



# The North Dakota Seed Journal

MARCH 2011

Newsletter of the North Dakota State Seed Department

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## Protect Your Planting Seed This Spring

**Mark Hafdahl**, Seed Lab Manager

I'm not a hydrologist, but I have moved a lot of snow from my driveway this winter, and given last fall's weather, I think there is a good chance that many of you will be planting into soils that will be cooler and wetter than average.

I have always been an advocate of seed treatments, but this year I think it will be especially important. Seed planted into cool, wet soil will not germinate rapidly and may likely rot without seed treatment. Seed treatments establish a small zone of protection around the seed, inhibiting the soil-borne fungi that can cause seed to rot. Establishment of a good stand is critical for top yields. There are several seed treatments available and any treatment would be better than none. Consult your chemical rep or county extension agent for treatment recommendations.

Germination tests are conducted under optimal conditions and the results indicate the potential of a seed lot. Conditions that are not favorable to seed may inhibit germination and/or emergence. Overall, the quality of last years' seed crop was good to excellent. The one exception is durum, which ranges from excellent to poor. Seed treatments are certainly recommended for marginal seed lots.

This year we have seen evidence of chemical damage to seedlings in several samples we have tested. In most cases we assume it was from a preharvest application of glyphosate. In some cases we know that the crop was sprayed with glyphosate. This practice is fine for crops that are going to market but very damaging for crops that are intended for seed. If you sprayed your seed crop with glyphosate I strongly encourage you to find a new source of seed to plant this spring.

## NDCI&SA Donates Bins at NDSU Foundation Seed Sites

The ND Crop Improvement and Seed Association board of directors approved a gift of financial support totaling \$55,000 in 2010 to go toward new seed bins for the Agronomy Seed Farm and four Research and Extension Centers that produce Foundation seed. Each center received \$11,000. Installation of the bins occurred over the last year and all bins are now in place. Magnetic signs including the NDCI&SA logo are affixed to each bin in recognition of the association's generosity. Dr. Dale Williams, Director of NDSU Foundation Seedstocks and Neil Riveland from the Williston REC, thanked the board for their support at the 59th Annual Conference of North Dakota Crop Improvement and Seed Association held recently in Bismarck.



*New bins at Williston Research Extension Center.*

North Dakota State

**NDSSD**

Seed Department

*The North Dakota Seed Journal is published and edited by the Seed Department, State of North Dakota, under the provisions of Chap. 258, S.L. 1931, as administrative and instrumental matter required for effective transaction of the Department's business and for properly fostering the general welfare of the seed industry in the state.*

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# From the Commissioner's Desk

Every two years, the mid-winter edition of *Seed Journal* becomes an opportunity for me to update readers on the legislative issues of interest to either seedsmen or the Seed Department. This year is no exception, as the ND Legislature continues its biennial journey through a total of approximately 900 bills and resolutions.

Since we are not yet to the mid-point of the session (crossover) as this article is written, I'll make some assumptions as to the status of a couple of these bills. I'll also have one example of why making assumptions is a dangerous practice regarding legislative issues.

**HB 1022** is the Seed Department's budget bill. Our budget is a spending authority bill, since the agency is self-funded and the legislature is granting us authority to expend funds. All revenues are generated by the fees charged to our clients in providing services (inspections, testing etc.) to the seed industry. The budget bill currently appropriates \$6,894,011 for the 2011-2013 biennium, pending action by the legislature to increase or decrease state employee salaries from the 3%-3% annual increase recommendation of the Governor. Our budget bill is often the first one passed through the first and second chambers, and often has the legislature's recommended state employee salary increase levels attached.

**HB 1027** is the Agriculture Chapters Re-write, which is focused on the Seed Department century code. We've

Ken Bertsch..... State Seed Commissioner  
Steve Sebesta..... Deputy Seed Commissioner  
Willem Schrage..... Director, Potato Program  
Joe Magnusson..... Seed Regulatory Manager  
Galen Briese..... Seed Certification Manager  
Mark Hafdahl..... Seed Laboratory Manager  
Jeff Prischmann..... Diagnostic Laboratory Manager  
Kris Steussy..... Administrative Officer  
Mike Oosterwijk..... Potato Program Supervisor

discussed the chapter re-write process in previous editions of *Seed Journal*, so without great detail, the code re-write process is intended to modernize, update and reorganize state law. The Interim Agriculture Committee (who presided over the process) was cautious in avoiding making changes to code that could be considered major policy changes. For that reason, HB 1027 is fairly benign and can truly be considered a housekeeping venture. The bill melds four separate chapters (4-09, 4-09.1, 4-25 and 4-42) into one new chapter, 4.1-53. It also re-writes one of our potato-related chapters, 4-11, which deals with Wholesale Potato Dealers license programs. The most notable amendment to code relates to our budget bill and process. The re-write changes the Seed Department from an appropriated to a continuing appropriations agency, meaning that going forward we simply report to the legislature on budget issues in a manner similar to commodity groups. In our case, the bill contains a provision to make that report to appropriations committees, rather than agriculture committees as other ag related agencies do. At this writing, HB 1027 has moved through the House and will be heard early in the second half of the session in Senate Agriculture.

