

CONSIDERATIONS

WHEN PURCHASING COVER CROP SEED



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A common misconception regarding cover crop seed is that cover crops are not a crop since they are not being harvested for food or feed and, therefore, don't fall under seed regulations. In reality, a cover crop is planted to provide a benefit such as soil nutrient management or erosion control. Forages, whether grazed, baled or ensiled, are also crops planted with seed that must be tested and properly labeled.



Professional cover crop seed is grown for seed from the start, using improved genetics and the latest agronomic standards. Quality seed has been bred for specific characteristics, including geographic adaptation, disease or insect resistance, physical attributes, or plant function such as increased biomass, nitrogen fixation, etc.

It has been selected, harvested, cleaned, analyzed, tested, processed, and packaged for performance. And finally, it has been tested for purity and germination to ensure you get the highest quality seed to meet your production expectations, while minimizing the presence of invasive species and other weeds.



The most important step in cover crop seed purchasing is to study the label before you buy and plant. All it takes is a moment to ensure your crop is successful. Whether purchasing or selling cover crop seed, remember:

- All seed laws extend to agricultural seed used for cover crops.
- All agricultural seed offered for sale or sold must be labeled.
 - When purchasing seed, always obtain a label (sometimes called the “tag”) at the point of sale. It’s the law. If a label is not available, or the seller promises to send it to you later, it’s an illegal sale.
 - The information on a seed label should be backed up by a test from a seed lab. Here’s the information that is required to be on a seed label:
 - Product name
 - Address of the company providing the seed
 - The location where the seed was grown
 - Unique lot number
 - Germination percentage (based on a lab test)
 - Test date and/or sell-by date
 - Pure seed percentage
 - Other crop seeds percentages
 - Weed seeds
 - Inert Matter
 - Any treatments applied to the seed
 - Other items as deemed necessary
- Regardless of use (grain production, cover crop, forage production, etc.), all intellectual property protections always apply.
 - Varieties protected by the Plant Variety Protection Act (PVPA) must be labeled by variety name. The law generally provides that the developer of a distinct variety may obtain property rights protection for that variety. This Certificate of Protection is valid for 20 years.
 - Be very cautious when purchasing Variety Not Stated (VNS) seed. It is possible that “bin run” or “brown bag” seed, as it is often called, could be an illegal sale since most of all the new varieties carry some form of intellectual property protection.
 - “I don’t know” is not a viable excuse for the seed seller or purchaser, since PVPA was enacted over forty years ago and seed patenting has been common for over twenty-five years.
- Wildlife and pollinator mixes are bound to the same labeling laws and intellectual property protections as any other seed.

Professionally produced seed is designed to help farmers to achieve success through managing the use of the right seed, at the place, at the right time. Don't make assumptions when selling or buying cover crop seed.

If you have any questions regarding legal labeling of seed, call your state's Seed Control Office. That contact information and other resources are available at <http://www.seedcontrol.org/>.

Want to know more? Visit ASTA at betterseed.org or call 703-837-8140. You can also visit AASCO at seedcontrol.org.

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