

Noxious Weed Seed Exams Explained

BY JENNIFER PERNSTEINER

Noxious weed seed examinations are one of the tests the MCIA seed lab conducts when you request a purity test. Seed law requires that you indicate the number of noxious weed seeds per pound. The lab examines an amount, defined by testing rules; then identifies and counts the number of noxious weed seeds found. This number is used to calculate and report the number found per pound. A smaller amount, also defined by testing rules, is used to determine the percentage of other crop, weed seed, and inert matter. Noxious weed seeds that the lab finds in the purity portion (if any) are counted in the total.

Each state defines their noxious weed seed species in their seed law. There is a federal list of noxious weed seed species as well. If seed is to be sold within a state, only that state's noxious species are in effect. If a lab finds prohibited weed seeds, the seed lot may not be legally sold as seed in that state. If restricted weed seeds are found, the number found per pound must be indicated on the label and may not exceed the legal limit. When shipping seed across state lines, the federal and receiving state's noxious weed seed species also come into effect.

It is the responsibility of the seed dealer to know the requirements of their state's laws and keep up-to-date with changes. When selling seed out-of-state, sellers should request a noxious exam that covers the receiving state's noxious weeds, or request an All States Noxious exam. The Seed Regulatory and Testing Division (SRTD) of the USDA-AMS issues the publication *State Noxious-Weed Seed Requirements Recognized in the Administration of the Federal Seed Act*, which lists the noxious weed seeds in each state and a summary of state requirements. The SRTD updates the publication when informed of changes to state seed law. See www.ams.usda.gov/rules-regulations/fsa.

When *Palmer amaranth* was added to Minnesota's prohibited weed seed list, MCIA began to use a DNA test to rule out Palmer, since individual seeds cannot be identified by sight to the species level. For all certified samples, *Amaranthus* seeds found in a noxious exam will be reported as noxious at the preliminary report and will be automatically sent to a genetic testing lab for DNA testing. If the seed(s) are negative for Palmer, the certification report will state "Amaranthus seed(s) tested by PCR at [outsourced lab] and determined NOT to be *Palmer amaranth*, a prohibited noxious weed seed in MN." Certification cannot be completed until it can be shown that *Palmer amaranth* was not present in the noxious exam. For service samples, the lab will contact the owner before sending *Amaranthus* seeds out for ID testing. The cost has been about \$55 which covers 5 individual seeds or a bulk test if more are found. The test will only confirm the presence or absence of *Palmer amaranth*;

it cannot be used to identify other *Amaranthus* species such as water hemp or redroot pigweed.

Until recently, the lab had been able to reclassify the *Amaranthus* seeds as common weeds when conducting an All States Noxious exam. However, Indiana has added all *Amaranthus* species to their restricted weed seed list. So, any *Amaranthus* seeds found in an All States Noxious exam must now be classified as noxious. In a Minnesota noxious exam, the *Amaranthus* seeds will be reclassified as common weeds, if found not to be Palmer.

Wyoming recently created a new category, Regulated Weed, in their seed law. Species such as cheat, downy brome, and Japanese brome may not exceed 1200 seeds per pound if sold in Wyoming. Feral rye may not be present in small grain other than rye. These regulated species are not classified as prohibited or restricted. The lab, for transparency when conducting an All States Noxious exam, will report the brome species, the number found and the weight examined, as a remark. If conducting an All States Noxious exam in small grain, any feral rye found would be reported along with a remark that the seed lot is not eligible for sale in Wyoming.

The MCIA Seed Laboratory conducts tests according to the rules of the Association of Official Seed Analysts (AOSA). These rules, used by regulatory agencies and commercial labs throughout the U.S., set the standard for seed testing in North America and are recognized internationally.

2019 MCIA Annual Meeting Reminder

MCIA members are encouraged to attend the MCIA Annual meeting on Wednesday, January 9, at the Bigwood Event Center in Fergus Falls. The meeting will be a one-day event, including a business meeting, education program, awards luncheon, and industry trade show.

This year's meeting is an excellent opportunity to learn about current issues important to the seed industry and interact with other seed professionals. In addition to a full lineup of presenters, MCIA staff members will review our newly revised *Seed Certification Handbook*, highlighting important changes.

