



Regulations for Specific Products

Selling Seeds

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According to the WSDA Seed Program, Washington State now has over 70,000 acres in seed production, an increase of 30% since 2012. While mostly alfalfa, corn, and grass seed dominate this acreage, other farms are cultivating vegetable and flower seed both for on-farm use and to sell directly to consumers or contractually to seed companies. WSDA's Seed Program can help guide producers through the regulations that govern seed sales to ensure high quality seed reaches the marketplace and complies with state and federal law. The WSDA Seed Program is located in Yakima and can be reached by calling (866) 865-6137 or online at

www.agr.wa.gov/inspection/seedinspection. This fact sheet includes information on the:

- Requirements for selling seeds;
- Seed Labeling Permit;
- Seed label requirements;
- Seed assessment;
- Seed testing requirements; and
- Seed Dealer License.

Requirements for Selling Seeds

There are three possible requirements for selling seeds in Washington State: a Seed Labeling Permit, seed testing, and/or a Seed Dealers License. The simplest scenario is if your farm is growing seed for on-farm use and not selling it. In this case, there are no permits, testing or licenses required. If your farm has been contracted to grow seed for a seed company, then the requirements are also simple: there are no permits, testing or licenses required for you.

However, if your farm is selling seed that you grew directly to consumers (e.g., at a farmers markets, via the Internet, or a farm stand); to another farm, or to retail businesses such as grocery stores or nurseries, then your farm is required to have a Seed Labeling Permit and to test the seeds. If your farm is selling seed obtained from another farm, then the farm selling the seed at retail is required to have a Seed Dealer License, Seed Labeling Permit, and seed tests. A seed company is also required to have a Seed Dealer License, Seed Labeling Permit, and seed tests. The primary seed tests that are required are for germination rates and for noxious weeds. Please see Table 6 for an overview.

Official seed sampling is only required for export, certified beans, and under certain contractual situations. Please call the WSDA Seed Program at (866) 865-6137 for more information.

TABLE 6. REQUIREMENTS FOR SELLING SEEDS

Scenarios	Seed Labeling Permit	Seed Germination and Noxious Weed Tests	Seed Dealers License
Farm growing seed for on farm use only (not selling it)	No	No	No
Farm contracted to grow seed for a seed company	No	No	No
Farm selling seed they grew directly to consumers, other farms, or retail businesses such as nurseries, grocery stores	Yes	Yes	No
Farm that buys seed from another farm and resells it by re-labeling it	Yes	Yes	Yes
Farm that buys labeled and tested seed from another farm and resells it without re-labeling it	No	No	Yes
Seed company purchasing from multiple farms	Yes	Yes	Yes

Seed Labeling Permit

The Seed Labeling Permit allows WSDA to conduct an annual review of all seed labels to ensure compliance with state seed law. Farms need a Seed Labeling Permit if they are selling seed under a specific company name directly to consumers, farms or retail businesses. This applies to seed that you grow and label as well as to seed that you obtained and re-label. If you are reselling seed and not relabeling it, then a labeling permit is not required. Applications for the Seed Labeling Permit are available from WSDA by contacting the Seed Program at (866) 865-6137. To apply for the Seed Labeling Permit, you will be asked to provide:

- A list of the places where your seed will be sold (i.e., grocery stores, nurseries, online, etc.);
- A list of the addresses of other locations that may appear on company labels; and
- A copy or example of the label you plan to use on your seeds.

The Seed Labeling Permit application is an annual fee of \$20.00 and is due before February 1 of each year or it will be subject to late fees. In addition, if a farm with a Seed Labeling Permit has sales exceeding \$10,000 per fiscal year (July 1 to June 30) then it must also pay an annual seed assessment. Additional information on the seed assessment is included in this factsheet.

Seed Label Requirements

Washington State has specific regulations on how seed is labeled (see WAC 16-301-015 and WAC 16-301-025). All seed labels must be written in English and “placed in a conspicuous manner on the seed container.” Information may be plainly written by hand or printed on tags or labels. For flowers or vegetable seed in standard packets (8 ounces or less) labels must include all of the following information:

- The year in which the seed was packed for sale. There are two ways to do this.
 1. You can have “*packed for planting in [and insert the year]*” written on the label.
 2. Or, alternatively, if you have tested the seed for germination, your label can include the percentage germination and the calendar month and the year the test was completed to determine that percentage. For example, “*Germination 90% 6/13.*”

- The lot number established by your farm as a batch or specific group of seed packed of the same variety or packed on the same day. For example, “*Lot ABC-123.*”
- The kind and/or specific variety of seed.
- Information about noxious weeds. Your label needs to have the name of any restricted noxious weeds and the rate of occurrence in your seeds (to be sold) per pound. This is required for each kind of restricted noxious weed seed present in the seeds you are selling. Note: the seeds you are selling must also be free of prohibited noxious weeds⁴.
- Your company contact information, including company name and address.
- The minimum rate of germination. These percentages must be above the minimum standards set in RCW 16-301-090.
- Arbitration Statement: “*Requirement for arbitration - The Washington State Seed Act, chapter 15.49 RCW, requires mandatory arbitration of disputes involving allegedly defective seed.*”

