

GENERAL SEED CERTIFICATION STANDARDS

(As of February 2017)

The general seed certification standards are basic and together with the specific crop standards included in this Handbook, constitute the standards for all crops enrolled in the Montana seed certification program.

- I. **Eligibility Requirements for Certification of Crop Varieties: United States Federal Seed Act § 201.68**
 - A. Varieties eligible for certification are those varieties meriting certification or having been approved as meriting certification by;
 - 1) At least one member agency of the Association of Official Seed Certifying Agencies; or
 - 2) by an appropriate National Variety Review Board; or
 - 3) the submission of an application for protection or a Certificate of Protection issued under the U. S. Plant Variety Protection Act.
 - B. Crop varieties accepted for certification are not always recommended or implied to be recommended. Only the MSU Department of Plant Sciences and Plant Pathology and the Montana Agricultural Experiment Station in respective joint crop commodity committees determine recommended crops by area of adaptation in Montana.
 - C. Application for consideration of certification may be submitted from the following sources:
 1. The Montana Agricultural Experiment Station upon approval of the respective crop commodity committee.
 2. The Montana Agricultural Experiment Station in cooperation with the Agricultural Research Service, USDA and Natural Resource Conservation Service, Plant Materials Centers.
 3. Other state agricultural experiment stations or government research centers.
 4. Proprietary or commercial plant breeding programs.
 - D. Applications requesting acceptance for certification are available to plant breeders, originators or developers at the Montana Seed Growers Association Office, MSU-Marsh Labs P.O. Box 173146 Bozeman, MT 59717-3516 Applications will require the following information:
 1. A statement of the variety's origin and the breeding procedure used in its development.
 2. A detailed description of the morphological, physiological, cytological, chemical or other important characteristic of the plant and seed that distinguish it from other varieties as set forth in Article V of the International Code of Nomenclature of cultivated plants. This statement reads as follows:

"The term cultivar (variety) denotes an assemblage of cultivated individuals which are distinguished by any characters (morphological, physiological, cytological, chemical or others) significant for purposes of agriculture, forestry or horticulture, and which when reproduced (sexually or asexually) retain their distinguishing features."
 3. Any variants in the variety must be stated, so that field inspectors can recognize a variation versus a crop mixture.
 4. Evidence of performance, including comparative yield data and appropriate quality information, insect and disease resistance and other factors supporting the identity of the variety. The performance tests may be conducted by private seed firms or public agricultural experiment stations and must include appropriate check varieties.
 5. A statement on the suggested area of adaptation and the purpose for which the variety will be used. This should include states or provinces and areas within states or provinces where the variety has been tested and is expected to be recommended and merchandised.

6. A statement on the plans and procedures for the maintenance of stock seed classes, including number of generations through which the variety may be multiplied.
7. At the time a variety is accepted for certification, a sample of seed representative of the variety as marketed shall be presented to the certifying agency. The sample size shall be that required under Sections 1.4 in the current issue of the Rules of Testing Seeds of the Association of Official Seed Analysts. The sample of seed must be representative of the variety as marketed.
- E. The name under which any variety or hybrid may be certified shall be the name given to the variety by the originating plant breeder, institution or firm.
- F. The breeder or owner of a variety may place additional restrictions on the variety with respect to factors affecting genetic purity such as the region of adaptation, age of stand and certified classes and generations through which seed of that variety may be multiplied.
- G. The breeder or owner of a variety, when applying for certification, must show proof that the breeder or owner has applied for Plant Variety Protection.
- H. A concise description of the variety. Special emphasis on characteristics used to distinguish it from other varieties is requested. Include phenotypical and seed variants.
- I. A description of the manner in which the variety is constituted when a particular cycle of reproduction or multiplication is specified.

II. Certification in Montana

- A. Certification of field crop seeds in Montana is conducted by the Montana Seed Growers Association. The Association is not a marketing agency and gives no warranty either expressed or implied as to the performance and productiveness of crops from certified seed beyond the information on the label.
- B. The Montana Seed Growers Association encourages the use of pesticides to treat seeds to control disease and insect pests, in accordance with recommendations. However, the Association is not responsible for the application of such pesticide that results in deterioration of seed, or improper handling of treated seed.
- C. The Association maintains a close working relationship with interested segments of the seed industry, MSU Department of Plant Sciences and Plant Pathology, Cooperative Extension Service, Natural Resource Conservation Service, the Montana Department of Agriculture and other seed regulatory agencies.
- D. Authorization for certification of state certified seeds or plant parts are set forth in Title 80, Chapter 5 of Montana Codes Annotated, Sections 80-5-101 through 80-5-510, inclusive. The Montana Seed Growers Association, being the authorized agent, is in conformity with the above Laws of Montana.
- E. The Association is governed by a board of six directors elected by the members, each representing a geographical region of the State. Two directors are elected each year from rotating districts and each serve for a three-year term. The office staff consists of a manager, a program coordinator, and a program assistant. The Montana Seed Growers Association is a member of the Association of Official Seed Certifying Agencies.
- F. County Extension Agents are the seed certification agency representatives in the counties. Application blanks, lists of eligible varieties, and the minimum standards for seed certification can be obtained at each County Extension Office.
- G. A certification board consisting of the staff of the Montana Seed Growers Association will review applications for acceptance into the seed certification program. Varieties are subject to review by the Board of Directors to be accepted, rejected or deleted from the seed certification program.

