



North Dakota

Approved Bulk Retail Facility Manual



North Dakota State Seed Department

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Section 1 – Introduction

Agriculture in North Dakota has evolved to meet the needs of larger farms and farm equipment. Today's farm operators expect the ease and efficiency of filling trucks and large seeders quickly. The State Seed Department was an industry leader in recognizing the need to certify seed in bulk and establishing requirements to ensure product quality at those facilities. Consequently, the majority of certified seed sold in North Dakota today is sold in bulk. Certified seed bulk retailers play an integral role in the delivery of quality seed products for the agricultural industry. Bulk seed presents different challenges compared to bagged seed; maintaining varietal identity, seed purity and quality are critical. Therefore, bulk retailers that sell certified seed are regulated by the State Seed Department to ensure they can meet the minimum standards for handling certified seed.

Any facility may be designated by the State Seed Department as an approved bulk retailer to sell certified seed if the facility is properly designed, equipped and managed to maintain the identity and purity of a seed lot.

Basics of Seed Certification

The seed certification process originated more than 100 years ago as a means to ensure varietal identity and genetic purity in crop varieties and to provide some uniformity in the process across the country. Rules and standards are documented in the Federal Seed Act Regulations and administered by the Association of Official Seed Certifying Agencies on the national level. The State Seed Department is the designated authority for certification in North Dakota.

There are five basic steps in the seed certification process: field inspection, seed conditioning, quality testing, final certification and labeling. All of these steps are essential to ensure the seed is handled according to the rules and produced to achieve the minimum standards for the crop and class being produced. The certification process will be completed before bulk retailers purchase certified seed. They will only need to relabel the seed in their name to sell the seed.

There are four classes of certified seed: Breeder, Foundation, Registered and Certified. Approved bulk retail facilities are eligible to handle and sell Certified class seed only. Bulk retailers are responsible for maintaining varietal identity and genetic purity of the seed handled at their facility.

This manual was developed as a supplement to Bulletin No. 51, [North Dakota Field Seed Certification Standards](#) and is intended to provide approved bulk retailers additional information on business practices related to the handling and distribution of certified seed. The State Seed Department requirements were established to ensure compliance with the [Federal Seed Act Regulations](#) § 201.68 - §201.76, North Dakota Century Code [Chapter 4.1-53](#) and North Dakota Administrative Rules [Chapter 74-03-01, General Seed Certification Requirements](#).

Section 2 – Requirements to Operate as an Approved Bulk Retail Facility

A permit issued by the State Seed Department is required to operate as an approved certified seed bulk retail facility in North Dakota. Retail facilities must be approved by the State Seed Department to handle and sell bulk certified seed. To be approved, bulk retailers must meet certain minimum requirements for equipment and management practices to ensure compliance to state certification requirements and the Federal Seed Act. Permits are issued on an annual basis following an inspection of the facility by a State Seed Department inspector. Permits are renewed if the Seed Commissioner or authorized agent is satisfied the facility is doing a satisfactory job distributing certified seed, maintaining a clean facility, keeping accurate records and following all other standards pertaining to seed certification as well as state and federal seed laws.

An [Agreement to Operate as an Approved Bulk Retail Facility](#) (**Appendix A**) is mailed to existing bulk retail facilities each year in August. For anyone looking to become a new bulk retail facility, the form can be found on our website or obtained by calling the office. The agreement is due September 1 to ensure the bulk retail facility is listed in The Seed Directory.

Facility Management Requirements

Bulk retail facilities must meet minimum requirements for handling all seed and maintain proper records according to certification rules and regulations. Bulk retail facilities with multiple locations must have a separate permit for each facility.

The facility manager and employees are responsible for the following:

- Designate an individual who shall be responsible for performing such duties as may be required by the certifying agency.
- Handle Certified class seed only.
- Handle and retail seed without introducing admixtures of other crops or varieties.
- Maintain a clean facility and bin site at all times. Approved hopper bins must be equipped with bottom access ports or inside ladders to enable sampling and access for cleaning. All approved handling equipment, conveying equipment and bins must be thoroughly cleaned before any lot of certified seed is conveyed and stored in the facility's approved bins. All augers must have a reverser switch and all approved facilities that have augers wired with a cord must have a reversible pigtail available.
- Maintain identity of certified seed at all times. Certified seed may only be stored in bins designated on the Approved Bin List. Bins must be labeled with kind, variety, class and lot number. An up-to-date bin chart showing all approved storage bins must be maintained.

- Maintain complete and accurate records of all operations relating to certification and sales for three years, including labeling information, purchaser and quantity of seed sold.
- Retain a representative two-pound sample of each seed lot sold by the facility for one year after final disposition of the lot.
- Bulk certified seed may only be physically moved twice after final certification is completed. Delivery from the labeler to the bulk retail facility is the first movement. The second, therefore, must be to the end user (farmer).
- Seed lots of the same variety and class may be blended and the class retained. If lots of different classes are blended, the lowest class shall be applied to the resulting blend. Such blending can only be done when authorized by the State Seed Department.
- The facility and conveying system must be completely separate from commercial grain handling systems and will be used only for seed during the seed season.
- Ensure each container (truck) receiving bulk certified seed is clean. If it is not clean, note on the bill of sale or bulk certificate that it was not clean.
- A bulk certificate must be issued to the buyer for each load of certified seed delivered or loaded into buyer's truck.
- All unused bulk certificates and log sheet(s) must be returned to the State Seed Department by September 1.
- Must have labels available for all lots of common seed sold. ([Appendix B](#))

Required Equipment

In order to maintain the genetic purity of certified seed, approved bulk retail facilities are required to have the following equipment:

- **Augers** - must be reversible (reverser switch or pigtail).
- **Bins** - all bins must have lower access ports or inside ladders to permit access for cleaning and inspection. All approved bins must be labeled with bin number, kind, variety, lot number and class of seed (preferably in a highly visible location e.g., next to door, electric switch or bottom crank).
- **Bin chart** - must be in place and bin labels up-to-date (preferably a dry erase or chalkboard).
- **Legs** - must be constructed of metal (not wood) and must have bottom access for cleanout.
- **Pits** - need to be steel or tin lined and accessible for cleaning.
- **Vacuum or air** - must be available for cleaning.
- **Storage areas** for seed samples and records must be neat and orderly.

Recommended Equipment

- **Broom** - telescoping fiberglass broom to sweep inside of all approved bins.
- **Scale** - weighing capability.

Revocation of Permit

Permission to operate as an approved facility may be revoked by the Seed Commissioner or authorized agent at any time for failure to meet terms and conditions of the agreement, violation of certification requirements or violation of state or federal seed laws. Bulk retailers shall permit inspection by the State Seed Department of all records pertaining to certified seed.

Section 3 – Housekeeping Requirements

The manager and employees must maintain a clean facility at all times. This includes head house, overhead bins and slides, pit, scale area, leg cleanout boot area, basement area, bag warehouse and all bulk bin sites located outside of the facility.

Storage and Handling Equipment

Plant Clean Down Checklist

Documenting the procedure used to clean a retail facility can be beneficial. Seed plants generally have several employees involved in cleanup so a Facility Clean Down Checklist ([Appendix C](#)) can be used as a reminder of areas needing attention and to document employee accountability. Forms are also useful for training new employees.

Cleaning equipment only by flushing is not acceptable, however it may be beneficial to flush some bushels of seed (after thoroughly cleaning) prior to storing and collecting a certified sample of a new lot of seed. Listed below are areas of concern when doing a clean down to maintain seed lot integrity:

- **Augers.** Clean augers thoroughly between varieties. Augers must be reversible with a switch. Lower auger boot must be vacuumed after reversing. Worn tubing or auger flighting must be replaced (duct tape is not acceptable).
- **Belt Conveyors.** Check belt conveyors for any seed sticking to belts because of moisture, etc. Brooms can be held against belts to remove sticking seed. In some cases, you may need to pull the belt to assure the conveyor is clean.
- **Bins.** Access bins through lower access ports or by attached inside ladders. Use telescoping brooms to sweep inside walls of all bins. Corrugated steel bins have a lot of potential for lodged seed. Use air or vacuum to clean bottom slides, horizontal poke-holes and any type of loading chutes or other piping on bins.
- **Distributors.** Inspect distributors for any wear, mechanical problems and lodged or spilled seed. Vacuum as needed. Caps can be placed on some distributors to prevent contamination in bins.
- **Floors.** Clean floors and concrete or gravel work areas daily. There may be situations where work areas need to be cleaned several times a day to avoid contamination and an undesirable appearance. Spills from equipment failure must be cleaned up as soon as possible.
- **Headers.** Check headers for wear and needed repair. A header with a pin hole is a good source for contamination and dirty floors.