**HB 1399** is a companion bill to HB 1027, containing amendments that are considered beyond the scope of chapter re-write processes. The amendments aren't substantive, and focus a few issues that require legislative attention. Language allowing the Seed Department to issue phytosanitary certificates for export, and removing language that mandates action by the Attorney General and county state's attorney at the behest of the Seed Commissioner are two of the key provisions. Another set of amendments narrows and clarifies the duty of the Department in operating the Wholesale Potato Dealers license program. Since HB 1399 is requested by the Department, we obviously favor its passage.

**HB 1378** is a measure that removes the certification requirement for canola seed marketed in the state. The Department has some philosophical concerns with any measure that has the potential to promote the sale and

use of poorer quality seed sources in the state. Additionally, this bill ensures that canola seed only needs to meet labeling requirements...not the current certified seed standards. There is a big difference between the two. In simplified terms, the restrictions for noxious weeds are much more stringent for certified canola seed than for common seed, for which labeling laws would apply. For example, cleavers are prohibited under canola seed standards, and allowed (within a loose tolerance) in labeling laws. The same holds true for sclerotia, where a strict standard applies for certified seed and no labeling law standard exists. The bill sponsor and individual members of the legislature have framed the issue as a seed-cost matter, with the belief that removal of the certification requirement will allow the planting of more farm-saved seed. This is true for only a small number of varieties planted in the state; those not subject to variety or trait protection, and conventional (non-hybrid) varieties. By and large, the replant/saved seed issue is minor, and the seed quality issue is being ignored. The measure passed unanimously in the House, and moves on to the Senate for further consideration. This is the surprise that I mentioned early in this article. We will provide the Senate Ag Committee information on the result of removing the current requirements, and oppose the bill's passage.

These are the most notable pieces of legislation regarding the Department or seed industry being contemplated in the 2011 Legislative Session. As always, legislative matters can run the spectrum from common sense to illogical; mundane to surprising. This year, we have some of each. Don't hesitate to contact me or others on our staff with questions regarding any of the information provided here. You can also access almost any information you want on legislative issues by going to the Legislative Council website at [www.legis.nd.gov/assembly/62-2011/sessionlinks.html](http://www.legis.nd.gov/assembly/62-2011/sessionlinks.html).

Best wishes for a safe and profitable spring season.



## Seed Retailers Offered Tips for a Successful Season

*Joe Magnusson, Seed Regulatory Manager*

Each year, from late winter through early May, Seed Department regulatory inspectors hit the road to inspect facilities that sell seed. The inspections include an audit of sales and seed labeling records. In addition, a major part of the program entails sampling seed available for sale at the facility. Those samples are tested for purity and germination to determine whether the bulk certificate or seed tag for that lot of seed accurately represents the quality of the seed. The Federal Seed Act and North Dakota Seed Laws have specific requirements for labeling. One may view seed regulatory inspections as truth-in-labeling activities.

To help ensure retailer compliance with seed laws and minimize the risk of a “stop sale order” on a seed lot, the North Dakota State Seed Department offers these tips.

- Label bins with variety and lot number to ensure the buyer receives the correct variety at the time of purchase.
- Clean seed bins thoroughly before filling them with clean certified seed. Regulatory samples are sometimes taken from the bottom of bins.
- Remove cover from auger boot, reverse the unloading auger and remove any potential contaminants.
- Clean all handling equipment thoroughly. Augers must be reversible to permit proper cleaning.
- After filling a bin with seed, empty a few bushels out and check for contaminants, or damaged or split seed.
- Handle fragile crops such as soybeans, field peas, field beans, lentils and chickpeas with care to prevent damage. These seeds are especially susceptible to damage during handling.
- Monitor bins frequently to ensure the seed does not go out of condition.
- Re-label carryover seed to show new germination and test date prior to sale. In most cases, the germination test is valid for nine months excluding the month it was tested.
- Retain samples of certified seed for two years from the date of final disposition of the lot.
- Retain complete and accurate records for three years.

Call the Seed Department if you have any questions about seed regulatory matters.