III. Classes and Sources of Certified Seed

- A. Four classes of seed are recognized in seed certification. Classes of seed must meet the standards of the Montana Seed Growers Association for the respective crops. The classes are defined as follows:
1. **Breeder Seed** - Breeder seed is seed or vegetative propagating material directly controlled by the originating or sponsoring plant breeder, institution, or firm, and which supplies the source for the direct and recurring increase of foundation seed.
 2. **Foundation Seed** - Foundation seed must be the progeny of breeder or foundation seed so handled as to maintain specific genetic purity and identity. Production of MSU released varieties is supervised by the Foundation Seed Stocks Program, (contact the Foundation Seed Program manager, Dept. of Plant Sciences and Plant Pathology, MSU, (406) 994-5687), and inspected by the Montana Seed Growers Association. Seed bags for this class are tagged with a white tag.
 3. **Registered Seed** - Registered seed must be the progeny of breeder or foundation seed so handled as to maintain satisfactory genetic identity and purity and which has been approved and certified by the Montana Seed Growers Association. This class may be omitted from certain crop species by the plant breeder. Seed bags for this class are tagged with a purple tag.
 4. **Certified Seed** - Certified seed must be the progeny of breeder, foundation or registered seed that is so handled as to maintain satisfactory genetic identity and purity and that has been approved and certified by the Montana Seed Growers Association. Certified class seed is not eligible for planting for re-certification, except as provided in the section titled *Limitation of Generations*.
- B. The term "off-type" means plants or seeds which do not conform to the characteristics of a variety as described by the breeder.

All seed classes will be defined by the definitions set forth in Section 201.2 of the Part 201 in the Federal Seed Act Regulations.

IV. Limitation of Generations

- A. The number of generations through which a variety may be multiplied will be that specified by the originating breeder or owner of a variety, but not to exceed two generations beyond foundation seed, with the following exceptions:
1. Unlimited re-certification of the certified class may be permitted for those varieties of where foundation seed is not being maintained.
 2. The production of an additional generation of the certified class may be permitted by the Association on a one-year basis when:
 - a. An emergency is declared prior to the planting season by the governing body of the Association stating that foundation and/or registered seed supplies are not adequate to plant the needed certified acreage of the variety.
 - b. The additional generation of certified seed is ineligible for re-certification.

V. Establishing the Seed Source

The certifying agency must be supplied with satisfactory evidence (label or bulk certificate, certification and lot number, or other document providing supporting evidence) as to the class and source of seed used to plant each variety for which an application for certification is submitted. The applicant's signature on the Application for Certification is verification of the accuracy of all entered information and statements, and signifies the applicant's intent to abide by the certification standards.

VI. Foundation Seed Acquisition of MSU Released Varieties

Foundation seed of recommended MSU released varieties is produced by Foundation Seed Stocks under the supervision of Montana Agricultural Experiment Station personnel. This project increases substantial quantities of foundation seed and makes it available to seed growers. The project leaders work cooperatively with the Montana Agricultural Research Centers, Natural Resource Conservation Service, Plant Materials Center, Cooperative Extension Service and foundation seed programs in other states.

A certified grower wishing foundation class seed must submit a request through either the grower's MSU Extension Service Agricultural Agent or through the Foundation Seed Program. Contact the Foundation Seed Program Manager, MSU Dept. of Plant Sciences and Plant Pathology at (406) 994-5687 or a request form can be found at <http://plantsciences.montana.edu/foundationseed/>. All seed will be allocated by the Foundation Seed Allocation Committee and when seed is in limited supply, experienced certified growers within districts of adaptability will receive preference. A list of foundation seed varieties available for distribution each year can be found on the Foundation Seed Program's web site: <http://plantsciences.montana.edu/foundationseed/>. Foundation seed from out-of-state will be acquired for a grower on request if available.

