

# SIFTINGS

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*NEWSLETTER OF THE COLORADO SEED GROWERS ASSOCIATION*

## *From The Director*

### ***Changes to CSGA Standards***

The CSGA Annual Business Meeting was conducted on December 6, 2006 at the Four Points Sheraton in Denver. Some important changes to the Standards were voted on by the membership and approved by the Board of Directors. Please make note of these changes as you prepare for the upcoming year.

### **Bindweed in Small Grains**

The following language was added to the Small Grains Standards under the Specific Field Standards: *A field found to contain bindweed may pass inspection if the weeds are plowed under, pulled out, mowed, or suppressed by chemical treatment to the point no seed can be set. If the bindweed plants are suppressed by chemical treatment after seed has set, the area must be staked off by posts prior to completion of inspection. These areas shall not be harvested for seed.*

Bindweed was a significant problem during small grain inspections last summer. It is a prohibited noxious weed in the Colorado Seed Act and should not be present in Certified seed fields. Please take care to deal with any bindweed problem areas before inspectors arrive this summer.

### **Approved Conditioner Training**

The requirement for Approved Conditioners to attend a training session at least once every five years was removed. Factors considered included the availability of seed clinics, attendance at previous clinics sponsored by CSGA, and amount of new information available to be presented. The standards now read as follows: *The seed conditioner is responsible for the training of those operating seed conditioning equipment. New conditioners to CSGA will be required to attend training within 12 months of initial approval. This training shall include, but not be limited to attendance of at least (1) one person involved in the conditioning process at a CSGA or other associations' conditioning workshop or training provided at the time of a seed conditioner inspection.*

### **Grass Standards**

The Specific Seed Standards for Grasses were changed, to use the term "Total Viability" instead of "germination" for the non-chaffy seeded species. This term includes both the seeds that germinate in the lab and the seeds that are dormant, and is more in line with how the industry prices and purchases grass seed. Along with this change, the total viability required for Indian Ricegrass was changed to 70 percent.

There is also a proposed change to the Colorado Seed Act working its way through the legislature. The proposal was brought up at the Grass Committee meeting, and would allow a germination test for certain lawn and turf cool season grass species, identified in rule by the Commissioner, to be accepted for 16 months; rather than the current 13 months. This is supported by industry and is currently recommended in the "recommended uniform seed labeling law" developed by Seed Control Officials throughout the U.S. These types of cool season grasses have been shown to not lose a significant germination percentage during this additional three months. This provision is in 35-27-113(1)(a).

## *CWRF Wins Lawsuit in Plant Variety Protection Violation*

**Centennial, Colorado (January 15, 2007)** - The Colorado Wheat Research Foundation (CWRF) is pleased to announce the resolution of a lawsuit it brought against a wheat grower in Baca County in southeastern Colorado who willfully sold Prairie Red wheat seed in violation of the federal Plant Variety Protection Act (PVPA). The Consent Judgment and Injunction entered by the federal court awards CWRF \$74,250 in damages and prohibits unlawful conduct in the future. Prairie Red variety wheat is noted for its tolerance to stress and shattering, as well as its resistance to the Russian wheat aphid.

“This lawsuit was the successful result of collaboration between CWRF and the Farmers’ Yield Initiative (FYI),” said Darrell Hanavan, the Executive Director of CWRF. FYI is an organization that supports plant variety improvement through education, certification and enforcement of intellectual property rights. Part of FYI’s mission is to help vindicate the rights of wheat breeders when growers infringe plant variety protection rights.

CWRF is a non-profit corporation that furthers educational and scientific programs related to wheat. In cooperation with the Agricultural Experiment Station of Colorado State University (CSU), CWRF develops and releases new wheat varieties, whose characteristics are beneficial to farmers throughout Colorado, including the Prairie Red variety.

When it develops a new, stable wheat variety, CWRF applies to the USDA for a certificate of Plant Variety Protection (PVP). During the application process, CWRF makes an election requiring the new wheat variety only to be sold if seed of the variety has passed numerous inspections and has been certified by an official seed certification agency. “Once this election is made, federal law mandates that the variety may be sold by variety name only as a certified class of seed,” stated Hanavan.