- **Head House.** Some retail facilities are constructed with a head house. Inspect the head house regularly and clean whenever there is a dust buildup or seed spillage from equipment problems (worn pipes, distributor, header, etc.)
- **Legs.** Clean legs by opening or removing bottom cleanout and vacuuming or blowing with air. Cups need to be checked for loose bolts and lodged seed.
- **Pits.** Inspect and thoroughly clean pits between all varieties. Surface grates, scale seal and horizontal I-beams can be a serious source of contamination.
- **Scale Areas.** Scales are generally located separate from bin site. In some cases, the dump is located on the scale and requires cleaning of scale surface after dumping each load, especially between varieties. All scale sites must be clean.

Section 4 – Annual Facility Inspection

On-site inspections are conducted annually by the State Seed Department from October through December, prior to issuing a new permit for the facility. Regulatory inspections and sampling will be completed each spring to obtain seed samples, check for proper labeling and identification of seed and current germination dates. Copies of these inspections will be provided to the facility.

Focus of Inspections

The following items will be checked during a facility inspection:

- Bin map posted.
- Bins numbered and properly labeled.
- Safe and easy bin access.
- Reversible augers equipped with a switch (not by hand).
- Clean seed loading areas.
- Well maintained equipment.
- Repairs needed.
- Orderly records (three years required).
- Labels for common seed available.
- Bulk certificates available and issued with each load.
- Unused bulk certificate(s) and log sheet(s) returned to NDSSD.
- Properly labeled samples available (two pounds for one year after final disposition).

Following inspection, a bulk retail facility may be approved, rejected, or placed on probation. The State Seed Commissioner issues new permits each year by the end of December. Permits should be placed in a conspicuous location at the facility for customers to see. Facility managers should review the inspection report that accompanies the new permit for any deficiencies that need correction. All facilities placed on probation will receive a follow up letter from the certification manager as a reminder of the requirements that must be completed prior to the next round of inspections. If these deficiencies are not corrected it may result in a facility not receiving a permit the following year.

Section 5 – Sourcing Seed

The most reliable source of information bulk retailers can utilize for finding eligible seed is Bulletin 92, The [North Dakota Field Seed Directory](#). Published annually in November, the Seed Directory contains a listing of all varieties of crops that passed field inspection that growing season. A copy is distributed to every bulk retailer, approved conditioner and seed grower each year. A list of field inspected seed is also available on the State Seed Department website.

Field inspected seed is not certified until it has been conditioned, tested and properly labeled with a certified seed tag or bulk certificate. Since approved retailers are only allowed to purchase seed that has been certified, it is their responsibility to ensure the seed has completed final certification and has been labeled.

The Seed Directory serves multiple purposes including:

- Bulk retailers can identify growers or conditioners who may have seed of a variety they want to purchase.
- Conditioners can identify certified seed growers who have seed of the variety they want or approved bulk retailers to whom they can sell certified seed.
- Seed growers can identify a seed conditioner approved to handle certified seed.
- Source of information for field numbers needed when samples are submitted for final certification.
- Identification of the PVP status of varieties.
- Identification of varieties that have research fees.
- Listing of available seed tests and fees.
- Information about seed certification.
- List of approved conditioners.
- List of approved bulk retailers.
- List of certified seed growers.
- List of conditioned and unconditioned carryover seed available.

Many of the varieties listed in the Seed Directory are protected by a certificate of Plant Variety Protection. Varieties for which protection is shown as “pending” are also considered protected. **Most varieties are protected with the Title V option, which requires the variety to be sold as a class of certified seed.**

Section 6 – Intellectual Property Rights

The majority of crop cultivars available to consumers today are protected by some form of Intellectual Property Rights laws (IPR). There are several types of IPR laws available to developers/owners of varieties and consumers should understand the laws to ensure they are in compliance with the owner’s legal rights. It is the responsibility of the buyer and seller to confirm the type of IPR protection for a crop variety before buying or selling a specific variety.

Regardless of the method by which crop varieties are protected, they have the same purpose; to protect the Intellectual Property Rights of the variety owner. The end result is that the variety owners recover some of their costs in the development of a variety, which are substantial, and reinvest revenues into research and development of new varieties for the benefit of the public.

Types of Variety Protection

Plant Variety Protected (PVP)

Most of the varieties grown today are protected by certificates of Plant Variety Protection (PVP) issued by the U.S. Plant Variety Protection Office (PVPO). Varieties for which protection is shown as “pending” and those for which an application has been submitted to the PVPO are considered protected varieties.

Under PVP laws, the owner of the variety has the exclusive right to control the production and marketing of their varieties. Seed of these varieties can only be sold with authorization from the owner. Producers who acquire seed of these varieties legally through authorization from the owner have the right to save seed for use on their own farm indefinitely, but cannot sell their production for planting purposes. It is illegal for anyone to purchase "grain" of a protected variety and utilize it for planting purposes.

PVP Title V

The protection is identical as with PVP except seed of these varieties must be sold as a class of certified seed. The certification option is governed by Title V of the Federal Seed Act. Certification permits a person in possession of the variety to sell it as a seed product after completing the certification process. There can be no common or “brown bag” seed sales of these varieties.

Basic Requirements for PVP Title V Varieties

- Final certification must be completed before seed can be advertised or offered for sale.
- Any seed sold must be accompanied by a proper certified seed label at delivery.
- Protection extends to crops produced from illegally acquired seed.
- Conditioners can be held liable for conditioning seed that is intended to be sold illegally.

If a variety is not protected with the Title V option, the owner of the variety still has the exclusive right to determine who can produce and market the variety as a seed product. Varieties that require certification are identified in the variety listing of the Seed Directory.

Utility Patents

A patent is a type of property right that gives the patent holder the right to exclude others from making, using, offering to sell, selling or importing into the United States the subject matter that is in the scope of protection granted by the patent. Utility patents are issued by the U.S. Patent Office. The owner of the variety has the exclusive right to control the production and marketing of their variety. Unlike PVP varieties, grain produced from legally acquired seed protected by a utility patent cannot be saved for planting on your own farm.

Contractual Agreements

Contracts and licenses are used by some genetics suppliers to manage IP rights and provide more control over their authorized seed producers and users. Limited Use License Agreements (LULA) usually specify the rights and obligations under which the purchaser may use the variety. Ordinarily, LULAs specify that the seed is to be planted for a single use, i.e., to produce a commercial crop and prohibit the farmer from saving grain for replanting or sale. Consumers need to be aware of the terminology used by variety owners. Some companies and even a few universities offer products as Certified Seed Only (CSO). With some companies a formal agreement between buyer and seller is not required; merely purchasing and accepting delivery means you accept the terms of sale. It is important to understand the requirements when purchasing seed of these varieties.

Conditioning Seed of Protected Varieties

Conditioners may be held liable for cleaning seed of PVP varieties that is intended to be sold illegally for seeding purposes. Conditioning should be limited to the amount of seed needed to plant a farmer's own holdings. If a conditioner cleans seed that was not legally purchased with authorization from the owner, the conditioner can be held liable for damages by the owner of the variety. Conditioners should get a written document from the grower stating that the seed will not be sold to others for planting purposes and will only be used on their own holdings. Seed Variety Declaration and Indemnification Seed Conditioner Waiver booklets are available from the State Seed Department and should be used and signed by the grower to protect the conditioner.

The following table outlines what specific activities may or may not be carried out with seed of varieties protected under certain types of Intellectual Property Rights.

Saving, Selling and Conditioning Protected Varieties¹

Type of IP Protection	Save seed for planting?	Condition seed?	Sell saved-seed?
PVP	Yes ²	Yes ⁴	No ³
PVP Title V	Yes ²	Yes ⁴	No
Patent (Plant or Utility)	No	No	No
LULA/CSO ⁵	No	No	No

1. If the seed was acquired legally through authorization from the variety owner.
2. Limited to use on the farmer's own holdings (land owned or rented).
3. Unless permission is given by variety owner.
4. Check terms of contract or purchase agreement.
5. Only certified seed may be planted. Seed may not be saved or conditioned for replanting.

Penalties for Violations

Under North Dakota State Seed Law [Chapter 4.1-53-57](#) violations of PVP laws can result in fines up to \$10,000 per violation or seed sale. Additionally, there can be numerous violations of the North Dakota State Seed Law, which can carry fines of \$5,000 per violation. Variety owners may also seek compensation for up to three times the damages plus court costs and attorney fees on seed sold and from the crop produced by the illegally planted seed. Conditioners will also be held liable for conditioning a PVP variety that was subsequently sold as seed to other producers.

Section 7 – Sampling and Testing

Sampling Seed for Testing

Sampling is an extremely important part of seed testing that is often overlooked. The most important factor in sampling is obtaining a sample that is representative of the seed lot. A seed test is only as good as the quality of the sample that is submitted.