VII. Certification Procedures

Growers of certified seed of all crops are required to file an *Application for Certification* with the office of the Montana Seed Growers Association. Applications are available through the Montana Seed Growers Association office and website: www.mtseedgrowers.org. The crop for which the Application is submitted does not become certified until all requirements have been fulfilled.

VIII. Applications for Certification

- Applications for Certification of perennial crops and all pulse crops are due May 25.

Application for Certification of all other crops are due June 15.

The following outline provides information on the Application, the materials needed to accompany the Application, and fees to be paid for each crop certified.

- A. An Application for Certification must be made separately for each of the following:
 1. Each **kind** (species of crop).
 2. Each **variety** of crop.
 3. Each **class** of certified crop (See Classes and Sources of Certified Seed). Please note, when a grower plants Foundation seed, the class produced is Registered. Likewise, when a grower plants Registered seed, the class produced is Certified.
 4. Each **grower** of a kind, variety, and class.
- B. The following material is needed to file an application:
 1. **Label or Bulk Certificate** - One label from seed planted must be attached to an application. In event of unused seed on hand, retain a label to reattach to bag. Destroy the remaining labels by tearing. A Bulk Seed Sale Certificate may be used in place of the label. Attach the Certificate showing the seed certification number and lot number for seed purchased in bulk to the Application. Labels or bulk certificates must be supplied for all seed from out-of-state.
 2. **Land History** - For annual crops and seedling fields of legumes and grasses, the land history for the past three (3) years must be accurately filled in on the Application for Certification. Specific land requirements for each crop species is specified in the minimum certification standards for that crop. A year of summer fallow does not constitute a crop year and therefore cannot be considered as a crop between varieties of the same kind (species).
 3. **FSA Maps** - Two FSA (aerial maps), Google maps, or any other high quality maps of field/s involved, showing field identification. Highlight or outline planted fields. If no maps, either originals or photocopies, are available, field maps may be hand drawn to scale, with appropriate land description.
 4. **Fees** - Correct fees must be included with each application. Applications will not be processed until all application and acreage fees have been received. A grower with more than one field may include all fees for each application in one check.

IX. Fees

The following fee schedule is subject to periodic revision.

- A. **Filing fees** - The following fees must accompany the Application for Certification when submitted to the MSGA office.
 1. **Annual Filing Fee** Payable with each application \$ 30.00/application

2. **Acreage Fees** - Acreage fees will be refunded on acreage canceled before field inspection.
All crops: \$ 2.50 / acre

With the exception of:

Field Beans (no production fees are due on bean fields)	\$ 6.00 / acre
Canola (Production fees are due on canola)	\$6.00 / acre
Industrial Hemp (Production fees are due on hemp)	TBD

Applications for Certification of perennial crops and peas and lentils are due May 25.

Application for Certification of all other crops are due June 15.

All Applications for Certification received in the MSGA office postmarked between the dates of June 15 and June 30 will be assessed a \$50.00 late fee.

All Applications for Certification received in the MSGA office postmarked after the date of July 1 or later will be assessed a \$100.00 late fee.

- B. **Production Fees** - Production fees are due and payable within 30 days after harvest. It is the grower's responsibility to assure that all fees are paid. Production fees are based on all production from the acreage which passes field inspection. This includes seed which is marketed or retained by the grower for his own use. An unpaid production fee on a previous certified variety is a basis for refusal to certify. **Production fees are due on all crops, including those which passed field inspection but did not pass mechanical analysis or were not carried through certification beyond field inspection.**

All fees should be calculated on a clean seed basis. To determine "clean seed" production on an uncleaned lot, deduct 10% (average cleanout*) from total uncleaned production on small grains and other large seeded crops. On small seeded crops please contact the MSGA office. For the respective classes of seed meeting the minimum standards, production fees are as follows.

Wheat-Flax-Spelt-Triticale	.05/bu on clean seed
Barley-Oats-Buckwheat-Peas-Lentils	.08/cwt on clean seed
Oil seed types	.12/cwt on clean seed
Sorghum	.05/bu on clean seed

Perennial crops -

All grass varieties	.005/lb
Perennial legume crops	.005/lb
Fourwing saltbush	.005/lb
Small Burnet	.005/lb
Sunflowers - Foundation and Certified Class	.25/cwt

Seed not eligible for certification .10/cwt

Field Beans - No production fees are due on bean seed production.

*Contact MSGA office for further information on cleanout percentage, or fees on any crop not listed above: (406) 994-3516

Note: Royalties/Research Fees -Montana State University, North Dakota State University, South Dakota State University and SeCAN have fees on sales of Certified Seed. The grower or contractor will be responsible for payment. Please contact the MSGA office at (406) 994-3516 for questions on the varieties and payments.

