

**1999**  
**ANNUAL SEED SCHOOL AND SEED INDUSTRY MEETINGS**

The Utah Seed Council and Utah Crop Improvement Association will jointly host the Utah Seed Industry Annual Meetings and Seed School on Feb. 11, 1999 in Provo, UT. We will meet at the Utah County Historic Courthouse, 55 South University Ave., Room 305, starting at 9:15 a.m. There will be light refreshments available beforehand for those that come early to beat the traffic through I-15 construction. *See next page for complete program.*

Seed School presentations will include: (1) the native grass seed industry in Australia and how some of the problems and achievements in seed growing, wild collecting, conditioning, and planting parallel those in the U.S. (and yes, there is such a thing as kangaroo grass and wallaby grass!), (2) the increasing acceptance and demand for hard white wheat in Utah and the rest of the country and the status of proposed USU hard white varieties, and (3) how the USDA Conservation Reserve Program continues to impact the reclamation seed industry with more natives being specified.

Next will be general reports from the groups comprising of the Seed Council, and the UCIA and Seed Council will have their business meetings with lunch sandwiched in between. There are some issues involving seed law violations, seed law clarifications, seed law changes regarding variety-not-stated labeling, and Source Identified seed protocols that should make for some interesting discussion.

**Please return the enclosed postage-paid card immediately if you plan to attend so we can make arrangements for the luncheon.**

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### **UCIA OFFICERS AND DIRECTORS**

Directors elected by the membership at the 1998 Annual Meeting (Feb. 18, 1998) were:

District 2: Chris Allen      District 3: Arthur Higley      District 5: Daron Smith

Karen Harker, Beehive Seed Co., was appointed ex-officio Director representing the seed conditioners; Kent Perry, Wheatland Seed, as alternate.

Officers elected at the Board of Directors Meeting (March 16, 1998 in Salt Lake City) were:

President: Eli Anderson, Bothwell      Vice President: Fred Wagstaff, Wallsburg  
Exec. Committee: Chris Allen, Cove

NOTE: Members of the Association in District 1 (northern Box Elder County), District 4 (northeastern counties), District 6 (southern Millard and southwestern counties), and District 7 (south central and southeastern counties) will be receiving ballots shortly to choose their nominees for Director, 1999-2001.

## **UTAH CROP IMPROVEMENT ASSOCIATION AND UTAH SEED COUNCIL**

### **Seed School and Annual Meetings**

*Utah County Historic Courthouse – Room 305 (Ballroom)  
55 South University Ave., Provo, UT  
Thursday, February 11, 1999  
8:30 a.m. to 3:30 p.m.*

*Note: Attendees can park in the parking terrace on 1<sup>st</sup> South on levels 5 and 6.*

8:30 a.m.      Pre-Meeting Social – Light Refreshments

- 9:15 a.m. Welcome – Orson Boyce, President, Utah Seed Council
- 9:20 a.m. Seed School Presentations
1. Native Grass Seed Production and Use in Australia – Stanford Young, UCIA, Logan
  2. Hard White Wheat Has Arrived – Shyrl Clawson, USU, Logan
  3. CRP: Past, Present, and Future and the Reclamation Seed Industry – Kerry Goodrich, NRCS, SLC
- 11:00 a.m. Break – Light Refreshments
- 11:15 a.m. General Reports
1. Utah Seed Dealers - Mike McDermott, Western Seeds
  2. Utah Dept. of Agriculture – Dick Wilson
  3. Utah Agricultural Experiment Station – Grant Vest
  4. USU Extension – Ralph Whitesides
  5. Utah Crop Improvement Association – Stanford Young
- 12:15 p.m. Utah Crop Improvement Association Business Meeting
- 1:00 p.m. Catered Luncheon – Hosted by USC and UCIA
- 2:00 p.m. Utah Seed Council Business Meeting
- 3:30 p.m. Adjourn

**PLANT VARIETY PROTECTION,  
U.S. PATENTS, AND  
SEED PIRACY**

Most farmers have heard of the “Roundup Ready” or “Liberty Link” or B+ “Bollgard” technology whereby genes inserted through biotechnology makes crop plants (such as soybeans, corn or cotton) resistant to certain herbicides or insects. Such technology is protected by U.S. Utility Patents that don’t allow a farmer to save and replant any seed of those varieties. Crop varieties protected under Plant Variety Protection (PVP), on the other hand, does allow a

farmer to save seed for planting on his own farm but he may not sell or trade any seed to anyone else.