All seed lots should be sampled by the authorized sampler during conditioning by taking representative samples at periodic intervals throughout the conditioning process. Once the lot has been completely conditioned, the sub-samples should be thoroughly mixed and a single sample submitted to the State Seed Department for analysis. It is recommended that growers, conditioners and retailers keep a reference sample on hand as a backup sample.

Retesting Carryover Seed Lots

Germination test results are valid for 9 months plus the month of testing for intrastate sales and 5 months plus the month of testing for interstate sales according to the Federal Seed Act. It is a violation of state and federal seed laws to sell seed with outdated germination tests. To be eligible for recertification and legal for sale, any carryover certified seed must be retested. All other labeling information such as purity, seed count and disease test results remains the same unless seed has been commingled with another seed lot.

Testing Combined Seed Lots

If necessary, certified seed lots of the same variety and class may be commingled into one bin. No additional testing is required, however, new bulk certificates are required to reflect the quantity and quality (germ, purity, etc.) of the new lot. Carryover seed from certified lots may be commingled if the seed is the same variety, class and general quality. If seed of different classes is commingled, the seed becomes eligible for the lowest class only. A new germination test is required for relabeling. Germination tests should be done on each lot prior to commingling to ensure none of the lots have gone out of condition. If seed lots are combined before testing, a new sample representative of the combined lot will be required for germination testing.

Official Samples

On occasion, it may be necessary to draw an “Official Sample” for testing. An official sample is drawn by a State Seed Department representative. Test results on official samples supersede all other test results from any sample previously submitted. If an official sample is requested for a bulk seed lot, approximately 5% of the lot must be drawn from the bin to ensure a representative sample.

Available Tests and Sample Size Requirements

The minimum weights of samples submitted to the State Seed Department for tests shall be as follows. If multiple tests are requested, the sampler must submit enough seed for all tests. More information on seed testing is available on our website under [Lab Services](#).

Seed Health Tests

- Anthracnose (Edible Bean; 2 lb. seed)
- Ascochyta, 500 seed test (Field Pea, Chickpea; 1lb; Lentil; ½ lb. Seed)
- Bacterial Blight (Soybean; 5 lb. seed)
- Barley Stripe Mosaic Virus (½ lb. seed)
- Blackleg (Canola; ½ lb. seed)
- Dome Test (Edible Bean; 2 lb. seed)
- Lentil Fungal Scan (½ lb. seed)
- Loose Smut (Barley, Wheat; ½ lb. seed)
- Phomopsis (Soybean; ½ lb. seed)
- Other virus tests (soybean mosaic, bean pod mottle; call)

Herbicide Trait/Transgenic Tests

- Roundup® Herbicide Bioassay Test (Soybean; ½ lb. seed)
- Liberty®, Roundup® or Clearfield® Herbicide Bioassay Test (Canola; ½ lb. seed)
- Clearfield® Herbicide Bioassay Test (Wheat, Rice, Sunflower; ½ lb. seed)
- Lateral Flow Strip GMO presence (Soybean; 1 lb. seed)

Genetic Purity/Variety Identification

- Seed Protein Electrophoresis Test (Oat; ½ lb. seed)
- Capillary Electrophoresis Variety Identification (Barley & Wheat; ½ lb, Field Pea; 1 lb. seed)

Germination Tests

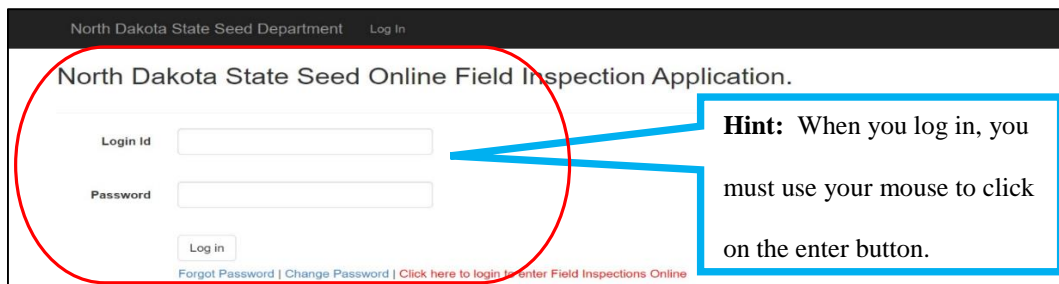
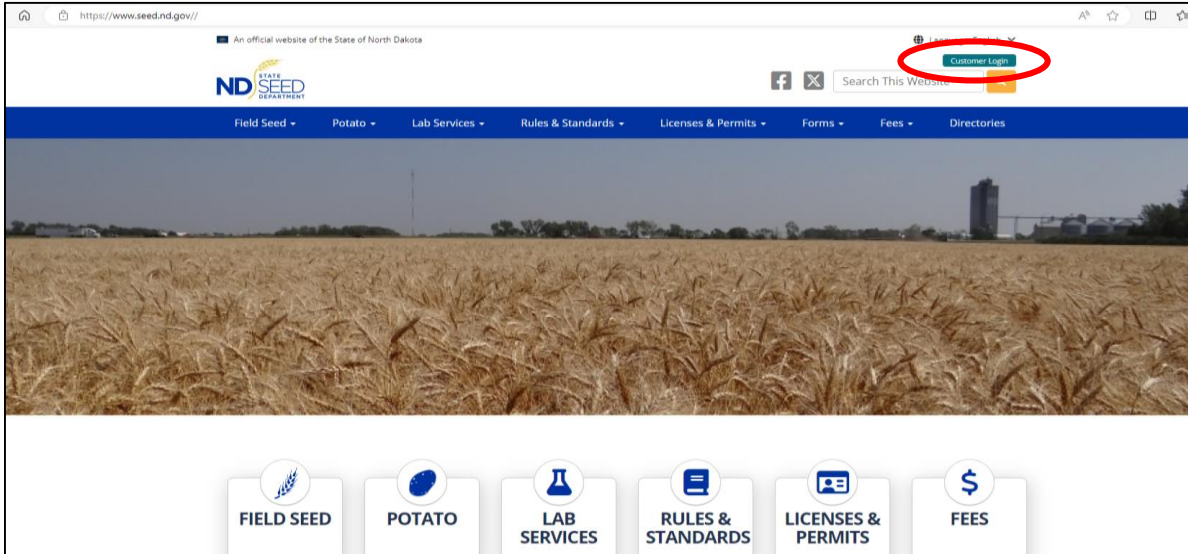
- 800 seed minimum

Seed Purity Tests

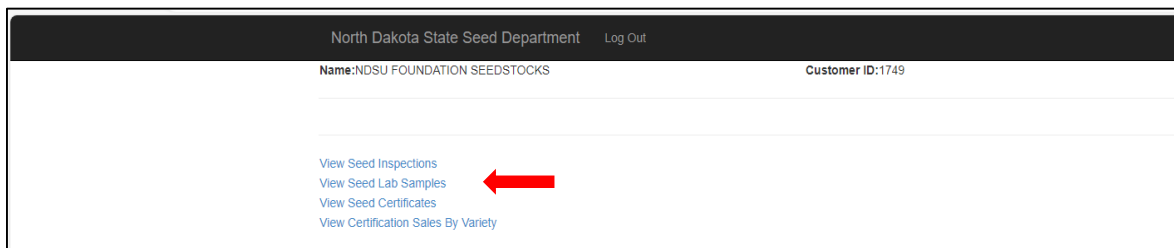
- Small-seeded grasses, white or alsike clover or seeds of similar size (4 oz.)
- Sweet clover, red clover, alfalfa, grasses, millet, rape, flax or similar size seed (8 oz.)
- Cereals, soybeans or seed of similar size (2 lb.)

Obtaining Test Results Online

Results from seed tests are available online on the State Seed Department's website. Go to www.ndseed.com and click on **Customer Login**. You will need a Login ID and Password. Contact the State Seed Department to set up the secure account enabling retrieval of results. All information on the State Seed Department's computer system is secure, provided you do not give anyone else your Login ID and Password. Lab results are posted four times each day so retrieval is quicker than the mail. There is no cost for this service.



After entering your Login credentials a menu box will appear. Click "View Seed Lab Samples".



All of your samples will be displayed. Select a sample to review and click “Details”.