X. Land Requirements

Each set of crop minimum certification standards have specific land requirements written into them.

General land requirements for all crops are as follows:

- A. An accurate land history for the past three (3) years for cereals, and with the other crops the required years for each respective class is set forth in the standards. The cropping history shall be documented on each Application for Certification.
- B. The addition of manure to land, intended for growth of certified crops, may add weed or other crop contaminants and be cause for rejection of the crop for certification. Feeding of livestock on land intended for certified crops can also cause entry of contaminants, which can be cause for rejection of a crop for certification.
- C. A year of summer fallow will not be accepted as a crop year between different varieties of the same crop species.

XI. Unit of Certification

The unit of certification is the entire field. When a portion of a field is to be certified, this portion must be plainly marked by a fence or separated by a mowed strip or flagged to avoid cutting and mixing the certified and uncertified portions at harvest. Adequacy of boundary shall be determined by the field inspector.

XII. Field Inspection

One or more field inspections shall be made each year that a seed crop of any certified class is to be harvested and at a time when genetic purity and identity, or any other factor affecting seed certification, can best be determined. The field shall be in such condition as to permit an adequate inspection to determine genetic purity and identity.

Any crop harvested before inspection automatically becomes ineligible for certification. Any condition which prevents accurate inspection such as lodging, weediness, poor growth, disease or insect damage, will be cause for rejection of a field. It is also required that a field be of such appearance as not to bring certified seed into disfavor in the area where the field is located. Fields must be free, or not allowed to go to seed, of "prohibited" and "restricted" noxious weeds, as defined in the Montana Agricultural Seed Law, Title 80, Chapter 5, Montana Code Annotated. Mow patches of prohibited noxious or restricted weeds in a certified field prior to field inspection.

XIII. Inspection of Seed on the Farm and in the Warehouse

Harvested lots of seed from inspected fields may be inspected at any time by representatives of the certifying agency. Evidence that any lot of seed has not been protected from contamination which affects genetic purity, or is not properly identified, will be cause for rejection for certification.

XIV. Harvesting and Storage of Seed

- A. Equipment:
All equipment in the planting, harvesting, cleaning and maintenance of foundation class seed can be subject to inspection by an agent or representative of the MSGA at any time. Growers harvesting registered and certified classes of seed are responsible for the cleanliness and maintenance of their own equipment.
- B. Seed storage and labels:
 1. Bins or containers used to store certified classes of seed must be thoroughly cleaned. Clean the bins or containers just prior to storing seed.
 2. Each bin or container must be labeled with the variety, identification number and lot number if one has been assigned (CCC bin identification is acceptable). Seed stored off the farm, as in a public warehouse, must be labeled and identified as to variety and certification number.
 3. Before harvest, thoroughly clean all harvesting, hauling and storage equipment. Failure to properly clean equipment each year may result in the disqualification of seed lots.

4. Seed transferred from the farm to a cleaning plant for conditioning must have a Seed Conditioning Report filled out by the cleaning plant and a copy filed with the Montana Seed Growers Association's office.

XV. Blending

- A. Seed lots of same variety and seed class may be blended and the seed class retained.
- B. When blending use the Association number representing the field with the largest acreage, and indicate this by placing a "B" after the Association number.
- C. If lots of different classes are blended, the lowest class shall be applied to the resultant blend. For example, after blending a registered lot with a certified lot, the new lot will be certified.
- D. When blending lots of the same variety but with different certification numbers, either:
 1. Rerun purity and germination using a new lot number for the blended lot prior to issuance of tags;
 2. Label with tags using the proper class and the lowest values for purity and germination. If one lot has weed seeds and/or other crop, the lab analysis that reflects these contaminants should be used.
- E. If one or more lots to be blended has a substandard germination, or is in any other way substandard, then a new purity and germination is required before new tags will be issued by MSGA.
- F. The germination date used should be taken from the lot showing the earliest legal germination date.
- G. MSGA should be informed of any blending of seed lots, preferably by written notice, so proper documentation of blending can be included in the Certification records. Information should include the Association numbers and original lot numbers and the number of pounds of each lot used to make the blend.

XVI. Preparation of Seed for Final Certification

- A. Cleaning
 1. Clean all seed at an approved conditioning plant authorized by the MSGA. A list of authorized cleaning plants is available through the MSGA office.
 2. Seed delivered to the cleaning plant by grower, common carrier or neighbor must be identified by label or sack markings. Ordinary shipping labels bearing grower's name, variety and certification number will suffice. The use of a stencil to imprint the certification number is adequate.