## Are you sending in enough seed for tests?

We are still receiving samples that do not have enough seed for the tests requested. Since we are now testing all hard red spring wheat, barley and field peas submitted for final certification for varietal identity, more seed is required. Disease tests on crops such as dry beans and pulse crops also require more seed. Please submit a full plastic sample bag for these crops to ensure there is enough seed for all the required tests. If we have to call you for additional seed, it may delay testing.

Also, for the safety of our staff, please do not use staples to secure sample bags. Staples can result in punctures and cuts for the people that have to open the bags. Thanks.



## NDSSD Joins Farmer's Yield Initiative

The North Dakota State Seed Department has recently joined the Farmer's Yield Initiative, a coalition of more than 30 public and private partners with the common goal of protecting the public and the grain industry by supporting plant variety improvement through research, education, seed certification, and PVP enforcement.

FYI began several years ago and focused initially on the winter wheat production area. The organization has recently expanded their efforts into the spring wheat region.

The purpose of FYI is to educate the public and producers about the need for more scientific research. Many breeding programs are partially funded by royalties on seed sales. However, that funding is threatened by some producers who seek to gain an unfair financial advantage over others by working outside the legal system.

In addition to FYI's educational efforts, they also provide for enforcement of intellectual property rights. FYI provides a method to help stop illegal seed trade and those who seek to benefit from new varieties without contributing to future research investments. A toll free tip line is available to anonymously report suspected illegal sales activity, 1-877-482-5907. Each report will be investigated and those with merit will be turned over to variety owners for further action.

In the next several months FYI will be mailing educational information to wheat producers. Please take the time to read that information. You may also visit the website: [www.farmersyieldinitiative.com](http://www.farmersyieldinitiative.com) to learn more.



## Distinguished Service Award

The Distinguished Service Award recognizes individuals for their outstanding contributions to North Dakota agriculture and community.

The ND Crop Improvement & Seed Association recognized Larry Lee and Jerry Effertz for their efforts to encourage resolution of issues relating to the production and distribution of certified seed of NDSU varieties. These individuals continually exhibit their attentiveness and support of the ND agricultural industry and ND agriculture is fortunate to have such dedicated leaders.

**Larry Lee** is a third generation farmer from McHenry County. On his farm near Velve he raises wheat, barley, flax, field peas, soybeans and canola, and is a seedstock producer.



*Lori Flaten accepts DSA from CIA president Andrew Smith*

Lee completed three terms on the North Dakota Wheat Commission, serving as chairman for two years and represented the commission on the board of U.S. Wheat Associates (USW). Lee has served on the Bio-Tech committee for USW and the National Association of Wheat Growers and serves on the U.S. Wheat and Barley Scab Initiative steering committee. He also serves on the Wheat Industry Advisory Committee.

On the state level, he served four years on the State Board of Agricultural

Research and Extension (SBARE) and previously served as the chairman of the wheat granting committee. He is a lifetime member of the McHenry County Crop Improvement and Seed Association.

Lee's daughter, Lori Flaten, accepted the award on his behalf.

**Jerry Effertz** is owner and operator of Effertz Black Butte Acres family farm and ranch. He operates a 1,600 acre farm and 100 head of registered Limousin cattle. Effertz is also a partner in "Dakota Connection Limousin" which provides cattle genetics improvement through imports and embryo transfer.



*Kayla Effertz accepts DSA from CIA president Andrew Smith*

Effertz is a member and past chairman of the State Board of Agriculture Research and Education (SBARE), and served as chairman of the North Central Research Extension Center Building Campaign, and the North Dakota Commission on Future of Agriculture. He is a member of the McHenry County Farm Bureau, McHenry County Farmers Union and Minot Area Chamber of Commerce Agri-Business Committee among others.

Effertz' daughter, Kayla, accepted the award on his behalf.



## Crop Improvement and Seed Association Annual Meeting Notes

Congratulations to the following gentlemen who were elected to leadership positions during the 59th Annual Convention of the North Dakota Crop Improvement and Seed Association, February 4 in Bismarck.

**President – Mark Birdsall**, Berthold, ND replacing Andrew Smith, Beach, ND. Andrew served two years as president.

**Vice President – John Schatz**, SE District Director, Napoleon, ND replacing Ross Schroeder, New Salem, ND. Ross served one year as vice president.

**SW District Director – Bill Flaget**, Halliday, replaced Schroeder. Ross served six years as district director.

**County Agent Representative – Craig Askim**, Mercer County, replaced Kendall Nicholls, Traill County. Kendall represented the county agents six years.