North Dakota State Seed Department | Log Out

Name: NDSU FOUNDATION SEEDSTOCKS | Customer ID: 1749

Return to Report Selection > Seed Lab Inquiry

Crop: All | Start Date: 11/01/2023 | Run Lab Inquiry

Lot #: | End Date: 12/28/2023 | View Report

Sample #	Date Received	Lot #	Bin #	Class	Crop	Variety	Seed Tests Requested / Completed	Diag. Tests Requested / Completed	Details
L3302821	12/18/2023	300-30124-23W		Other	FIELD BEAN	ND RODEO	G		Details
L3302820	12/18/2023	338-30124-23W		Other	FIELD BEAN	ND RODEO	G		Details
L3302819	12/18/2023	333-30103-23W		Other	FIELD BEAN	ND WHITETAIL	G		Details
L3302472	12/06/2023	A2238OA		Foundation	OAT	ND CARSON	C,H,Q,U C,H,Q,U		Details
L3302471	12/06/2023	A2203OA		Foundation	OAT	ND SPILDE	C,H,Q,U C,H,Q,U		Details
L3302249	11/28/2023	ASF22-64		Other	WHEAT	NDHWS13RIL-0016-058	C,G,PU C,G,PU		Details
L3302248	11/28/2023	ASF21-68		Other	WHEAT	NDHWS13RIL-0016-058	C,G,PU C,G,PU		Details
L3302247	11/28/2023	ASF23BREEDER		Other	WHEAT	NDHRS15-0006-C46	C,G,PU C,G,PU		Details
L3302233	11/28/2023	A2388OA	TOTES	Foundation	OAT	ND170388	C,H,Q C,H,Q		Details
L3302232	11/28/2023	A2376OA	TOTES	Foundation	OAT	ND170376	C,H,Q		Details

All of the test results will be displayed.

ND State Seeds Logo and North Dakota State Seal

Seed Lab Inquiry Details

Login Name: NDSU FOUNDATION SEEDSTOCKS | Customer ID: 1749

Sample #	Date Received	Lot #	Bin #	Class	Kind	Variety
L3302247	11/28/2023	ASF23BREEDER		Other	HARD RED SPRING WHEAT	NDHRS15-0006-C46

Germination: Date Completed: 12/5/2023 Normal: 98% Hard: 0% Dormant: %

Purity: Date Completed: 12/1/2023 1:58:35 PM
 Pure Seed: 99.99%
 Other Crop Seed: 0.00%
 Inert Matter: 0.01%
 Weed Seed: 0.00%

Other Crops: None Found
 Weeds: None Found

US Noxious: Date Completed: 12/1/2023 2:01:29 PM
 None Found
 No USA noxious species found in 500 g. seed sample

Seed Count: Date Completed: 12/1/2023 1:58:35 PM
 Count: 12230

Disclaimer: This is not an official analysis report. Your official Analysis Report will be sent to you.

[Close Window](#)

Section 8 – Seed Sales Permit and Fees

North Dakota Seed Laws

Any person or company labeling and selling agricultural, vegetable, flower or tree and shrub seed in North Dakota is required to obtain a Seed Sales Permit and annually report any sales based on quantity sold. There is no cost for the permit.

Agricultural seed means the seed of grass, forage, cereal, fiber, oil crops, Irish potato seed tubers and any other kind of seeds commonly recognized within North Dakota as agricultural seed, lawn seed and mixtures of these seeds. Seed used for cover crops is considered agricultural seed.

Vegetable seed means the seed of a crop that is grown in a garden or on a truck farm and which is generally known and sold under the name of vegetable seed within North Dakota.

Application for Seed Sales Permit

The Seed Commissioner is authorized to issue a permit to any person to label agricultural, vegetable, flower or tree and shrub seed in North Dakota. The applicant agrees to comply with all of the requirements of the North Dakota State Seed Laws and Regulations, submit an annual report of seed sold and pay the appropriate fees. ([Appendix D](#))

Annual Report of Seed Sales

Any person labeling agricultural, vegetable or flower seed in North Dakota is required to submit an annual report and pay a fee on quantity sold or the wholesale value of the seed. The reporting period is July 1 to June 30 of the following year. ([Appendix E](#))

Instructions

- Report only seed that is sold with your name as the initial labeler.
- If you wholesale seed as the labeler, include those sales on this report.
- If you retail or sell seed from other labelers, do not include on this report.

Fees

The labeler shall remit fees by the date specified by the State Seed Department.

- Small grains & flax (bulk or bagged) ...\$ 0.012/bu
- Soybeans, field beans, field peas (bulk or bagged)...\$ 0.0004/lb
- Other agricultural seed sold in bulk...\$ 0.0006/lb
- Other agricultural seed sold in containers up to 160 pounds... \$0.0006/container
- Vegetable and flower seed...\$0.50 for each \$25 wholesale value

Inspection

The Seed Commissioner or his authorized agent has the right at all reasonable times to examine the records of permit holders and seed retailers to verify the accuracy of reports.

More Labeling Information

For complete information about North Dakota Seed Laws and certification requirements refer to the State Seed Department website www.ndseed.com.

Research Fees

Research fees are an important source of funding for plant breeding programs. The revenues generated from research fees help fund variety development and testing programs that benefit the region's agricultural industry. The fees for specific varieties will not change and are effective for the life of the variety. Research fees apply to Registered and Certified classes sold for seed.

The North Dakota State Seed Department is responsible for the collection of research fees on varieties released by NDSU, SDSU, Montana State University, University of Minnesota or varieties licensed by the North Dakota Crop Improvement and Seed Association.

Who Must Pay Research Fees?

Initial labelers must pay the fees on all Registered and Certified classes of fee bearing varieties sold for seed. In cases where Registered or Certified seed is sold to an approved bulk retail facility and relabeled, the initial labeler is responsible for the fee.

Reporting Procedure

A Research Fee Report form ([Appendix F](#)) will be mailed to labelers of fee bearing varieties each July. The report will indicate the number of bushels certified by variety and lot according to State Seed Department data. Labelers are required to reconcile the number of bushels sold for planting, planted on their own farm, sold as commodity, carried over or not conditioned. Labelers only need to pay the research fee on the number of Registered or Certified bushels **SOLD AS SEED**.

Due Date

Fees are due September 1 for sales beginning July 1 the previous year and ending June 30 of the current year.

To ensure proper credit to your account, fees must be paid only to the State Seed Department. Do not send payment to the North Dakota Crop Improvement and Seed Association, your county agent or your county crop improvement association or agricultural association.

Section 9 – Labeling Requirements for Agricultural Seed

North Dakota seed laws require each container of agricultural seed offered for sale or sold for planting purposes to be labeled. If the seed is sold in bulk, a bulk certificate must be properly delivered with every load of seed. Labels must be plainly printed in English and must provide the following information.

For All Agricultural Seed, the Label Must Contain:

- Lot number or other lot identification;
- The origin (state or foreign country) where the seed was grown. If the origin is unknown, that fact must be stated on the label;
- The percentage by weight of all weed seed;
- The name of each restricted weed seed and its rate of occurrence per pound if: in seeds of grasses and small seeded legumes, the rate of occurrence exceeds thirteen seeds per pound; or in other agricultural seeds, the rate of occurrence exceeds five seeds per pound;
- The percentage by weight of any other agricultural seed present;
- The percentage by weight of inert matter;
- The percentage of germination, exclusive of hard or dormant seed; the percentage of hard or dormant seed, if present; and the calendar month and year in which the percentages were determined;
- The full name and address of the labeler.

In Seed of Wheat, Durum, Barley, Oats, Soybeans, Field Peas, Dry Beans, Flax and Canola:

- The label must contain the commonly accepted name of the kind and variety of each agricultural seed component in excess of five percent of the whole and the percentage by weight of each.
- Seed listed in this subsection may be sold by brand if the true variety name or number is clearly stated on the label.

In Seed of Canola:

- The label must contain a statement that the seed is certified by the commissioner as meeting North Dakota standards or,
- Certified by another state or province having certification standards for canola which meet or exceed North Dakota standards.

In All Other Seed Not Named Above:

- The label must contain the commonly accepted name of the kind or the kind and variety of each agricultural seed component in excess of five percent of the whole and the percentage by weight of each.

Labeling Mixtures or Blends:

- When more than ten percent of the whole consists of an aggregate of agricultural seed components, each present in an amount not exceeding five percent of the whole, the label must contain each component in excess of one percent of the whole named together with the percentage by weight of each.
- Each component must be listed in the order of its predominance.
- When more than one component is named, the word “mixture” or “blend” must be stated appropriately with the name of the mixture or blend.

Labeling Treated Seed:

- If the seed is treated, the label must indicate treatment has occurred and must include the commonly accepted, chemical, or abbreviated chemical name of the applied substance.
- If the substance is harmful to human or other vertebrate animals, a caution statement prohibiting use for food, feed or oil purposes must be on the label.
- If the substance is a mercurial and similarly toxic substance, the label must contain a statement and symbol indicating the substance is poison.
- If the seed is treated with an inoculant, the label must contain the date beyond which the inoculant is considered ineffective.
- A separate label may be used for treatments.