XVII. Seed Samples and Official Grading

A uniform representative sample taken during or immediately after cleaning or conditioning of each lot of seed must be submitted to the Montana Seed Growers Association for official grading. Certified seed sample bags can be obtained from the MSGA office. See the Seed Sample Size section below for sample sizes of individual crops. Each sample from a lot must be drawn by the authorized seed conditioner or a trained representative of an authorized seed conditioner. In cases where seed sampling is questionable and may involve litigation, a state seed inspector from the Montana Department of Agriculture will be asked to draw an official sample.

XVIII. Seed Testing

Samples must be tested by an analyst accredited by the Association of Official Seed Analysts (AOSA) and in a MSGA approved lab. All seed test data tolerances and analytical terms used must be in accordance with the Rules and Regulations under the Federal Seed Act and/or the AOSA. The Montana State Seed Testing Laboratory, MSU - Bozeman is an approved MSGA testing lab, with an AOSA accredited seed analyst. Please contact the MSGA office for a list of other MSGA approved testing labs.

The Tetrazolium test (TZ) is a preliminary quick test for germination. It may be used for labeling purposes on small grains only to permit early shipment or movement of seed, provided a standard germination test is being made simultaneously. In the case of heat or frost damaged seed, the TZ test may not be a true indicator. When submitting such a sample for TZ test, indicate nature of possible injury and approximate time of occurrence.

XIX. Sample Sizes for Laboratory Tests

Certified seed samples submitted for analysis must be sent to: MONTANA SEED GROWERS ASSOCIATION, MSU-Marsh Labs, P.O. Box 173146, Bozeman, MT 59717-3146. Sample sizes needed are as follows:

	TZ* only	BSMV* if required	Germ only	Purity only	Combination Germ, Purity & BSMV
Small Grains & Safflower	½ lb		½ lb	2 ½ lb	2 ½ lb
Barley	½ lb	½ lb	½ lb	2 ½ lb	2 ½ lb
Peas	½ lb		½ lb	2 ½ lb	2 ½ lb
Alfalfa	½ cup		½ cup	½ lb	½ lb
Grass	½ cup		½ cup	½ lb	½ lb
Lentils	½ cup		½ cup	1½ lb	1½ lb
Fourwing Saltbush	½ cup		½ cup	1lb	1lb
Sainfoin	½ cup		½ cup	2 ½ lb	2 ½ lb
Milkvetch	½ cup		½ cup	1 lb	1 lb
Red & White Clover	½ lb		½ lb	½ lb	½ lb
Birdsfoot Trefoil	½ lb		½ lb	½ lb	½ lb
Canola & Crambe	½ cup		½ cup	1 lb	1lb

*TZ = Tetrazolium test -- a quick germination test indicator.

*BSMV = Barley Stripe Mosaic Virus – required on all Foundation class barley and on all classes of barley seed not produced in Montana or previously tested. BSMV is not required on the registered or certified class (by action of the MSGA Board of Directors, March 1, 2005) if the seed from which the registered or certified seed was produced was tested negative for BSMV.

XX. Labels, Containers, Bulk Sales Certificates & Out-of-State Sample Handling Fee.

- A. Before seed is offered for sale as Foundation, Registered or Certified seed, all seed must have an official Montana certification label properly attached to each container.
- B. The Montana certification label attached to each container (bag) serves as evidence of the genetic purity and varietal identity of the seed contained therein. The label for each respective seed class and colors authorized are as follows:
 - Foundation Class. . . White
 - Registered Class. . . Purple
 - Certified Class. . . . Blue
- C. Containers of all classes of seed must display a seed lot number or designation which must correspond to the lot number or designation on the attached label when seed is sold.
- D. The certification label must be attached to the container in a manner which prevents easy removal and re-attachment.

Section 201.74, Part 201 - Federal Seed Act Regulations provides the following:

 1. It is recommended that the label be sewn on when fabric bags or open top paper bags are used. Labels may be stapled on if stapled on in a manner that label cannot be easily removed.
 2. Sealing of paper, plastic and metal containers will vary. "Valve filled" paper bags will be considered adequately closed and sufficiently tamper-proof without sealing. Adhesive or sticker certification labels are authorized.

Title 80, Chapter 5 Sections 80-5-123 of the Montana Seed Act requires the following labeling information:

1. Name and address of the seed labeler
2. Lot number identification
3. Germination information

4. State or country of origin
5. Seed kind and variety
6. Purity information:

– pure seed	– weed seed
– inert matter	– restricted weed seed
– other crop seed	– prohibited noxious weed seed*

* Illegal for sale with prohibited noxious weed seed.