For those arriving the evening before the annual meeting, the MCIA Board of Directors will host a reception with appetizers beginning at 7:00 p.m.

For more information, contact MCIA at 800-510-6242 or visit www.mncia.org/mcia-annual-meeting.

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PHOTO: ARTHUR SMAAL

A Fond Farewell from Jennifer

Jennifer Pernsteiner recently retired from MCIA. She managed the seed lab and was a key to the reopening efforts in 2015. Below, she offers a few comments about her 10 years at MCIA.

Thanks, Jennifer, and enjoy retirement!

When you enjoy the people you work with, retirement is a bittersweet time. One of my agronomy professors at UW-River Falls once told our class, "When it comes to seed production, certified growers are the cream of the crop." I feel fortunate to say I worked for MCIA and contributed to the production of quality seed in Minnesota (despite being a cheesehead from Wisconsin).

In my time at MCIA I had the opportunity to work with seed producers, sod producers, university researchers and students, MnDOT staff, and a great

group of MCIA employees. I have battled mud, heat, and insects in small grain, soybean, and corn fields . . . driven countless miles throughout this great state . . . walked native fields in full bloom and full of butterflies . . . supplied and staffed a seed testing laboratory, and renewed the tradition and benefits of a member-owned lab. It has been a privilege to have such a diverse and fulfilling job.

My husband, Steve, and I look forward to the years to come. We will be snowbirds in Florida for the winter, and plan to travel our "bucket list." Like most retirees, we will have more time to spend with our granddaughters. I may decide to work part-time as a substitute teacher, classroom volunteer, or become a 4-H project leader again. Working with children is one way to stay young!

Best wishes to all of you!



Chairman's View

Kurt Flegel, Board Chair

As we are coming to the end of another year and the completion of a tough 2018 harvest, I hope for a prosperous, healthy and safe 2019 for everyone.

With the MCIA Annual Meeting just around the corner, I would like to encourage our members to attend. It is a great chance to connect with friends and meet up with other MCIA members,

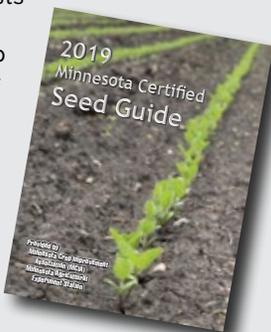
staff, and your board of directors. Please feel free to visit with any of us to ensure your organization is working for you and to pass along anything that you may feel is pertinent to MCIA, its activities, and future.

Best wishes for the New Year and have a Merry Christmas!

Minnesota Seed Guide Published in January

The 2019 *Minnesota Certified Seed Guide* will be published shortly, in print and online. The guide compiles University of Minnesota crop trial results and lists MCIA members, the crop varieties they produce, and the services they provide.

For more information, visit www.minnesotaseedguide.com.



Welcome Sam Banks!

Minnesota Crop Improvement Association welcomes Sam Banks as a new seed technologist in our seed testing laboratory. Sam graduated with a B.S. in biology from the University of Minnesota in 2010. He has previously worked at the Minnesota Department of Agriculture as an environmental analyst.

As a Certified Viability Technologist (CVT), Sam has done row crop, turf, and native species seed testing. Sam is currently working toward full Registered Seed Technologist (RST) certification. Sam's background also includes experience with seed viability and vigor testing, plant pathology evaluation, invasive insect identification, and site inspections.





Every crop has a beginning; that is, seed. Seed is, perhaps, the most valuable component of the agricultural industry. Seed is the vehicle that carries and delivers many forms of innovation. Improvements in germplasm provide higher yields, better agronomic traits, and enhanced quality. Each cycle of innovation adds to the knowledge base, and signals hope and prosperity. Development of new and better crops benefit farmers, growers, and consumers alike. The re-

search and development necessary to create and introduce new plant varieties often requires five to fifteen years of scientific labor and millions of dollars in investment.

University of Minnesota breeders are often lauded for new and improved varieties that have proved to be popular among farmers in our region. Many of those varieties have received protection under the US Plant Variety Protection Act (PVP) and enjoy a Title V status. Under the Federal Seed Act, a PVP Title V variety can only be sold as a class of certified seed. Any sale of an uncertified PVP Title V variety is a violation of federal law.

