website for the current rates. The fee for NDCISA soybean varieties owned by the NDSURF, is based on a 140,000 seed count unit not per bushel. The fee for ND Benson, ND Dickey, ND Rolette and ND Stutsman is \$2.00/140,000 seed count unit; ND17009GT, ND21008GT20 and ND2108GT73 is \$6.50/140,000 seed count unit and ND18008GT is \$6.75/140,000 seed count unit. Fees for other kinds/varieties licensed by the NDCISA should be listed in our Directory or website. If a particular variety licensed by the NDCISA is not listed, contact them for the royalty amount.

Montana Foundation Seedstocks has increased their research fees from \$0.50 to \$1.00/bu on durum and wheat varieties, and from \$0.75 to \$1.25/bu on barley. Growers that produced these varieties this year have been notified of the change. Varieties that are currently in for final certification that will be affected are Decade and Ray HRWW and Duclair and Lanning HRSW. **If you have carryover seed of varieties from Montana and recertify that seed for sale this year, you will need to collect the new fee that Montana has implemented.** Contact our department if you have questions.

Seed labeling fees are not the same as research fees and also need to be included in your seed price. The fee for small grains and flax is \$0.012/bu and the fee for soybeans, field beans and field peas is \$0.0004/lb.

Seed sales will be reported and paid on your Annual Report of Agricultural Seed Sold form which is sent along with your Research Fee Reporting Form in July. If you sold seed that does not require a research fee, you would still owe fees for seed sold that was initially labeled in your name. You are **not** responsible for fees if you are **not** the initial labeler of the seed.

A Perfect Storm

Kent Sather, Director, Potato Programs

An important part of seed potato certification is the Post Harvest Test (PHT), a grow-out of tubers representing seed lots and inspection for various pathogens and qualities. The main emphasis is detection of viral infections that may have occurred during summer growth. Potato Virus Y (PVY), also called Mosaic, and Potato Leaf Roll Virus (PLRV) are viruses of importance. Results determine eligibility of seed lots for the following year. Seed lots with virus percentage greater than established winter test tolerances are downgraded or rejected from future certification. Variety mixtures and chemical damage can be detected also.

Certified seed growers submitted about 350 winter test samples from the 2021 crop. Seed Department staff processed, shipped, and planted near Homestead, FL on schedule by November 20. The planting bed was moist from previous rains. Just after planting, 3.7 to 4.2 inches of rain fell. Drainage ditches overflowed due to 'king tides', a unique occurrence of exceptionally high tides. The soil stayed super-saturated, unable to drain or dry for an extended time.

All tubers in the plot suffocated and rotted in the ground. Nature took its toll on all of our efforts. The plot was lost.

The quality of the plot has been compromised in the past but it has been totally destroyed only twice prior to this year. Because of this rare occurrence, North Dakota's regulations allow for an exception due to plot failure. 74-04-01-09 of our Seed Potato Standards states "In the event of frost or other serious malfunctions of the postharvest grow-out test, eligibility of a seed lot will be based on the current field readings or a laboratory test at the discretion of the state seed department." This exception will be utilized this year.

Growers have submitted back-up samples for priority lots for lab testing, however, results will not be complete until late March. Many seed lots planted in North Dakota in 2022 will not have routine PHT results. Growers will have less information about their lots. The risk of maintaining certification status increases, determined by thorough summer inspections and lab testing.

Growers will make the right decisions for planting in 2022. Seed lots from North Dakota FY1 and FY2 lots have a long record of being virus-free at PHT. Older seed lots with PVY in 2021 will have the highest risk for rejection. Growers have a cautious, but optimistic view in this case: "It's happened before. We will get through it."

Labeling is the Law

Jason Goltz, Regulatory Manager

Whether selling or purchasing seed, it is important to ensure a label accompanies the seed. All seed intended for planting purposes must be properly tested and labeled in accordance with both federal and state seed laws.

Failure to issue a label can get expensive; a violation of PVP in North Dakota can lead to a \$10,000 fine. One of my first regulatory investigations involved a seed producer who sold a Title V protected durum variety before final certification was completed. That lot ended up failing certification due to wheat contamination and a penalty had to be issued. In another case, a seed producer was so accustomed to selling seed without labels, that he sold a load of Title V protected flax that hadn't even been field inspected.