CWRF has found that the great majority of farmers comply with the federal laws and purchase CWRF’s varieties as certified seed through legitimate channels. CWRF and FYI both spend a large portion of their budgets on educational campaigns designed to educate farmers about the PVPA and how farmers may handle seed. However, when growers intentionally violate the law, CWRF feels obligated to act. According to Hanavan, “sales of protected seed varieties outside the certification process hurt all farmers because it raises the cost of seed for everyone.”

Last fall, FYI learned that the Baca County grower was selling the protected Prairie Red variety of seed outside any state certification and without CWRF’s approval.

FYI turned this information over to CWRF, who filed a lawsuit in November claiming that the grower intentionally infringed CWRF’s rights under the PVPA.

“In this situation, we had a grower who thought he would never be caught, and when he was, he admitted fault and took responsibility for his actions. This result is a clear victory for farmers who follow the law,” said Hanavan.

As part of the settlement, the grower admitted that CWRF owns or licenses the rights to several wheat seed varieties, including Above, Ankor, Avalanche, Bond CL, Halt, Hatcher, Prairie Red, Prowers, Prowers 99, Ripper and Yumar. The grower also admitted that he knowingly and willfully violated CWRF’s rights, and that his violation caused harm to CWRF.

The settlement of the case demonstrates CWRF’s commitment to enforcing its new wheat variety technology. Each new variety costs over an estimated one-half million dollars to develop, and CWRF relies upon royalties paid after the variety’s release to recapture this sizeable investment and provide wheat research funding to CSU. Because a small amount of seed can be increased rapidly in a short time, even a small farmer has the potential to do a great deal of harm to CWRF if he violates the PVPA and sells seed without CWRF’s authority.

## ***CWRF (con.t)***

FYI assists CWRF and other wheat breeders in enforcing rights to wheat variety technology. FYI maintains a toll-free number for members of the public to report violations anonymously, and it provides a reward for information leading to the successful prosecution of selling PVP protected varieties by unauthorized persons. If you wish to share information about possible seed theft, please call (877) 482-5907.

For more information on CWRF, visit their website at:

**[coloradowheat.org](http://coloradowheat.org)**

Learn more about the Farmer's Yield Initiative at:

**[farmersyield.com](http://farmersyield.com)**

## ***Field Inspections***

The time for field inspections will be here before we know it! Please make sure your fields are in good condition before the inspectors arrive – it makes it easier on all of us. We have hired three students to inspect wheat and barley this year, and our satellite inspectors will be working in their usual areas. We can start inspecting wheat when it is about 50% turned, so please schedule inspection for at least 7-10 days before your anticipated harvest – this timing is much less stressful than the day before the combine!

## ***Carryover Seed for Fall Directory!***

Please make sure to call the office if you have carryover seed you wish to have listed in the "Fall 2007 Colorado Certified Seed Directory". We are no longer sending out postcards for carryover seed, since we received very few back. But we will be happy to list your carryover seed if you let us know!



## ***CSGA Standards are on the Web!***

Have you ever wondered what the current land requirements or seed standards are for your crop? Have you not been able to find your Standards book? You can now find the most current CSGA Standards on our website – just go to [seeds.colostate.edu](http://seeds.colostate.edu), click on "Colorado Seed Growers" and click on "Crop Standards". These standards are easier to keep up to date than the printed version and now serve as the official CSGA Standards.

Just Remember:

**[seeds.colostate.edu](http://seeds.colostate.edu)**



### **Siftings Staff**

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## *Colorado Wheat Field Days set for June 11-14<sup>th</sup>*

Mark your calendars to attend one of eight Colorado Wheat Field Days coming up soon! Dr. Scott Haley, CSU Wheat Breeder will discuss new varieties, including Ripper and a possible new release for Fall 2007. Dr. Jerry Johnson with CSU Crops Testing and Darrell Hanavan with Colorado Wheat will also be on hand to discuss their programs. This is always a good chance to see how the new varieties are looking in the field. Not to mention, book some early seed sales! Give the CSGA Office a call if you do not receive a complete field day schedule from Colorado Wheat.



**The CSGA Office will be closed Wednesday,  
July 4th. HAPPY HOLIDAY!**

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*Knowledge to Go Places*

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