

# NCSA NEWS & UPDATES

North Carolina Seedsmen's Association

919-513-3443

## North Carolina Seedsmen's Association

January 2010

### Newsflash!

### 2010 Convention Site Selected

Happy New Year! 2010 proves to be a busy and exciting year for all of us both personally and professionally. Dee and I are pleased to invite you to our NC Seedsmen's Association Annual Convention July 25 – 27.

This year's convention will be held at the beautiful Myrtle Beach Marriott Resort and Spa at Grande Dunes, conveniently located in the heart of the "Grand Strand". Myrtle Beach offers 60 miles of wide, soft sandy beaches, restaurants of all kinds, amusement and water parks, live entertainment, water sports and fishing, the best golf courses in the south, cultural and historic sites and so much more.

Registration materials for the convention will be sent to you in the near future. Please take a moment to go over them and return all the forms as soon as possible. We are excited about our oceanside destination and feel it will make the perfect spot for our members and their families to hold our annual convention. Please feel free to contact us if you have any questions. We look forward to seeing each of you in July.

Dee & Doug Register

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#### Myrtle Beach Marriott Site of 2010 Convention



### NCSA ELECTS NEW OFFICERS

During the last convention at the Hilton Riverside, Wilmington, NC, new officers were elected to serve the Association for 2009-2010.

#### President:

Doug Register  
Monsanto  
607 Hogans Valley Way  
Cary, NC 27513  
Tel: 919-465-9724  
Fax: 919-465-2570

#### 1st Vice President:

Berry Lewis  
Bayer CropScience  
PO Box 6718  
Rocky Mount, NC 27802-6718  
Tel: 252-972-3840  
Fax: 252-972-2696

#### 2nd Vice President:

Chris Hege  
Coastal Agrobusiness  
PO Box 856  
Greenville, NC 27835  
Tel: 252-317-3625  
Fax: 252-756-3282

#### Secretary-Treasurer:

Dianne Coats  
4335 Hwy. 42W  
Garner, NC 27529  
Tel: 919-513-3443 or  
919-553-3813  
Fax: 919-553-7100

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### Inside this Issue

- ❖ An Invitation from the President
- ❖ Pictures of Myrtle Beach Marriott
- ❖ New NCSA Officers
- ❖ NC Seed Law Updated; Fees Increased
- ❖ Farmer Saved Seed – Federal Laws
- ❖ NCSA Committees
- ❖ Scholarship Recipients
- ❖ SSA Rep presenting plaques 2010 & 2009
- ❖ 2009 Convention Sponsors
- ❖ Association office address
- ❖ Auction Prizes & Winners
- ❖ Pictures from 2009 Convention
- ❖ Early Convention Registration info

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### NC Seed Law Updated and Seed License Fees Increased

RALEIGH -- Changes to North Carolina's seed law taking effect today, Oct. 1, mean consumers will see additional information on labels of vegetable seed in packages weighing one pound or less, along with extended test dates for both vegetables and cool-season lawn seeds and mixtures of cool-season lawn seeds. License fees for seed dealers will also increase under the changes, which the General Assembly approved earlier this year.

The updated label requirements for vegetable seed in packages include new "packed by" and "sell by" or "percent germination" and "test date" statement options, in addition to the seed kind, variety and lot identification that were previously required on the label.

The period of time covered by test dates for vegetable seed will increase from 9 months to 12 months and cool-season grasses and mixtures of cool season lawn seeds will increase from 12 months to 15 months. The test dates for all other agricultural seed will remain at 9 months. The extension on the dates will not affect the viability of the seed, said Gene Cross, director of the N.C. Department of Agriculture and Consumer Services' Plant Industry Division.

The fee for a license for a wholesale or combined wholesale and retail seed dealer will increase from \$100 to \$125.

Also under the updated law, there will be a single retail seed dealer classification with a yearly fee of \$30. Previous fees for retail seed dealers were set at \$5, \$15 or \$25, based on the level of sales.

The changes were made to bring the state into general compliance with recommendations outlined by the Association of American Seed Control Officials, an industry support group.

The NCDA&CS Plant Industry Division is responsible for registering seed dealers in the state and ensuring the quality and quantity of seed sold in the state.