Due to the infringement of protected varieties, the University has suffered the loss of assessment dollars, which are vital for invest-

ing in research and development of future, improved varieties that will help feed the world's growing population. To promote the legal way of doing business in the seed industry, the University of Minnesota has partnered with the Farmers Yield Initiative (FYI) and MCIA. This collaboration highlights research, education, seed certification, and the enforcement of intellectual property rights as authorized under the PVP Act.

As we do each year, Minnesota Crop Improvement Association is organizing an informative program for our annual meeting. The meeting will be held on January 9, 2019, at the Bigwood Event Center in Fergus Falls, Minnesota.

This year's program topics range from challenges and opportunities in agricultural trade to recent developments in the US seed industry to trends and opportunities in organic agriculture. In addition, officials from the University of Minnesota and the Minnesota Department of Agriculture will provide updates regarding technology commercialization and anticipated ag-related legislative and governmental activities at the state capital. An overview of our recently revised *Seed Certification Handbook* will be provided by MCIA staff members.

MCIA's Annual Meeting is also a significant opportunity to recognize accomplished individuals in our industry. Among the highlights of the meeting will be the presentation of awards for Honorary Premier Seedsman, Premier Seedsman, and Achievement in Crop Improvement. Plan to attend this important event—learn and network with others from the seed and agricultural industry!



Organic Corner

Michelle Menken, Organic Services Manager

We are finishing up the 2018 certification year. Our goal is to have everyone who is paid up completed by year's end, and I think we can do it. My count today was 556 organic operations—this is an increase of 88 from last year. Since we didn't add any staff this year, this shows us that our

improved database is working to make us more efficient. We plan to spend time in January and February working on more templates so that letters can be generated out of the system, which will save even more time.

We will be at fewer conferences this year, but please do come visit us at the Minnesota Organic Conference, January 10–11; the Northern Plains Sustainable Ag Society conference in Fargo, North Dakota, January 24–26; and the MOSES conference in La Crosse, Wisconsin, February 21–23. In addition, we will have a table at the MCIA Annual Meeting in Fergus Falls, January 9.

Our fee schedule is changing a bit this year. As of January 1, the base fee for producers will increase by \$25 to \$375. However,

the livestock fee will be reduced by \$50 to \$100. These changes were made in recognition of the tough times that organic dairy producers are facing. Also, we will be charging a \$100 late application fee for new producers who apply after October 1.

We will be mailing out 2019 calendars soon. You do not have to use these to record your field activities, but many do, so keep up the good work. Many people did use the new Bill of Lading and Clean Truck Statement this year, but didn't keep a copy for their own records. The Bill of Lading form will show how much grain left your farm, which can be used to match up to the scale ticket and settlement sheet you get from the buyer. These documents help make a complete, traceable record, so remember to make a copy for yourself.

We are planning to get renewal applications out at the end of January. Vegetable producer applications will be due March 15 and crop and livestock producer applications will be due April 1. Handler applications are due on your anniversary date. You can submit them earlier if you want. If you are planning to add maple sap/syrup to your application, please contact us now.



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I certify that the statements made above are correct and complete. —Alan Makinen

CALENDAR

JANUARY

- 1 MCIA Office Closed
- 9 MCIA Annual Meeting, Fergus Falls
- 10–11 Minnesota Organic Conference, St. Cloud
- 21 MCIA Office Closed
- 15–21 Small Grains Update Meetings, multiple locations
- 17–18 Upper Midwest Fruit, Vegetable & Farmer’s Market Conference and Trade Show, St. Cloud
- 23–24 MN Ag Expo, Mankato
- 24–26 NPSAS Winter Conference, Fargo, ND
- 25–26 Emerging Farmers Conference, St. Paul

FEBRUARY

- 1–2 Organic Vegetable Production Conference, Madison, WI
- 9 SFA Annual Conference, St. Joseph
- 21–23 MOSES Organic Farming Conference, La Crosse, WI

MARCH

- 12 SFA Midwest Soil Health Summit, St. Peter

For more event information visit www.mncia.org.