

Records Required for Sales of Agricultural Seed in Minnesota

The record keeping requirements for those selling agricultural seed in Minnesota are listed in Minnesota Statute 21.81, subdivision 22, and 21.84, and Minnesota Rule 1510.0261. Even though the initial labeler is primarily responsible for keeping the required records, others in the distribution chain are also involved. For example, if the end user buys the seed from a dealer and not the labeler, the dealer needs to keep a part of the record.

What is Meant by a Seed Record?

A seed record includes all information relating to seed shipments and includes a file sample of each lot of seed.

Who is Required to Keep Records of Seed Shipments?

Each person whose name appears on the label of agricultural, vegetable, flower, wildflower, tree, or shrub seeds is required to keep for three years complete records of each lot shipped within or into this state and is required to keep for one year a file sample of each lot after the last sale of seed from the lot.

What is a Complete Record?

Each person whose name appears on the label of agricultural seeds subject to the Minnesota Seed Law must have the following information as part of the complete record:

- A grower's declaration or documents containing the same information.
- Invoices showing the sale of each seed lot, including the name of the person the seed was sold to, the amount sold, the date of sale, the name of the kind and variety, and the lot number.
- A copy of the label that was attached to or accompanied the seed lot.
- Field and final certification documents, if applicable.
- The report of testing of the seed for labeling purposes.
- The file sample of the seed lot which is representative of the seed lot and of sufficient size to constitute an official sample as prescribed in section 201.43 of the Federal Seed Act regulations.
- The Federal Seed Act requires a record of all seed treatments.

What is the Sufficient Size of the File Sample?

The file sample must meet or exceed the size listed below to be sufficient for a complete record:

- Two ounces of grass seed not listed in the other categories, white or alsike clover, or other seeds not larger than these.
- Five ounces of red clover, alfalfa, ryegrass, bromegrass, millet, flax, rapeseed, or seeds of similar size.
- One pound of sudangrass, sorghum, proso, or seeds of similar size.
- Two pounds of cereals, vetch, or seeds of similar or larger size.

How Should the File Samples be Stored?

Storage of the sample should be adequate to maintain the integrity of the sample for at least one year after the last portion of the lot was sold. A consistent temperature and humidity (50 degrees Fahrenheit and 50% moisture is ideal) are usually necessary to maintain the viability and to minimize insect damage.

Treated Seed

"Treated" means the seed has received an application of a substance or has been subjected to a process for which a claim is made such as a pesticide, inoculant, or fertilizer. The name(s) of the substance(s) applied and the words "DO NOT USE FOR FOOD, FEED, OR OIL PURPOSES" must be included in the labeling for the seed. The appropriate signal word and symbol must also be shown.

Required Records Retention

The initial labeler is required to retain complete records of each of seed lot sold in this state for three years.

- Invoices that include the lot number, name of the kind and variety, amount of seed being sold, date of sale, and the name and address of buyer and seller.
- A copy of the seed label and the certification documents when applicable.
- The test information from which the labeling information was derived.
- A representative file sample for each seed lot for one year. Samples should be stored to maintain the purity and quality of the sample.

Prohibited Noxious Weed Seeds

The following species are not allowed in any seed offered for sale in the state.

- Canada thistle
- Field bindweed
- Plumeless thistle
- Perennial sowthistle
- Hemp
- Musk thistle
- Perennial peppergrass
- Leafy spurge
- Russian knapweed
- Bull thistle

Restricted Noxious Weed Seeds

The following species are allowed in seed offered for sale in the state but only up to the maximum total rate of twenty-five (25) per pound. If present in lesser amounts, the name and number per pound for each must be listed on the label under the heading “Noxious Weed Seeds.”

- Buckhorn plantain
- Dodder
- Wild mustard
- Horse nettle
- Wild radish
- Quackgrass
- Frenchweed
- Giant foxtail
- Hoary alyssum
- Eastern black nightshade

Township, city, or county ordinances may further restrict use of seed containing noxious weeds.

Seed Permits

All initial labelers of agricultural, vegetable, flower, and wildflower seed sold in Minnesota must have a seed permit in one or more of the following categories:

CATEGORY A

Initial labelers of agricultural seed who sell 50,000 pounds or less of seed in Minnesota annually. Permit is valid for the current calendar year and is renewable.

CATEGORY B

Initial labelers of vegetable, flower, and wildflower seed sold for use in home gardens and household plantings, and initial labelers of native grasses and wildflower seed in commercial or agricultural quantities.

CATEGORY C

Initial labelers of agricultural seed who sell more than 50,000 pounds of seed in Minnesota annually. This is a permanent permit. Fee is based on kind and amount of seed sold. Permit holders report sales semi-annually.

Note

A “blend” is a combination of varieties and a “mixture” is a combination of kinds. Seed fitting these definitions must be labeled using these terms.

“Bin run” seed is usually not legal for sale because it is generally not conditioned, tested, or labeled. In addition, there may be contractual or licensing stipulations that prohibit saving seed of certain varieties.

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