**CONTACT:** Eddie Martin, seed program administrator  
NCDA&CS Plant Industry Division  
(919) 733-3931, ext. 226

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According to the FAO, "Some 10,000 different plant species have been used by humans for food and fodder production since the dawn of agriculture 10,000 years ago. Yet today just 150 crops feed most human beings on the planet, and just 12 crops provide 80% of food energy -- wheat, rice, maize and potato alone provides 60%." (FAO, 2008).

# NCSA NEWS & UPDATES (continued)

## Farmer-Saved Seed: Understanding Federal Laws and State Seed Regulations

Prepared by  
**Dr. J. F. Spears, Department of Crop Science,  
Extension Seed Specialist  
and**  
**Theodore A. Feitshans, J.D., Department of  
Agricultural and Resource Economics**

### FEDERAL SEED LAWS

#### Certificates of Plant Variety Protection

Plant breeders have several options for distributing and protecting the seed of new varieties. A company or institution may choose to protect a new variety under the Plant Variety Protection Act (PVPA). Such protection gives the developer ownership of the variety and its seed. PVPA regulations differ, however, depending on when the variety was protected.

The original PVPA of 1970 applies to varieties protected before April 5, 1995. Under this Act, a farmer is allowed to save enough seed of a protected variety to plant on his or her own holdings (that is, land the farmer owns, rents, or leases). If farm plans change, a farmer can sell the saved seed. However, the total amount of saved seed planted and sold cannot exceed the amount saved to plant on the farmer's own holdings.

Varieties protected on or after April 5, 1995, are subject to stricter regulation, as specified by congress in a 1994 amendment to the PVPA. Like the original PVPA, the 1994 amendment allows a farmer to save enough seed of a protected variety to plant on his or her own holdings. What differs, however, is this: farmers may not sell seed of varieties protected under the amended PVPA without the permission of the variety owner.

A company or university also has the option of obtaining protection under Title V of the Federal Seed Act for a variety covered by the PVPA. Such protection requires that seed sold by a variety name also be sold as a class of certified seed. A farmer must follow the rules and regulations for certified seed production as outlined by the North Carolina Crop Improvement Association.

Infringement of a certificate of plant variety protection is enforceable through injunctive relief. Further infringement may then be punished through the court's contempt power with sanctions that can be imposed including imprisonment. The jury or judge in the case may also award damages. The PVPA also authorizes the judge to require that the defendant pay the attorney fees of the plaintiff.

#### Utility Patents

Congress has authorized the U.S. Patent and Trademark Office to issue patents for genes contained within a variety or, in rare cases, for the variety itself. If a variety is patented or contains patented genes, a farmer may not save any seed for planting purposes. Lack of knowledge that the variety was protected by a patent is no defense. The fact that the variety came up 'volunteer' or the patented gene was found in saved seed as the result of cross-pollination are **not** defenses to infringement.

Injunctive relief is available as a remedy for patent infringement. For willful (knowing) infringement the

court may however, triple monetary damages. In most cases of willful infringement, the court will also order the defendant farmer to pay the plaintiff's attorney fees. Patent litigation is very expensive. It is not unusual for each side in a patent dispute to spend at least \$2 million in attorney fees and other expenses such as expert fees. As a practical matter few farmers can afford to defend against a claim of infringement. Farmers who do not take seriously a court's order to preserve evidence risk losing both the case and their freedom. Destruction of evidence is treated very seriously by the courts. In addition to losing the patent case, a farmer who destroys, hides, or tampers with evidence risks criminal prosecution. The U.S. Department of Justice prosecutes these cases aggressively. A farmer who is convicted may be punished in a variety of ways including fines, forfeiture of property, imprisonment, and lifetime loss of civil liberties including the right to vote and the right to own or possess a firearm.

### NORTH CAROLINA SEED REGULATION

Farmers also need to be aware of a North Carolina seed regulation that went into effect on February 1, 1996. This regulation stipulates that cotton, field corn, peanuts, soybeans, tobacco, and wheat must be sold by variety name. "Variety-not-stated" seed sales are not allowed for these crops. Seed of unknown origin or mixtures of varieties may not be sold for planting purposes.

### SUMMARY OF THE TYPES OF PROTECTION

Farmers need to be familiar with the requirements for saving and selling the seed of each variety they produce. In North Carolina, the sale and distribution of seed are affected by the PVPA, Title V of the Federal Seed Act, patents on varieties and genes, and the new North Carolina seed regulation. Listed below are the possible levels and combinations of protection that apply to varieties. The laws apply to varieties released by private companies and public institutions. Growers can contact their county Cooperative Extension Center to determine which level of protection applies to the varieties they handle.