Section 10 – Seed Sales

Bulk Seed

A bulk seed certificate must be issued for each sale (load) of certified seed delivered or loaded into a buyer's truck. The buyer must receive the bulk certificate at the time of delivery. Bulk certificates may look like either **Appendix G** or **H**, depending on whether the labeler prints their own from the State Seed Department online portal or receives paper certificates from the State Seed Department office.

C # Bulk Certificate

Bulk seed lots that pass final certification will be issued bulk certificates with a C#. The certificates will be issued to the labeler as shown on the Seed Sampler's Report. Once bulk certificates are issued to the labeler, the seed may be offered for sale to a producer or it may be sold wholesale to an approved bulk retailer, and then sold to a producer. Since the initial labeler is responsible for certain fees, such as labeling fees and research fees, it is important that the Sampler's Report be filled out correctly. ([Appendix G](#))

R # Bulk Certificate

When the initial labeler sells certified seed to an approved conditioner or bulk retailer, the seed lot must be relabeled with a Retail Only (R #) certificate. Retail Only bulk certificates restrict the sale to the end customer, the farmer, since there may only be two physical transfers of the seed. The conditioner or retailer that purchased the seed must email a copy of the certificate received with the seed to the State Seed Department and indicate the number of new bulk certificates needed or note that you will be using online bulk certificates. When emailing, send to the general email account: ndseed@ndseed.ndsu.edu, this will ensure that your request is fulfilled in the timeliest manner possible. Also include your permit number and any specific instructions, such as new lot number; this is optional unless you are combining lots, then a new lot number must be assigned. New relabeled bulk certificates will be issued for retail sale only. ([Appendix H](#))

Downgrading Seed Lots

Seed lots may be downgraded to the next lower class if the lot does not meet field or seed standards or to facilitate a sale. If bulk certificates have already been issued for the higher class, simply cross out the class designation and write the statement *“Sold as Certified – Not to be used for recertification”* on the bulk certificate.

Combining Lots

Different lots of certified seed of the same variety may be commingled in a bin. The State Seed Department will issue new bulk certificates for the combined seed lot. Email the bulk certificates you received from all of the lots that were combined, specify a new lot number and indicate the number of new bulk certificates desired or note that you will be using online bulk certificates. The lowest germ and the lowest purity will be used for the new certificates.

Completing the Log Sheet

The log sheet provides a simple, consolidated record keeping system and replaces the need to retain all the yellow copies of the old bulk certificates. Each serial number associated with a specific seed lot is shown on the log sheet. When a sale is made simply record the transaction on the log sheet next to the correct serial number. When you have used all of the bulk certificates for that seed lot or you have sold all the seed, return the completed log sheet to the State Seed Department. Log sheets, along with any unused bulk certificates are due September 1, but we recommend returning them to the State Seed Department as soon as possible so they are not misplaced. ([Appendix I](#)) When using online bulk certificates the log sheet is automatically populated for you, we recommend printing out the log sheet for each lot at the end of the season to retain for your records.

Additional Bulk Certificates

If additional bulk certificates are needed for a seed lot, contact the State Seed Department. Include the variety, class and lot number along with the C # or R # from the original certificates and the number of additional bulk certificates needed.

Seed Transfers – Legal Movement of Certified Seed

After final certification has been completed on a seed lot, a maximum of two physical transfers of seed are permitted.

- The sale of certified seed from the original labeler to the farmer/customer is considered one physical transfer.
- The sale of certified seed from the original labeler to an approved conditioner or bulk retailer and then to the farmer/customer is considered two physical transfers.

Common Seed

Labeling requirements for common seed are the same as certified seed; a two-pound sample of conditioned seed must be submitted to the State Seed Department for purity and germination testing. The information on the analysis report should be used to complete the label for the seed lot. ([Appendix B](#))

Germination Test Dates

By law, germination tests are only valid for a specific period of time. All information on a seed label must be truthful or the seed lot will be out of tolerance. Federal Seed Act tolerances are applied.

Tests are valid as follows:

- Cereal grains, soybeans and edible beans.....9 months excluding the month of test
- Vegetable, flower, grass and forb seed.....12 months excluding the month of test
- Cool season lawn and turf grasses.....15 months excluding the month of test
- Interstate seed transactions.....5 months excluding the month of test

Section 11 – Carryover Seed

Conditioned Seed

Carryover conditioned seed that has been final certified previously needs only to be retested for germination to ensure that the test date on the label is current and the seed has not gone out of condition. Labelers must complete the [Recertification Request for Carryover Certified Seed](#) (**Appendix J**) and return it with a representative sample.

Carryover Bagged Seed

New certification tags will be furnished for carryover bagged seed. All carryover seed must be retested for germination before new certified tags will be issued. Follow proper procedures for obtaining a new sample. For lots of one to six bags, sample each bag taking at least five core samples. For lots greater than six bags, sample five bags plus ten percent of the total number of bags in the lot. It is not necessary to sample more than 30 bags, regardless of lot size. In other words, for lots of 300 bags or greater, no more than 30 bags need to be sampled. See [AASCO Handbook on Seed Sampling](#).

Carryover Bulk Seed

All carryover bulk seed must be retested for germination before new bulk certificates will be issued. Carryover bulk seed cannot be recertified in bags unless new samples are submitted for analysis. To obtain a proper sample from a bulk lot, collect as many sub samples as if the lot were in bags.

Commingling Carryover Seed

A new germination test should be performed on each lot of carryover seed before commingling to ensure the lots have not gone out of condition. Submit bulk certificates and a copy of the new analysis reports from each lot along with the number of bushels and number of new bulk certificates needed or note that you will be using online bulk certificates. If the lots were commingled before testing, a new composite sample must be submitted for a new germination test.

Commingling Carryover and Newly Conditioned Seed

Before combining a lot of carryover seed and newly conditioned seed into a bin, a new germination test must be completed on the carryover seed to ensure it has not gone out of condition. To obtain new bulk certificates for the combined lot, submit the following to the State Seed Department:

- For the carryover seed: a bulk certificate, the number of bushels remaining and the analysis report showing the new germination.

- For the newly conditioned seed: the bulk certificate.
- Also, include a new lot number for the combined lot and the number of new bulk certificates needed or note that you will be using online bulk certificates.

Carryover Seed Report

A [Declaration of Carryover Seed](#) report (**Appendix K**) is sent to growers and labelers every year in July. All certified and unconditioned carryover seed must be reported to the State Seed Department by September 1. Reports not received by September 1 will not be included in the Seed Directory.

Section 12– Interagency Certification

Upon the request of an officially recognized certification agency of another state, the State Seed Department will act as agent in making inspections, drawing samples or labeling seed to be certified. Interagency certification tags shall show the certification agencies involved, the lot number, variety, kind and class of seed. Interagency seed lots not meeting North Dakota labeling standards may require resampling or retesting ensuring compliance with North Dakota labeling laws.

For Seed Certified by Another State

For certified seed carrying the certification tag or label of an official certifying agency, no official request from a recognized agency of another state is required to recondition, relabel or rebag certified seed under interagency certification.

Application for interagency certification shall be made directly to the State Seed Department and the following documentation shall be required:

- Kind and variety.
- Class of certified seed.
- Number of bags or bulk bushels.
- Weight of each bag (if applicable).
- Complete original label including purity analysis, germination and other required tests.
- Name and address of grower or the inspection or lot number traceable to the records of the agency making the field inspections.

For Field-Inspected Seed from Another State

A lot of seed that has passed field inspection in another state may be sold or moved into North Dakota for further conditioning or completion of certification provided:

- Prior arrangements for moving the seed are made with and approved by the other state’s certification agency and the State Seed Department.
- A grower’s transfer certificate from the state of origin of the seed is filed by the original applicant for certification of such seed. The certificate of transfer verifies that the seed originated from a field that was inspected and met the field standards of that state.

Section 13 – Canadian Seed

Before acquiring seed from Canada, be sure to determine whether the variety is eligible to be exported. Many varieties produced in Canada may be exported only by a Canadian licensee of the owner. In turn, these companies may have a contract with a licensee in North Dakota who will be the sole distributor of these varieties. In order for Canadian seed to be eligible for recertification, certain steps must be followed to obtain proper labeling for resale since the Canadian system does not require complete analysis for labeling.

Purchasing Canadian Seed for Resale

Only approved conditioners or bulk retailers are eligible to resell Canadian seed. When seed is delivered to your facility, obtain representative samples from all shipments that will become one lot of seed. Mix these samples together and submit a two-pound sample to the State Seed Department for testing. The sample should be accompanied by the Canadian bulk pedigreed seed certificate from each load, the new lot number you assign and the number of bulk certificates you will need or indicate online bulk certificates. The pedigreed seed certificate is a 4½ inch by 8½ inch form (example below) that includes the kind and variety, number of bushels, crop certificate and lot numbers, class, name of vendor and name and address of the purchaser.