- F. A label on carry-over seed cannot be defaced when applying a new germination and test date. A supplemental label must be attached giving new test date, new germination, and name of person or company attaching supplemental label. An example is shown below:

Germination	98.00%
Dormancy (Hard Seed)	0.00%
Total Germ and Dormancy (HS)	98.00%
Test Date: 2-1-00	
John Doe & Company	
Somewhere in, Montana	

- G. Seed of foundation, registered and certified classes may be offered for sale in the bulk (by action of the MSGA Board of Directors, March 9, 1998).
1. Classes of certified seed may be sold in bulk by an approved retail seed facility or by the applicant producer. A maximum of two physical seed transfers are permitted after the lot has been certified (AOSCA Guidelines, 2/2000.)
 2. Retail seed facilities must be approved before classes of certified seed can be handled in bulk. Such facilities may be part of a seed conditioning plant or may be approved only for handling bulk classes of certified seed. Before approval, all procedures for receiving, storing, dispensing and record keeping must be inspected. The applicant must demonstrate acceptable procedures for maintaining purity and identity of bulk lots. Storage and handling facilities must be inspected annually or at the discretion of MSGA. Applications for approval to become a conditioning plant or handling facility are available from the MSGA office.
 3. All field and seed standards applying to bagged seed will also apply to classes of bulk seed. Seed must be conditioned to meet certification standards for the class of seed being offered for sale in bulk. An official "bulk certificate" (available at the MSGA office) must be issued when seed is sold in the bulk. Return the white copy of the certificate to the MSGA office so that each sale can be recorded (old style). If on the new style bulk certificates, email the spreadsheet back to MSGA at least twice a year (once per season).
 4. Certified seed growers and sellers are responsible for germination, purity, Aschochyta disease test, and Barley Stripe Mosaic Virus (BSMV) laboratory analyses appearing on a Bulk Seed Sales Certificate when issuing the certificate to a buyer. [BSMV and Aschochyta testing is not required on the registered or certified class provided the previous class of that seed {foundation or registered} was tested.]
 5. Bulk bags may be considered by certification agencies as "bags". They can be used for all classes of small grains as long as the bags are NEW. Re-use of bulk bags is allowed in the certified class only provided they are thoroughly cleaned (i.e. turned inside out, blown out and handpicked to remove any contaminants).
 6. There is a charge of \$10.00 per bulk certificate used on out-of-state seed cleaned or sold in Montana as well as a \$5.00 fee charged to all out-of-state samples sent to MSGA for Montana Certification. If you request tags on out-of-state seed there is a \$0.15 charge per tag plus the \$5.00 handling fee.

XXI. Carry-Over Seed

Labels on carry-over seed do not need to be replaced each year so long as the containers have remained labeled. Under the Montana Seed Law, a grower must have a test date and germination on the label for no more than a twelve-month period for sale of seed within the state and for no more than six-month period for seed being sold out-of-State. The grower must retest for germination and apply a supplemental label, affixed to the original label, with a new germination and test date. A label on carry-over seed cannot be defaced when applying a new germination and test date.

If a second set of labels are requested by a grower for carry-over seed from past years the labeler will be charged a tag fee of \$.07 per label.

XXII. Sub-Standard Seed

Seed that fails to meet certification requirements because of sub-standard genetic or mechanical purity is not eligible for labeling. At the discretion of the certifying agency, seed that fails to meet certified requirements on factors other than genetic purity may be designated "sub-standard". The reason for the sub-standard classification will be shown on the certification analysis portion of the label.

XXIII. Interagency Certification

Interagency certification is the participation of two or more official certifying agencies in performing the services required to certify the same lot or lots of seed. The methods and standards employed in each step of the interagency certification process are those used when certification is completed by a single agency, with the following exceptions:

- A. The agency issuing the labels will require the seed to meet standards at least equal to the minimum standards of AOSCA for the seed in question.
- B. Seed to be recognized for interagency certification must be received in containers carrying official certification labels or evidence of its eligibility from another official certifying agency together with the following information:
 - 1. Variety and kind.
 - 2. Quantity of seed (pounds or bushels).
 - 3. Class of seed.
 - 4. Inspection or lot number traceable to the previous certifying agency's records.
- C. In addition to compliance with the requirements specified in Section VII, each label used in interagency certification shall be serially numbered or carry the certification identity number and clearly identify the certifying agencies involved, the variety, kind and class of seed.
- D. Although detailed arrangements may be made between two agencies for the interagency certification of a specific lot, it is not necessary to obtain prior approval from the other agency. The agency last having jurisdiction of the seed must maintain complete information indicating the quantity of seed finally certified, nature of service rendered (reclaiming, re-bagging, or re-labeling) and the certification and lot numbers of the seed involved.
- E. By action of the Board of Directors (March, 2002) each out-of-state seed sample submitted to MSGA for testing in the MT. State Seed Testing Laboratory, will be assessed a \$5.00 handling fee. MSGA will invoice growers or dealers on a quarterly basis.