Seed Assessment

If you have a Seed Labeling Permit and your farm has sales of agricultural and/or vegetable seed distributed in Washington State that exceed \$10,000 during the preceding fiscal year (July 1 to June 30), then your farm must also pay an annual seed assessment. The assessment is calculated at a rate of 11 cents per \$100 of gross annual dollar sales during the period of July 1 to June 30. This seed assessment is due by February 1 of the following year. The seed assessment may be paid at the same time farms submit their annual application for the Seed Labeling Permit. A penalty of 15% of the assessment fee or a minimum of \$20.00, whichever is greater, is added to all assessments not paid by February 1. The annual Seed Labeling Permit may not be issued until all seed assessments and any penalties are satisfied.

Exemptions to the seed assessment may apply for agricultural or vegetable seed sold and distributed out-of-state, and seed sold in containers of 4 ounces or less. Please contact the WSDA Seed Program at (866) 865-6137 for a full list of exemptions.

Seed Testing Requirements

In some cases, you will need to test your seeds in order to sell them. See Table 1 for an overview. **All seeds requiring testing will need both a germination test and a noxious weed test on every lot.** The germination test is required to ensure the purity of the seed and that germination standards are met. The noxious weed test is to determine presence or absence of noxious weed seed content.

Any seed lab testing by Association of Official Seed Analysts (AOSA) rules may provide analysis for your seed labels. WSDA's Seed Program operates the only seed testing lab with legal authority in the state of Washington. It is managed under the auspices of the AOSA and the International Seed Testing Association. The lab is in Yakima and offers purity, germination, tetrazolium or TZ, and

⁴ A list of prohibited noxious weed seeds is available at <http://apps.leg.wa.gov/wac/default.aspx?cite=16-301&full=true#16-301-045>. A list of restricted noxious weed seeds is available at <http://apps.leg.wa.gov/wac/default.aspx?cite=16-301&full=true#16-301-050>. For interstate shipments, use www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5090172

special tests for a wide variety of agricultural, vegetable and flower seeds. The tests are used by growers and seed companies to comply with certification and labeling requirements for seed.

WSDA’s germination tests cost between \$25 and \$123 per lot, depending on the crop. Vegetable seed germination testing costs \$27. Germination tests are listed as “germ/1” in the WSDA fee schedule, available at: <http://apps.leg.wa.gov/wac/default.aspx?cite=16-303&full=true#16-303-200>. For germination standards, please see the chart below:

Percent *							
Artichoke	60	Citron	65	Leek	60	Rhubarb	60
Asparagus	70	Collards	80	Lettuce	80	Rutabaga	75
Beans (except Lima)	75	Corn	75	Muskmelon	75	Salsify	75
Beans (Lima)	70	Corn salad	70	Mustard	75	Sorrel	60
Beets	65	Cress, garden	40	Okra	50	Spinach (except New Zealand)	60
Broccoli	75	Cress, water	25	Onion	70	Spinach (New Zealand)	40
Brussels Sprouts	70	Cucumber	80	Parsley	60	Squash	75
Cabbage	75	Dandelion	45	Parsnip	60	Swiss Chard	65
Carrot	55	Eggplant	60	Pea	80	Tomato	75
Cauliflower	75	Endive	70	Pepper	55	Tomato, husk	50
Celery and Celeraic	55	Kale	75	Pumpkin	75	Turnip	80
Chicory	65	Kohlrabi	75	Radish	75	Watermelon	70

*Including hard seeds when present.

Seed Dealer License

A “Seed Dealer License” is required if you obtain seed from another grower and resell it. If you are exclusively selling seed that you have grown, then a Seed Dealer License is not required. See Table 1. If you buy seed from another grower or company to re-sell, then a Seed Dealer License is required for selling seeds. There is an exception: you do not need a Seed Dealer License if the seeds are packaged in containers of 8 ounces or less by a registered seed labeler.

The Seed Dealer License is annual and costs \$125. This license is required for each location where the licensee operates and must be posted onsite. It is a specialty license that is available from the Washington State Business Licensing Service and requires a Master Business License as well as a scale or weighing device registration. You may not begin this business activity until your Business License lists the Seed Dealer License. For more information, please call (800) 451-7985, email BLS@dor.wa.gov, or visit www.bls.dor.wa.gov/specialtylicenses.aspx.

Recommended Fact Sheet

4. Licensing

For further information, to provide comments, or suggest a resource to add to this fact sheet, please email smallfarms@agr.wa.gov or call (360) 902-2888.