The following tests are required for new North Dakota Bulk Certificates:

- Wheat – variety ID, purity, germination, seed count
- Field Pea – variety ID, purity, germination
- Barley – variety ID, purity, germination, seed count, loose smut
- Chickpea and lentil – purity, germination, Ascochyta
- Canola – purity, germination
- Oat – purity, germination, seed count

Selling Seed into Canada

The Plant Variety Protection Act prohibits the sale of any protected variety outside the U.S. without authorization from the variety owner. If you intend to sell seed into Canada, you must first check the Plant Variety Protection (PVP) status of the variety. Additionally, some varieties are licensed to seed companies in Canada and only those licensees can access seed of these varieties from the United States.

Seed Tests and Documents Required to Export Seed to Canada:

- Purity analysis
- Germination

- Canadian noxious weed check
- Loose smut for barley
- Phytosanitary certificate (required for some crops). Phytosanitary certificates are issued by the North Dakota Department of Agriculture.

Guidelines for NDSU Varieties Licensed in Canada

NDSU varieties are owned by the NDSU Research Foundation but may be licensed to the North Dakota Crop Improvement and Seed Association for marketing purposes. Variety owners may have licensing agreements with Canadian companies that outline the parameters under which sales and movement of seed can take place. **The Canadian licensee is the only company allowed to sell the seed in Canada.**

The Seed Directory lists Canadian licensees under the variety name when known. This list is current as of the date of publication. Retailers should check with the variety owner or licensee for the most current updates before selling seed out of the country.

The following guidelines generally describe the limitations that exist:

- All Breeder seed will remain with the U.S. owner (NDSU).
- No Foundation seed may be sold into Canada.
- All Registered seed must be produced in the U.S.
- U.S. producers of Registered and Certified class seed can sell into Canada only to the Canadian licensee.
- The Canadian licensee can sell only Certified class of seed to Canadian producers.
- Seed of any class (certified or common) of a licensed variety produced in Canada cannot be marketed back into the U.S. U.S. producers are prohibited from going into Canada and purchasing seed of licensed varieties for planting purposes.
- No variety with Plant Variety Protection may be sold into Canada without authorization from variety owner.


Detailed information may be obtained by contacting either the NDSU Research Foundation at 701-231-8931 for varieties owned by NDSU; or the Minnesota Crop Improvement Association at 800-510-6242 for varieties owned by the University of Minnesota.

Canadian Bulk Pedigreed Seed Certificate

The Canadian bulk pedigreed certificate is similar to the North Dakota bulk certificate. Any person purchasing certified seed from Canada should receive one certificate with each load of certified Canadian seed purchased and delivered to your location.

N°: 301707

BULK PEDIGREED SEED SEMENCE GÉNÉALOGIQUE EN VRAC

Variety / Variété <i>Robust</i>		Kind / Espèce <i>Barley</i>		Quantity / Quantité <i>128 MT</i>
	Crop Cert. No. / N° du cert. de récolte <i>99604477640</i>		Lot No. / N° de lot <i>1380-7-33277</i>	
	Class and Grade / Classe et catégorie CANADA <i>Certified</i> N°: <i>1</i>			
	Name of Vendor / Nom du vendeur <i>Canadian Seller</i>		Date <i>Dec. 15, 1999</i>	
Name and Address of Purchaser / Nom et adresse de l'acheteur <i>U.S. Purchaser</i>				

Keep this statement as a record of the pedigree of this seed.
 Gardez la présente déclaration comme une attestation de l'ascendance de cette semence.

Section 14 – Seed Regulatory Program

The [Seed Regulatory Program](#) provides for the regulation of the seed industry through enforcement of state seed laws through century code and federal laws specified by the Federal Seed Act (FSA). The FSA regulates the interstate shipment of agricultural and vegetable seeds and requires that seed shipped in interstate commerce be labeled with information that allows seed buyers to make informed choices. The State Seed Department has authority for regulatory activities under a cooperative agreement with the USDA-AMS, Seed Regulatory & Testing Branch. Through monitoring, sampling and testing, the regulatory program ensures that seed meets state and federal labeling requirements, contributing to the utilization of high quality seed. The regulatory program also serves as the department authority in enforcing Plant Variety Protection or other intellectual property rights issues.

Services Provided:

- Enforcement of state and federal seed laws.
- Inspection and audit of retail seed facilities.
- Sampling and testing of seed lots to verify label accuracy.
- Investigation of complaints.
- Cooperate with public institutions and private companies on enforcement of intellectual property rights issues.
- Administration of the state seed labeling fee permit system.
- Cooperate with USDA Seed Regulatory and Testing Branch in varietal purity evaluation.
- Provide public education on regulatory and certification issues.

Specific information on state and federal seed laws governing the production, handling, labeling, sale and distribution of seed products can be found at the following sources.

North Dakota Seed Laws

[North Dakota Seed Laws, North Dakota Century Code 4.1-53](#)

[North Dakota Field Seed Certification Standards Chapter 74-03](#)

Federal Seed Laws

[Federal Seed Act Regulations Part 201](#)

[Plant Variety Protection Act](#)

Section 15– Fee Schedules

The State Seed Department operates on a fee for service basis. Fees are subject to change at any time but require approval from the State Seed Commission. See the State Seed Department website for the [current fee schedule](#) or click the links below.

[**Licensing and Permit Fees**](#)

[**Field Inspection, Final Certification and Labeling Fees**](#)

[**Lab Testing Fees**](#)

[**Variety Research Fees**](#)

Section 16 – Seed Department Deadlines

May 1

- Field Inspection Applications due for Grasses

June 15

- Field Inspection Applications due for All Crops, including 2 Inspection Soybeans, except Buckwheat and Millet

July 15

- Field Inspection Applications due for Buckwheat and Millet

August 1

- Field Inspection Applications due for Conventional Soybeans (One Inspection)

September 1

- License Applications for Bulk Retail Facilities due
- License Applications for Approved Conditioners due
- Unused Bulk Certificates and Log Sheets due
- Labeling Fee Report due (Regulatory)
- Research Fee Report due (Field Seed)
- Carry Over Seed Report due (Field Seed)

Section 17 – Glossary of Terms

Authorized sampler - A sampler that has been trained and has the authority to collect samples for the North Dakota State Seed Department.

Blend - Seed consisting of more than one variety of a kind, each in excess of five percent by weight of the whole.

Bulk seed - Seed stored in bins or containers larger than one hundred sixty pounds.

Certified seed - Seed that has been produced, inspected and labeled in accordance with the procedures and in compliance with the rules of an officially recognized seed certifying agency.

Conditioning - Includes all activities performed on seed to improve the quality of the product between harvest and marketing. Other terms associated with conditioning could include cleaning, processing, sizing, grading, storing and treating.

Field inspection - The physical examination or observation of a field by an authorized State Seed Department employee.

Germination - The percentage of seed capable of producing normal seedlings under favorable conditions as determined by methods prescribed under the rules established by the Association of Official Seed Analysts (AOSA).

Grower - Any person that complies with all the certification rules and regulations in the production of field-inspected seed.

Hard seed - A seed that remains hard at the end of the prescribed test period because the seed has not absorbed water due to an impermeable seed coat.

Inert matter - Pieces of broken seeds which are one half or less of the original size, weed seeds with half the embryo or more missing and all non-seed particles such as soil, stones, chaff, stems, etc.

Kind - One or more related species or subspecies, which singly or collectively is known by one common name, i.e., wheat, barley, oats, alfalfa or timothy.

Label - A tag or device attached to a seed container, stamped or printed information on a seed container or written information accompanying a lot of bulk seed.

Labeler - The person whose name appears on the label.

Lot - An identified quantity of seed that is uniform and within permitted tolerances for the factors that appear on the label.

Mixture - Seed consisting of more than one kind, each in excess of five percent by weight of the whole.

None - Means none found during the normal inspection process (both field and seed standards). None is not a guarantee that the lot inspected or analyzed is free of the factor.

Official seed sampler -A sampler who is trained, evaluated and certified or recognized as being competent in seed sampling by their respective agency.

Other Varieties and Off-Types - Plants or seeds that do not conform to the characteristics of a variety as described by the breeder. They do not include variants, which are part of the variety.

Pure seed – Includes all seeds of each kind under consideration, excluding inert matter, present in excess of 5 percent by weight of the whole.

Records - All information relating to lot identification, source, origin, variety, amount, processing, testing, labeling, distribution and file sample of seed.

Seed conditioning - Refers to the operations of cleaning, sorting and grading that remove foreign matter from the seed lot and make it more uniform in size and shape.


Transfers - The physical movement of seed after final certification.

Variant - Any seed or plant that is distinct but occurs naturally within a variety; is stable and predictable with a degree of reliability comparable to other varieties of the same kind and was originally a part of the variety as released. A variant is not an off-type.