XXIV. Approval and Responsibilities of Conditioners

Conditioners requesting authorization to clean and otherwise condition certified seed must apply to the Montana Seed Growers Association. (On-farm conditioners at this time are considered "Grandfathered" in.)

Conditioners must meet the following basic requirements:

- A. Conditioning facilities must be available to perform the services noted in the request without introducing admixtures.
- B. Conditioning facilities must maintain the identity of each seed lot in possession of the facility at all times.
- C. Conditioning facilities must maintain records of operations and must complete and adequately account for all incoming seed and final disposition of seed.
- D. Conditioners shall permit inspection by a representative of the certifying agency of all conditioning and storage facilities and records pertaining to both certified and non-certified seed stocks on hand. All certified seed conditioners shall comply with the Montana Agricultural Seed Law, its rules and regulations, Revised October, 1999, and Section 201.73--Federal Seed Act--which reads as follows:

"The following requirements must be met by conditioners of all classes of certified seed:

- (a) Facilities must be available to condition seed without introducing other crop or variety mixtures (cleaning, treating, blending, scarifying, bagging, etc.).
- (b) Identity of the seed must be maintained at all times.
- (c) Records of all operations relating to certification must be complete and adequate to account for all incoming seed and final disposition of seed.
- (d) Conditioners will permit inspection by the certifying agency of all records pertaining to all classes of certified seed.
- (e) Conditioners will designate an individual who will be responsible to the certifying agency for performing such duties as may be required by the certifying agency.
- (f) 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 will be applied to the resultant blend. Such blending can only be done when authorized by the certifying agency."

Approved conditioners must designate an individual who will be responsible to the certifying agency for performing such duties as may be required. Approval of conditioners will be on an annual basis.

XXV. Complying with Federal and State Laws

Responsibility for compliance with the seed law labeling requirements of the country, state or province into which seed is shipped or sold rests with the seller. This includes compliance with the Federal Seed Act, Plant Variety Protection Act, Office Consolidation of the Seeds Act and the Seeds Regulations, Canada Department of Agriculture, Association of Official Seed Certifying Agencies (AOSCA), the Montana Seed Law and the Standards of the Montana Seed Growers Association.

XXVI. Prohibited Noxious Weeds and Restricted Weeds

The following are "prohibited noxious weeds" and "restricted weeds" in Montana as designated in the Montana Agricultural Seed Law as of 2010. The prohibited noxious and restricted weeds lists are subject to change; check the Montana Department of Agriculture webpage for the most recent prohibited noxious weeds and restricted weeds list.

Prohibited Noxious Weeds

Alyssum, hoary	<i>Berteroa incana</i>
Blueweed	<i>Echium vulgare</i>
Buttercup, tall	<i>Ranunculus acris</i>
Bindweed, field	<i>Convolvulus arvensis</i>
Cinquefoil, sulfur (Erect)	<i>Potentilla recta</i>
Curlyleaf pondweed	<i>Potamogeton crispus</i>
Crupina, Common	<i>Crupina vulgaris</i>
Daisy, Oxeye	<i>Leucanthemum vulgare</i>
Houndstongue	<i>Cynoglossum officinale</i>
Iris, Yellow flag	<i>Iris pseudacorus</i>
Japanese knotweed complex	<i>Polygonum spp. *</i>
Knapweed, diffuse	<i>Centaurea diffusa</i>
Knapweed, Russian	<i>Centaurea repens</i>
Knapweed, spotted	<i>Centaurea maculosa</i>
Hawkweed Complex, Meadow	<i>Hieracium spp.**</i>
Hawkweed, Orange	<i>Hieracium aurantiacum</i>
Loosestrife, Purple or Lythrum	<i>Lythrum salicaria, L. virgatum, and any hybrid crosses thereof</i>
Pepperweed, Perennial	<i>Lepidium latifolium</i>
Ragwort, Tansy	<i>Senecio jacobea</i>
Reed, Common	<i>Phragmites australis ssp. australis</i>
Rush, flowering	<i>Butomus umbellatus</i>
St. Johnswort	<i>Hypericum perforatum</i>
Scotch broom	<i>Cytisus scoparius</i>
Skeletonweed, rush	<i>Chondrilla juncea</i>
Spurge, leafy	<i>Euphorbia esula</i>
Starthistle, yellow	<i>Centaurea solstitialis</i>
Tamarisk (Saltcedar)	<i>Tamarix spp.</i>
Tansy, Common	<i>Tanacetum vulgare</i>
Thistle, Canada	<i>Cirsium arvense</i>
Toadflax, Dalmatian	<i>Linaria dalmatica</i>
Toadflax, yellow	<i>Linaria vulgaris</i>
Watermilfoil, Eurasian	<i>Myriophyllum spicatum</i>
Whitetop or Hoary Cress	<i>Cardaria draba</i>
Woad, dyers	<i>Isatis tinctoria</i>