#### *Unprotected*

No limit on how much seed a farmer can save and sell. Cotton, field corn, soybeans, peanuts, tobacco, and wheat must be sold by variety name.

#### *PVPA 1970 and No Title V*

A farmer may save enough seed to plant back on his or her own holdings. If farm plans change, the farmer may sell the saved seed, but only the amount saved to plant on his or her own holdings. Cotton, field corn, soybeans, peanuts, tobacco, and wheat must be sold by variety name.

#### *PVPA 1994 and No Title V*

A farmer may save enough seed to plant back on his or her own holdings. Saved seed may not be sold without permission from the variety owner. Cotton, field corn, soybeans, peanuts, tobacco, and wheat must be sold by variety name.

#### *PVPA 1970 and Title V*

A farmer may save enough seed to plant back on his or her own holdings. If farm plans change, the farmer may sell the saved seed, but only the amount saved to plant on his or her own holdings. If sold by variety name, seed must be sold as a class of certified seed and must be certified by the North Carolina Crop Improvement Association. Cotton, field corn, soybeans, peanuts, tobacco, and wheat must be sold by variety name.

### *PVPA 1994 and Title V*

A farmer may save enough seed to plant back on his or her own holdings. No seed may be sold without permission from the variety owner. If permission is granted, seed must be sold as a class of certified seed and must be certified by the North Carolina Crop Improvement Association. Cotton, field corn, soybeans, peanuts, tobacco, and wheat must be sold by variety name.

#### *Patented Varieties and Genes*

If the variety is patented or has a patented gene, no seed may be saved for planting purposes and no farmer seed sales are permitted.

*This publication is provided for informational purposes only. No legal advice is provided by this publication. Individuals with particular legal issues are encouraged to consult their attorneys. If you do not have an attorney you may call the Lawyer Referral Service of the North Carolina Bar Association at (800) 662-7660 in state; (919) 677-8574 local Raleigh area and from out of state; or online at <http://www.ncbar.org/public/lrs>.*

Published by: NORTH CAROLINA COOPERATIVE EXTENSION SERVICE  
AG -555 – revised 2009

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## 2009-2010 NCSA COMMITTEES

### **MEMBERSHIP**

**Kim Foster**  
Eddie Price  
Pieter Westerbeek

### **NECROLOGY**

**Rick Strecker**  
Dianne Coats  
Dave Sawyer

### **SEEDSMAN OF THE YEAR**

**Berry Lewis**  
Jerry Small  
Will Tankard

### **LEGISLATIVE AND LIAISON**

**Phil Farmer**  
Sam Lee  
Eddie Price

### **SHORT COURSE**

**Chris Hege**  
Daryl Bowman  
Phil Farmer  
Jerry Small  
Jan Spears  
Will Tankard

### **PR GOOD SEED PROMOTION**

**Berry Lewis**  
Dustin Auman  
Matt Renfrow  
Jan Spears  
Trey Tyson

### **SCHOLARSHIP**

**Pieter Westerbeek**  
Billy Barrow  
Marian Keech  
Elbert Long

### **CONSTITUTION & BYLAWS**

**Dave Sawyer**  
A. O. Roberts

### **AUDIT**

**A. O. Roberts**  
Kim Foster  
Doug Register

### **NOMINATIONS**

**Jerry Small**  
Billy Barrow  
Chris Hege  
Pieter Westerbeek

### **BULLETIN**

**Dianne Coats**  
Jan Spears  
Rick Strecker  
Will Tankard

### **ADVISORY**

**Phil Farmer**  
Marian Keech  
Sam Lee  
Elbert Long

Committee chair names are **BOLD**

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# NCSA NEWS & UPDATES (continued)

## Scholarship Recipients

The 2009 / 2010 recipients of NCSA scholarships are:

**Delta & Pine Land Company Scholarship**  
\$2,000 - Michael Grady Davis, Pendleton, NC,  
Senior, Plant & Soil Science,  
Crop Production concentration

**James & Lois Jeffreys Scholarship**  
\$2,000 – Phillip Ryan Faulk, Sanford, NC,  
Senior, Plant & Soil Science,  
Crop Production concentration

**Severn Peanut/Hampton Farms Scholarship**  
\$2,000 Christopher Hayden Eure, Hertford,  
NC, Junior, Agronomy major,  
Crop Production concentration

**SSA/NCSA Scholarship**  
\$2,000 – Phillip Ryan Faulk, Sanford, NC  
Senior, Plant & Soil Science,  
Crop Production concentration

**NCSA Scholarship**  
\$1,000 – Chad W. Harrell, Eure, NC  
Senior, Agronomy major,  
Crop Production concentration



Phil Farmer, SSA representative, presented plaques to incoming President Doug Register, above, and outgoing President Billy Barrow, below.