Moving seed without a label is also poor customer service. Last fall, an approved bulk retail facility purchased a load of winter wheat but did not receive a bulk sales certificate from the seller. After some investigation, it turns out the lab testing required for certification had not even begun at the time of sale. Without that certificate, the bulk retailer could not properly relabel the seed for sale to his customers. This put that facility into an ethical and legal dilemma - sit on expensive inventory, or violate seed law themselves?

A label ensures the seed lot has been tested and is legal. A label is the summary of seed analysis with additional required information. A Seed Analysis Report cannot be used as a label.

At a minimum, a label must contain the following information:

- Kind, variety and lot number
- Origin
- Percentage by weight of all weed seed
- Name of each restricted weed seed present and the rate of occurrence
- Percentage by weight of all other agricultural seeds present
- Percentage by weight of inert matter
- Percentage of germination and the month and year of test
- Percentage of hard seed, if applicable
- Full name and address of the labeler

Bulk seed must have the label with the truck. Bagged seed must have a tag sewn, adhered to or printed on the bag. Totes, or mini-bulks, must have a tag or label in the pocket of the tote. In cases where multiple totes from the same lot are sold together, they must all be identified so as to be matched with the accompanying tag or label.

Labels are not optional. The customer has a legal right to obtain the label at the time they take possession of the seed. Allowing seed to move without a label or bulk sales certificate is a risky and potentially expensive decision.



Factors Affecting Seed Quality and Success

Jeanna Mueller, Seed Lab Manager

No one walks into the local implement dealer and says "I will buy the cheapest tractor you have with the most hours". When buying equipment, you would prefer to know the previous owner has also treated it well. A tractor is one of the most important tools to get the job done in a timely manner. A tractor needs to be well-maintained, and cleaned. If it is not running properly, the tractor won't get the job done correctly or maybe not at all! Now, why would we expect our seed to be any different?

Clean seed is important for improving storability. Seed containing inert matter could cause problems because of excess moisture the inert matter holds. If the seed lot isn't properly dried, deterioration of the seed is likely to follow.

Weed-free seed is also critical. The purity test is an excellent test to check for inert matter, weed seeds and other crop seed. Some small grains, such as durum and spring wheat, can be difficult to distinguish in a sample. Other crop seed in a seed lot can cause problems, especially with maturity at harvest, and could result in higher dockage at the elevator. A crop such as rye can overwinter and emerge the next year or more.

Seed viability is crucial. Sowing good quality seed may allow lower seeding rates, better emergence and uniformity, less replanting, and vigorous early growth which helps to increase resistance to insects and diseases. A germination test provides some reassurance a grower needs to ensure seed viability.

All these tests are similar to maintaining a tractor. Taking care of your seed and purchasing certified seed will help ensure optimum performance and profitability!

As always, contact us with any questions!

Staff Changes at the Seed Department

Susan Merkens retired January 7 after 22 years of service. Sue supervised our tissue culture lab and potato minituber production and managed seed health testing in the Diagnostic Lab. Sue was very conscientious and detailed in her daily work and took pride in doing a great job for our customers. We will miss her hard work, dedication and colorful personality.

The Seed Department welcomed two new employees in December, filling positions vacated by retirements or career changes.

Presley Mosher was hired as our Diagnostic Lab manager and began December 20. Presley has a lot of experience in seed health testing. He previously served as the assistant plant diagnostician and interim director of the NDSU Plant Diagnostic Laboratory. Presley holds a BS in Horticulture from NDSU, and is pursuing a Master's degree in Plant Sciences.

Jolene Demarais joined our administrative program December 1. Jolene has spent most of her career in accounting, customer service and administrative roles, primarily in the medical field. She brings a wealth of experience to our support services team.

We are excited to have Jolene and Presley on our staff and look forward to their contributions to the department and their service to our customers.

North Dakota State Seed Department

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NDSSD Calendar

Jan 24-25Northern Pulse Growers Association, Minot

Jan 26-28KMOT Ag Expo, Minot

Feb 15-16ND Crop Improvement annual meeting, Minot

Feb 16ND Certified Seed Potato Growers annual meeting, Grand Forks

Feb 16-17International Crop Expo, Grand Forks

Feb 21President's Day, office closed

April 15Good Friday, office closed

May 1Field Inspection applications due for grass