Variety - A subdivision of a kind characterized by growth, yield, plant, fruit, seed or other characteristic by which it can be differentiated from other plants of the same kind and a subdivision of a kind that is distinct, uniform and stable.

Section 18 – Appendices

A. Agreement to Operate an Approved North Dakota Bulk Retail Seed Facility

	<p>AGREEMENT TO OPERATE AN APPROVED NORTH DAKOTA BULK RETAIL SEED FACILITY NORTH DAKOTA STATE SEED DEPARTMENT SFN 61443 (4-2018)</p>	<p>PO Box 5257 Fargo, ND 58105-5257 Phone: 701-231-5400 Fax: 701-231-5401 www.ndseed.com</p>												
<p>Note: The contact information provided below will appear in the Seed Directory. Be complete and accurate.</p>														
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="4">Company Name</td> </tr> <tr> <td style="width: 40%;">Address</td> <td style="width: 20%;">City</td> <td style="width: 15%;">State</td> <td style="width: 25%;">ZIP Code</td> </tr> <tr> <td>Telephone Number</td> <td>Fax Number</td> <td colspan="2">Cell Phone Number</td> </tr> </table>			Company Name				Address	City	State	ZIP Code	Telephone Number	Fax Number	Cell Phone Number	
Company Name														
Address	City	State	ZIP Code											
Telephone Number	Fax Number	Cell Phone Number												
Print cell phone number in directory <input type="checkbox"/> Yes <input type="checkbox"/> No														
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="height: 20px;">Email Address</td> </tr> <tr> <td style="height: 20px;">Facility Manager</td> </tr> <tr> <td style="height: 20px;">Person in Charge of Certified Seed</td> </tr> </table>			Email Address	Facility Manager	Person in Charge of Certified Seed									
Email Address														
Facility Manager														
Person in Charge of Certified Seed														
<p>Permission to operate as a Bulk Retail Seed Facility is granted and renewed on an annual basis only if the Seed Commissioner is satisfied the facility meets the requirements of this agreement and follows all other rules pertaining to seed certification and state and federal seed laws and regulations.</p> <p>This agreement may be revoked by the Seed Commissioner at any time without notice if the conditions are not met, certification rules are not followed, or the facility is found guilty of violations of the North Dakota seed laws, the Federal Seed Act, or Plant Variety Protection Act.</p> <p>The management and staff of the facility agree to the following terms and conditions:</p> <ol style="list-style-type: none"> 1. Distribute bulk Certified class seed only. 2. Maintain a clean bin site at all times. 3. Label all bins and keep an up-to-date bin chart where all certified seed is stored. Bins must be labeled with Kind, Variety, Class and Lot Number. 4. Approved hopper bins must be equipped with the bottom access ports or inside ladders. 5. Certified seed handling systems must be completely separated from commercial grain handling systems. 6. Thoroughly clean all handling equipment, conveying equipment and bins before any lot of certified seed is conveyed and stored at the facility. Augers must be reversible. 7. Ensure any container receiving bulk certified seed is clean. If it is not clean, note on the bill of sale or bulk certificate stating that it was not clean. 8. Bulk certified seed may only be physically moved twice after final certification is completed. 9. Issue a completed bulk certificate for each load of bulk certified seed at time of delivery. 10. Return Bulk Certificate Log Sheet and all unused certificates to the State Seed Department by September 1. 11. Maintain complete and accurate records for three years for all seed sold. Retain a representative two pound sample of each seed lot sold by the facility for one year from the date of final disposition of the lot. Identify samples by Kind, Variety, Class and Lot Number. 12. Pay all applicable certification, testing, labeling and research fees. 														
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Facility Manager Signature</td> <td style="width: 30%;">Date</td> </tr> <tr> <td>Signature of person in charge of Certified Seed</td> <td>Date</td> </tr> </table>			Facility Manager Signature	Date	Signature of person in charge of Certified Seed	Date								
Facility Manager Signature	Date													
Signature of person in charge of Certified Seed	Date													

B. Example of a Common Seed Label

○	Kind & Variety _____	Lot No. _____
	Pure Seed _____ %	Germination _____ %
	Other Crop _____ %	Hard Seed _____ %
	Weed Seed _____ %	Germ & Hard Seed _____ %
	Inert _____ %	Date of Test _____ (Month & Year)
	Restricted _____	Origin _____ (State or foreign country where grown)
	Noxious _____	
	Weeds _____	Name & number per pound _____
	Seed Count _____	Approx number per pound _____
	Name and address of labeler _____ _____	
Loose smut _____ %	_____	

C. Facility Clean Down Checklist

Bulk Retail Facility Clean Down Checklist		
Seed Plant:		
Date Started:		Date Completed:
Bin Numbers:		
Job Description:	Performed By:	Comments and Repairs:
Receiving Pit- blow off grate, I-beams, walls, floor and make sure slide will close and seal.		
Check leg cups for any seed stuck, bent cup and loose bolts. Remove lower access door or slide and vacuum.		
Clean and inspect distributor for any lodged seed or worn pipes that will need to be replaced (duct tape not allowed).		
Sweep roof, walls, and floor. Remove horizontal take-out auger. Vacuum and blow out auger tube on all flat storage bins.		
Sweep roof, walls, top of access port ledge, empty all manufactured unload chutes. Blow off and close lower slide then reverse auger and clean out auger boot on all hopper bins.		
Reverse all portable augers. Remove all inspection doors. Vacuum or blow any loose seed, inspect and replace any worn auger flighting and tubing.		
Belt conveyors- check for any seed that may be stuck to belt, check under flaps in receiving hopper, it may be necessary to remove belt, clean and replace.		
Make sure all applicable covers and slides are reinstalled and closed.		
Scales- if applicable cover the main pit with plastic or plywood to lessen the possibility of contamination from treated seed.		
Bagged warehouse- blow and sweep between rows of palletted seed and watch for rodent activity.		
Make sure all Certified seed samples are labeled with lot, class and variety. Keep samples organized and watch for rodent activity.		
Make sure all bins containing Certified seed are labeled with lot, class and variety in a noticeable area next to door, crank or switch.		
Make sure your bin chart matches the crop and variety in your approved bins.		

D. Application for North Dakota Seed Sales Permit



APPLICATION FOR NORTH DAKOTA SEED SALES PERMIT
 NORTH DAKOTA STATE SEED DEPARTMENT
 SFN 62006

PO Box 5257
 Fargo, ND 58105
 Phone: 701-231-5400
 Fax: 701-231-5401

Name/Company Name			
Address	City	State	ZIP Code
Telephone Number	Fax Number	Cell Phone Number	
Email Address			

A permit is required to sell agricultural, vegetable, flower or tree and shrub seeds in North Dakota in accordance with Chapter 4.1-53.38 of the North Dakota -Century Code. The applicant hereby agrees to comply with all of the requirements of the North Dakota State Seed Laws and Regulations, pay the required fee at the end of each reporting period, imprint on the analysis labels the information required by law and regulations, and to permit the Seed Commissioner or his authorized agents to examine records upon which such reports are based in order to verify the accuracy of the report.

Signature
Title

Office Use Only:

Approval: <input type="checkbox"/> Approved <input type="checkbox"/> Rejected	Permit Number
Authorized Department Signature	Date
Name	Title

Return to: ND State Seed Department
 PO Box 5257
 Fargo, ND 58105-5257

E. Annual Report of Agricultural, Vegetable and Flower Seed Sold

ND State Seed Department
 PO Box 5257
 Fargo, ND 58105-5257
 Phone: (701) 231-5400 Fax: (701) 231-5401
ANNUAL REPORT OF AGRICULTURAL, VEGETABLE AND FLOWER SEED SOLD IN NORTH DAKOTA

Name _____ Permit #: _____
 Address _____ Reporting Period: _____
 City, State, Zip _____ Phone: _____

Only the initial labeler is responsible for fees. This form must be returned by the deadline in accordance with ND State law.

Check the appropriate box, sign, date and return to the State Seed Department

No sales were made during the reporting period Fees are paid under permit # _____
 I no longer sell seed and wish to cancel my permit I only sell seed labeled under another labeler
 Sales for the reporting period are listed below.

A. For the following Agricultural seed.

Kind of Seed	Bushels Sold	Fee Rate	Fee
Cereal Crops		\$0.0120/bu	

Kind of Seed	Pounds Sold	Fee Rate	Fee
Pulse Crops		\$0.0004/lb	

B. For other Agricultural Seed (not specified in Section A) sold in bulk or mini-bulk containers

Kind of Seed	Pounds Sold	Fee Rate	Fee
		\$0.0006/lb	
		\$0.0006/lb	

C. For other Agricultural Seed (Not specified in Section A) in containers up to 160lbs in net weight

Container Size	Containers Sold	Fee Rate	Fee
0-160 pounds		\$0.0600/container	

D. For Vegetable or Flower Seed in small containers or in bulk


Vegetable & Flower Seed	Dollar Value Sold	Fee Rate	Fee
		\$0.50 for each \$25 wholesale value	

Total all lines (if less than \$5.00, do not send payment) _____
 Total remitted _____

I declare under the penalties of criminal liability for willfully making a false return, that this report is to the best of my knowledge correct and complete.