## 2009 CONVENTION SPONSORS

We would like to salute the following companies for their generous contributions for the 2009 convention. Without their support, we would not be able to have the wonderful conventions we've become known for.

**AB Seed Laboratory, LLC**, Norcross, GA  
**AgCarolina Financial**, Raleigh, NC  
**AgriPro Coker Wheat**, Wilmington, NC  
**Bayer CropScience**, Rocky Mount, NC  
**Birdsong Peanut**, Suffolk, VA  
**Canaan Logistics, Inc.**, Cullman, AL  
**Cardinal Chemicals**, Wilson, NC  
**Carolina Eastern**, Scranton, SC  
**Chem-Nut**, Albany, GA  
**Cherry Farms Seed Co.**, Columbia, NC  
**Circle Grove Seeds**, Belhaven, NC  
**Coastal Agrobusiness**, Greenville, NC  
**Colonial Bag Company**, Lake Park, GA  
**Crop Production Serv.**, Washington, NC  
**JP Davenport & Son**, Greenville, NC  
**Erwin-Keith, Inc.**, Wynne AR  
**Eure Seed Farms**, Hertford, NC  
**Garner Seed Company**, Denton, NC  
**Gerard Seed Company**, Washington, NC  
**Gold Leaf Seed Company**, Hartselle, SC  
**Golden Peanut Company**, Suffolk, VA  
**Harvey Fertilizer & Gas**, Kinston, NC  
**Helena Chemical**, W. Columbia, SC  
**Hulsey Seed Laboratory**, Decatur, GA  
**AR McKay Processing**, Hickory, NC  
**Mead Seed Brokerage**, Jonesboro, AR  
**Meherrin Ag & Chemical Co.**, Severn, NC  
**Mixon Seed**, Orangeburg, SC  
**Monsanto**, Cary, NC  
**NC Crop Improvement**, Raleigh, NC  
**NC Farm Bureau**, Raleigh, NC  
**NC Foundation Seed Prod.**, Zebulon, NC  
**NC Peanut Growers Assoc.**, Nashville, NC  
**Patten Seed Company**, Lakeland, GA  
**Pennington Seed**, Columbia, SC  
**CA Perry & Son**, Hobbsville, NC  
**Pioneer Hi-Bred Int'l**, Wintererville, NC  
**Precision Pallet**, LLC, Pantego, NC  
**Seminis Vegetable Seed**, Oxnard, CA  
**Severn Peanut Company**, Severn, NC  
**Syngenta Seed NK**, Princeton, NC  
**Syngenta Seed Care**, Midlothian, VA  
**UniSouth Genetics**, Nashville, TN  
**Valent USA**, Wintererville, NC  
**White Hat Seed Farms**, Hertford, NC  
**RW White Farm, LLC**, Virginia Beach, VA  
**Wyatt-Quarles Seed Co.**, Garner, NC

## Association Home Office

North Carolina Seedsmen's Association  
4335 NC Hwy. 42W  
Garner, NC 27529  
Tel: 919-513-3443 or 919-553-3813  
Fax: 919-553-7100  
Email: ncsahome@embarqmail.com  
dianne\_coats@ncsu.edu



## Silent Auction

The 5th annual silent auction was held at this year's convention and it was a huge success! A number of people secured some excellent prizes:

Item	Winning Bidder
Mary Ellen Golden Painting	Burt Eure
NCSU Putter & Cover	A. O. Roberts
Grain Bin photo	Billy Barrow
Collectible Case Tractor w/Loader	Phil Farmer
Binoculars	Bryant Coats
M & M Candy Dispenser	Walt Gerard
Case 18 cans Peanuts	Chris Hege
Die-cast John Deere Tractor & Race Car	A. O. Roberts
Wolfpack Football	Bubba Gerard
Peanut Basket Ensemble	Doug Register
6 22-oz cans Peanuts	Rick Strecker
2 night-Myrtle Beach Marriott Resort	Dave Sawyer
Towel Assortment, Pottery & Baby Blanket	Lawrence Davenport
Necklace from J.Huffman	Jim Martin
1 night stay-Comfort Suites, Raleigh w/ \$25 card @ Backyard Bistro	Shannon Davenport
Hand-tooled leather Rifle Sling	Berry Lewis
Glyphosate - 2.5 gallon	Billy Barrow
Bifen-2 bottles (fire ants)	Doug Register
6 22-oz cans Peanuts	Bryant Coats
3 day, 2 night stay-house or condo-Outer Banks	Mark Simmons
2 night stay-Kingston Plantation-oceanview	Gordon Johnson
2 night stay-Hilton Garden Inn, Kitty Hawk	Randy Park
2 green fees for Lonnie Pool course	Jan Spears
Country Ham	Berry Lewis
Country Ham	Berry Lewis
Country Ham	Pieter Westerbeek
Bifen-2 bottles (fire ants)	Bryant Coats
Bifen-2 bottles (fire ants)	Phil Farmer
Bifen-2 bottles (fire ants)	Berry Lewis
6 22-oz cans Peanuts	Rick Strecker
2 green fees for Lonnie Pool course	Billy Barrow
Tickets-NCSU/Gardner Webb	David Davenport
Roundup Weathermax - 2.5 gallon	Tom Nunalee
Purse & Overnight bag	Dustin Auman
Notecards in Basket	Doug Register
Lowe's Gift card - \$50.00	Daryl Bowman
Glyfos X-tra - 2.5 gallon	David McKinney
Bifen-2 bottles (fire ants)	Berry Lewis
Beach Bag & Towel with visors	Lawrence Davenport
3/8" Rachet Set (metric & standard)	Reid McKay
Roundup Weathermax - 2.5 gallon	Berry Lewis
Necklace Set - Orange & red	Walt Gerard
Necklace Set - Green Shell	Phil Farmer
M & M Golfer	Jan Spears
Craftsman Mechanics Seat	Berry Lewis
Autographed football	Berry Lewis

Thanks to all our lucky winners and contributors, \$3,115 was raised for the Scholarship Fund.

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# NCSA NEWS & UPDATES (continued)

## *Scenes from the 2009 North Carolina Seedsman's Association President's Banquet*



President Billy & Vickie Barrow, Dee & Doug Register, Beth & Phil Farmer, Dianne & Bryant Coats



Dee and Doug Register, incoming President



First VP Berry and Kim Lewis



2<sup>nd</sup> VP Chris Hege with wife Erica and son Connor



President Billy Barrow presents Honorary Seedsman plaque to Dr. Daryl Bowman.



Doug Register presents Seedsman of the Year plaque to David Davenport



President Billy Barrow with Wizard Scotty and Vickie Barrow



Convention session 2009

## *Early Registration Convention 2010*

Want to make plans to attend the 2010 North Carolina Seedsmen's Association Annual Convention? Registration packets will be sent to all members in May. If you want a head start on planning, you can call the Myrtle Beach Marriott at 800-228-9290 and reference "SC SEEDMEN ASSC" or through the Marriott website using the online booking code of SEESEEA to receive the group rate of \$199.00 per night per room and must be booked no later than June 23, 2010 to receive this rate. Self-parking for our group will be \$8.00 plus taxes and all guests must book under the group block to receive the discounted parking. Please be advised when booking reservations guests will be made aware of current self-parking fees of \$10.00 plus tax. All group reservations are subject to a seven-day prior to arrival cancellation policy.

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There is a lot more to successful farming than meets the eye. And a lot more to farmers than many might expect. A successful farmer today must be:

- a savvy business man/woman who carefully watches market trends, evaluates when to sell, what crops to plant and how much they can invest in new equipment,
- a scientist who knows about plant growth and development and how management decisions such as planting date, weather and fertility affect plant growth and who knows plant diseases and insects; their signs, symptoms, life cycles and all the management strategies that can be used and the economic impact of these strategies,
- a soil conservationist who can properly manage the crops and maintain productive soils,
- a mechanic who can maintain and repair equipment that breaks down during critical farm operations,
- a personnel manager who keeps employees happy and aware of all safety issues,
- and above all, an ecologist who makes management decisions that in addition to making a profit, also protects his/her environment and community.

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