The association is grateful to those who have willingly accepted leadership roles in the association.



*Outgoing VP Ross Schroeder (L) accepts congratulations from Andrew Smith (R)*



Premier Seed Grower David and Sharon Miller with Steve Sebesta

## 2011 Premier Seed Grower Award

The Premier Seed Grower Award recognizes individuals who have successfully grown registered or certified seed for several years and have significantly contributed to the certified seed industry. This year's Premier Seed Grower Award was presented to David and Douglas Miller. David is from Donnybrook and Douglas from Kenmare, ND.

David and Douglas have been producing registered and certified seed for over 27 years. Their seed production business involves several varieties of durum, spring wheat, barley, field peas, flax, and canola. In the past five years alone, they have sold approximately 222,000 bushels of certified seed. David has also been interested in seed conditioning for nearly thirty years. In 1983, David built his first mobile seed cleaner and started his seed cleaning business in 1985. A second unit was added in 1992.

Douglas graduated from NDSU in 1996 and returned home to join the farming operation and seed cleaning business. As the business continued to grow, Douglas built two certified mobile units of his own that are equipped to clean any type of seed.

Douglas and his wife Laura were not able to attend the awards ceremony due to the birth of their daughter the following morning. We were honored to have the rest of the Miller family join us to celebrate their award.

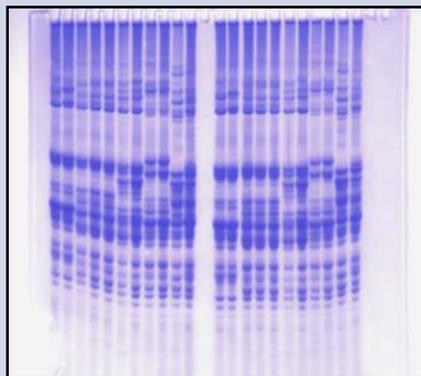
## Variety ID Testing Update

Jeff Prischmann, Diagnostic Lab Manager

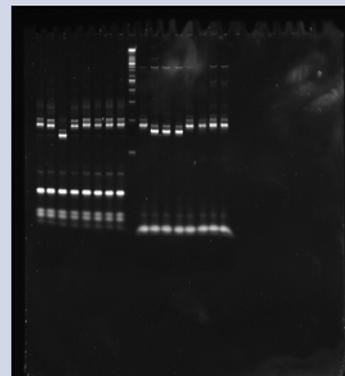
Variety ID testing is now a certification requirement for spring wheat, field pea, and all barley beginning in 2010. Spring wheat certification samples are tested using wheat seed protein and polyacrylamide gel electrophoresis (PAGE). This test is able to differentiate spring wheat varieties from each other based on a specific seed protein banding pattern. Barley and field pea certification samples are tested utilizing seed DNA. This test uses PCR (polymerase chain reaction) in combination with specific markers to identify the correct variety. This test is also very specific and is able to distinguish barley and field pea varieties from one another.

Variety ID tests provide an additional level of quality assurance for the seed producer. In a vast majority of samples, no problems will be found. However, there are usually a small number of problem samples that are discovered each year and that can be corrected utilizing this test. The most likely problems that can be found include: incorrectly labeled bins or seed lots and a seed mixture of two or more varieties in the same bin or seed lot. So far this testing season, we have found one instance where the seed producer had incorrectly labeled bins and two varieties of spring wheat were switched. The cause of another failed test is under investigation.

Variety ID testing is also conducted on spring wheat, oat, barley, and field pea as a service test for a fee. Growers may choose to utilize this service, for example, to test an unconditioned seed lot prior to comingling it with another lot. Please contact the department with any questions regarding variety identification testing.



Gel image of wheat seed proteins showing distinctions between varieties.



Gel image of barley DNA amplified with barley markers showing distinctions between varieties.

## Reporting Field Numbers When Completing Certification

Field numbers must be listed on the sample paperwork or envelope to verify the field(s) represented by that sample. Samples submitted without field numbers will not be considered representative of a finished lot. If the sample submitted for final certification includes more fields than a pre-germ sample represented, or different field numbers, new germ and disease tests (when applicable) are required.

## North Dakota State Seed Department

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# NDSSD Calendar

- May 1** ..... Field inspection applications due for grasses
- June 15** ..... Field inspection applications due for all crops except conventional soybeans, buckwheat and millet
- July 1** ..... Bulk certificates due
- July 15** ..... Field inspection applications due for buckwheat and millet
- July 31** ..... Labeling Fee Report due
- August 1** ..... Field inspection applications due for soybeans requiring single inspections
- Sept. 15** ..... Research fees due