Name (please print) _____
 Signature _____ Date _____

F. Research Fee Report Form

	VARIETY DEVELOPMENT RESEARCH FEE SEED USE REPORT FORM NORTH DAKOTA STATE SEED DEPARTMENT SFN	PO Box 5257 Fargo, ND 58105-5257 Phone: 701-231-5400 Fax: 701-231-5401 www.ndseed.com		
Production Year:		2022		
Period:		7/1/2022 - 6/30/2023		
ND GENESIS				
BARLEY				
Acres passing field inspection according to NDSSD Records:		0.0		
Part 1: Registered and Certified bushels/units labeled in your name:				
Certification Number	Lot Number	Bushels/Units	Research Fee	Amount Due
			0.75	
Total Amount Due:				
Credits. Subtract from the amount above. You are not required to pay research fees on the following:				
You are not required to pay research fees on the following:	Bushels/Units	Research Fee	Credit Due	
Carryover bushels/units		0.75		
Bushels/Units sold as commodity (grain)		0.75		
Bushels/Units planted on your own farm		0.75		
Total Credits				
Net Amount Due (total amount due minus total credits) Make checks payable to North Dakota State Seed				
Part 2: Disposition of bushels/units from above fields if not Certified				
Bushels/Units sold as commodity (grain)				
Unconditioned carryover bushels/units				
Unconditioned bushels/units sold as seed. List buyers and bushels/units below				
Buyers of unconditioned bushels/units				
Buyer Name			Bushels/Units	
Form must be returned even if there are no sales for the reporting period				

G. C# Bulk Certificate (Online Version)



ND State Seed Department
 PO Box 5257, Fargo ND 58105
 701-231-5400 Fax: 701-231-5401

NORTH DAKOTA CERTIFIED SEED
 BULK SALE CERTIFICATE

	BUYER	LABELER
Name	[REDACTED]	[REDACTED]
Address	[REDACTED]	[REDACTED]
City/State/Zip	[REDACTED]	[REDACTED]
Bushels Sold	<u>846.67</u>	For: Resale <input type="checkbox"/> Retail <input checked="" type="checkbox"/>
		Date 05/10/2022

Class: REGISTERED	Cert C
FIELD PEA SHAMROCK	Lot Number: [REDACTED]
Pure Seed: 99.97	Germination: 89.00
Other Crop: 0.00	Origin: ND
Inert: 0.03	Date: 10/20/2021
Weed Seed: 0.00	1,972 Seeds/Lb

Unauthorized Propagation Prohibited
 PVPA 1994 - U.S. Protected Variety

One Bulk Sale Certificate must accompany each container of certified seed sold.



COPIED CERTIFICATES ARE NOT VALID

4.1-53-59 Liability of seed commission, seed department, seed commissioner and certified or noncertified agricultural seed producers. A warranty of any kind, either expressed or implied, including a warranty of merchantability, fitness for a particular purpose, varietal identity, or absence of disease, is not made by the seed commission, the seed department, the seed commissioner, or certified or noncertified seed producers as to the quantity or quality of the crop produced from the seeds or as to other produce, which is inspected and certified, except as provided in this section. The sole warranty made is that the seeds were inspected under the rules of the seed department or the United States department of agriculture. The seed commissioner functions and serves only in an official regulatory manner.

74-03-01-18. Exclusion of warranty. Field seeds certified in accordance with this chapter have been field inspected and laboratory tested as specified in this chapter. The state seed department and inspection services function and serve only in an official regulatory manner and do not relieve the grower or owner of the grower's or owner's responsibility. Neither the producer, the seller, the North Dakota seed commission, the seed commissioner, or the seed commissioner's employees make any warranty or representation of any kind, express or implied, as to the quantity or quality of the crop produced from certified seed, including merchantability, fitness for a particular purpose, absence of disease, or varietal or selection identity. The only representation is that the seed was inspected under the seed certification rules and regulations of North Dakota state seed department.

Inspections, tests, certifications, and other acts are not intended to induce reliance on the state seed department's inspections, certifications, or any other action or inaction for any purpose relating to quantity or quality of the seed or crop produced, fitness for purpose, merchantability, absence of disease, or variety of selection identification. Certification means only that the seed was randomly inspected and at the time of the inspection the field or seed lot met the rules of the department.

H. R# Bulk Certificate (Paper Version)

	ND State Seed Department PO Box 5257, Fargo, ND 58105 701-231-5400 FAX: 701-231-5401	NORTH DAKOTA CERTIFIED SEED BULK SALE CERTIFICATE
SERIAL # _____	BUYER	LABELER
Name _____		
Address _____		
City/State/Zip _____		
Bushels Sold _____	For Resale _____	Retail <input checked="" type="checkbox"/> Date _____ Seller _____
Certified HARD RED SPRING WHEAT AP MURDOCK Pure Seed: 99.99% Other Crop: 0.00% Inert: 0.01% Weed Seed: 0.00%		Cert # R Lot Number: _____ Germination: 97% Origin: ND Date: 2/2022 12,450 Seeds/Lb
Unauthorized Propagation Prohibited PVPA 1994 Pending <p style="text-align: center;">SELLER COPY - SEE REVERSE FOR ADDITIONAL INFORMATION</p>		
	ND State Seed Department PO Box 5257, Fargo, ND 58105 701-231-5400 FAX: 701-231-5401	NORTH DAKOTA CERTIFIED SEED BULK SALE CERTIFICATE
SERIAL # _____	BUYER	LABELER
Name _____		
Address _____		
City/State/Zip _____		
Bushels Sold _____	For Resale _____	Retail <input checked="" type="checkbox"/> Date _____ Seller _____
Certified HARD RED SPRING WHEAT AP MURDOCK Pure Seed: 99.99% Other Crop: 0.00% Inert: 0.01% Weed Seed: 0.00%		Cert # R Lot Number: _____ Germination: 97% Origin: ND Date: 2/2022 12,450 Seeds/Lb
Unauthorized Propagation Prohibited PVPA 1994 Pending <p style="text-align: center;">BUYER COPY - SEE REVERSE FOR ADDITIONAL INFORMATION</p>		

J. Recertification Request for Carryover Seed



RECERTIFICATION REQUEST FOR CARRYOVER SEED
 NORTH DAKOTA STATE SEED DEPARTMENT
 SFN 61450 (12-2023)

PO Box 5257
 Fargo ND 58105-5257
 Phone: 701-231-5400
 Fax: 701-231-5401

Instructions: Submit completed form to obtain new Certified Seed Bulk Certificates or tags for carryover certified seed. A new seed sample may be required. See Manual Section 15.

Labeler Name			
Address	City	State	ZIP Code

Lot Information

Variety	Class
Lot Number	Bushels

List C# or R# (If lots have been combined, list all C# and R# making up this lot and provide new lot number below)	
New Lot Number	
Number of Bulk Certs Requested	Number of Certified Tags Requested

Test Information

- Purity test is required if seed has been reconditioned or moved from bulk to bags.
- If germination test previously conducted, provide copy of Seed Analysis Report.

Tests requested <input type="checkbox"/> Germination <input type="checkbox"/> Purity <input type="checkbox"/> Other	Specify Tests
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Send to Name			
Address	City	State	ZIP Code

Bill To Name			
Address	City	State	ZIP Code

Signature	Date
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K. Declaration of Carryover Seed



DECLARATION OF CARRYOVER SEED
 NORTH DAKOTA STATE SEED DEPARTMENT
 SFN 12093 (7-2020)

PO Box 5257
 Fargo ND 58105
 Phone: 701-231-5400
 Fax: 701-231-5401

This report must be returned to the North Dakota State Seed Department by **September 1**, in order for us to include your carryover seed in our directory.

Applicant		Date	
Address	City	State	ZIP Code
Telephone Number	Cell Phone Number	Fax Number	

In Part A, report only seed that was grown and field inspected prior to July of the current crop year and has **not** been issued bulk certificates or certified tags.

In Part B, report seed lots that have been issued bulk sales certificates or certified tags prior to July of the current year. All seed lots previously certified must have an updated germination test and new bulk sales certificates or certified tags issued before seed is eligible for sale. (see reverse)

Part A. Unconditioned seed – Eligible for final certification.

Variety	Class	Field Application Number	Bushels	Year Produced	Bin Storage Number

See reverse