*Specific species names are *Polygonum cuspidatum*, *P. sachalinense* & *P. polystachyum*

**Specific species names are *Hieracium pratense*, *H. floribundum*, *H. piloselloides*

Restricted Weeds (State Law and MSGA Standards may have tolerances for some restricted weed seeds. Please see individual standards for specific tolerances.)

Buckhorn Plantain*	<i>Plantago lanceolata</i>
Corn Gromwell*	<i>Lithospermum arvense</i>
Darnel, Persian	<i>Lolium persicum</i>
Dock, curly	<i>Rumex crispus</i>
Dodder	<i>Cuscuta spp.</i>
Goatgrass, jointed	<i>Aegilops cylindrica</i>
Oat, wild	<i>Lolium persicum</i>
Sowthistle, perennial	<i>Sonchus arvensis</i>
Toadflax, yellow	<i>Linaria vulgaris</i>
Quackgrass	<i>Agropyron repens</i>

* By action Montana Seed Growers Association Board of Directors.

XXVII. Marketing

- A. The Montana Seed Growers Association is not a marketing association. Grower listings are prepared in the association office for limited distribution. Individual growers are responsible for the advertising and promotion of the commodity raised.
- B. Before advertising any certified class of seed for sale it must be cleaned, bagged or separately stored for bulk sale, and an "official certified grade" certificate issued by the MSGA office. All seed must be properly labeled in accordance with Montana Agricultural Seed Law requirements - http://leg.mt.gov/bills/mca_toc/80_51.htm. - and the Federal Seed Act Section 201.74, part 201.
- C. Certified growers offering seed for sale and advertising as "eligible for certification," "one generation removed from certification" or other similar words will be suspended from certification for one year on first offense or permanently on a second offense. (By action of Board of Directors MSGA 1971).
- D. The Montana Seed Act, Title 80, Chapter 5, Sections 80-5-law now requires all seed labelers, seed dealers and seed conditioners to be licensed. A complete copy of the Montana Seed Act may be obtained through the Montana Department of Agriculture or at <http://www.mtrules.org/gateway/Subchapterhome.asp?scn=4.12.30>. Montana seed producers cleaning and conditioning their own production are exempt from these provisions unless they are cleaning and conditioning seed commercially. Seed growers selling their own production of certified classes of seed are required to have a dealer's license if sales of certified seed exceed \$5,000 (Montana Seed Law, Chapter 5, Section 80-5-130). License applications are obtained from the Montana Department of Agriculture, Helena, Montana.

XXVIII. Refusal to Certify

- A. Failure to abide by the Minimum Certification Standards for the production, handling or marketing of a variety may be cause to cancel application or refuse future certification (for example, land requirements, isolation, etc.).
- B. The location of the field is such that inspection would be time consuming and expensive. Acreage fees will be refunded.
- C. Any non-payment of certification, production or other fees applicable to a previous variety grown under the certification program.
- D. A field will be rejected when harvested before inspection.
- E. In the case of perennial crops, such as alfalfa or grasses, a thinning of plants in a field can cause a genetic shift and is cause for rejection of a field for certification.
- F. Fields of perennial crops such as alfalfa or grass may be declared ineligible for re-certification if the grower fails to complete certification procedures for two successive seed crops.
- G. In the event of false or misleading advertising of seed by a grower or dealer such as "eligible for certification" or "one generation from certified (or blue label) seed," may be cause for the directors to suspend certification privileges (growing, conditioning or marketing) for a period of one year. A second offense may be cause for permanent suspension.
- H. Refusal to certify if varieties have not been approved as meriting certification by at least one member of the Association of Official Seed Certifying Agency's, or by an appropriate National Variety Review Board, or the submission of an application for protection or a Certificate of Protection issued under the U.S Plant Variety Protection Act prior to submitting an application for certification.