The message is getting out that private companies or even public agencies (such as USU) that hold patents or PVP on crop varieties are willing to prosecute violations. Consider the case outlined in the November 1998 issue of “Farm Industry News” (excerpted here) and then consider whether its worth the heartburn to sell protected seed illegally:

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**Seed Piracy - A Risky Bet**

Last year, Reed, KY, grower David Chaney saved some of the soybean seed he harvested on his soybean, corn, wheat and milo farm. This was normal practice for the retired tool-and-die maker turned farmer. However, last year Chaney planted Roundup Ready soybeans. He knew it was against the law to save and replant seed containing patented technology, like Roundup Ready soybeans, but he decided to risk it and replant all of the soybean seed he had saved anyway.

“I’ve been in this business for a long time,” Chaney says. “I know the law. I keep up with the news, and, like breaking the speed limit, I knew what I was doing was wrong.” Chaney also acknowledged that in return for other goods, he illegally traded the pirated seed with neighbors and an area seed cleaner for the purpose of replanting. All of those people were implicated when Monsanto, the owner of Roundup Ready patents, discovered Chaney’s dealings this season.

Now each party is settling with the company. Chaney’s settlement agreement includes \$35,000 in royalty payments as well as full documentation confirming the disposal of his unlawful soybean crop. Chaney and the others involved will make available all of their soybean production records, including Farm Service Agency/ASCS records, for Monsanto’s inspection over the next five years. They also will provide full access to all of their property for inspection, collection and testing of soybean plants and seed for the next five years.

Chaney is not sure how Monsanto detected the Crop varieties released by Utah State University under PVP include: barley (Brigham, Century, Rollo, Statehood, Walker), grass (CDII, Douglas, NewHy, RoadCrest, Vavilov), and wheat (Garland).

The USU Technology Transfer Office has successfully settled one illegal sales case involving Walker barley and another involving a grass variety is pending. The intent of USU in utilizing PVP to protect its varieties is not the assessment of excessive

pirated seed. “Someone must have called me in because Pinkerton agents came to my house,” he says. Monsanto has hired Pinkerton Investigative Services to investigate suspected piracy of its patented biotech seeds.

“It’s a matter of protecting future technologies,” Scott Baucum, intellectual property manager for Monsanto, explains. “Monsanto has invested many years and millions of dollars in research to bring farmers new technologies sooner rather than later.” And when growers pirate seed, Baucum says, “there is definitely less incentive for companies to invest in future technologies. These technologies include seeds that produce high-yielding crops, drought-tolerant crops, crops that are protected against insects such as corn rootworm, cyst-nematode-protected soybeans, and crops with high-value components such as modified oil or bran.”

Baucum says Monsanto is concerned about its image among farmers. “We understand that these people are our customers,” he says. “And we want to treat them carefully, but we also feel it’s important to represent the vast majority of farmers who follow the law. Are we going to allow people who break the law to put the development of new technology at risk?”

What effect does Chaney believe knowledge of his case will have on his neighbors?

“I’m going to tell you the truth,” he states. “This is what can happen to you if you save and replant (this seed). It’s the law, and whether or not you agree with it, you have to support it.”

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royalties (which are not even collected on some varieties and are nominal on others). It is to protect the position of the public plant breeding programs associated with USU, and to ensure variety identity, genetic integrity, and high seed quality to the end user.

Certified seed growers and the rest of the seed industry in Utah have a vested interest in making certain that everyone competes on the same basis according to the Utah Seed Law, seed certification

regulations, and variety protection constraints. The majority of Utah seed conditioners and dealers make a good faith effort to put out good quality seed (properly labeled with purity, germination, variety and/or source identity, etc.). They should not have to compete with those that put out seed (or feed masquerading as seed) that is not tested or labeled, sold with a “wink and a nod” as far as variety or source identity, and is often full of noxious weed seeds. Creative labeling and outright fraud has been the credo of too many seed deals in past years that are now coming to light. Some seed dealers evidently thought seed laws meant “buyer beware” instead of “truth in labeling.”

It appears the enforcement arm of the Utah Department of Agriculture and Food has acquired the tools to actively investigate and prosecute seed law violation. Seed pirates should not be tolerated any more than cattle rustlers are out here in the West, and should be reported and prosecuted on the same basis. Above all, it is simply a matter of honesty.

The following article is re-printed from the USDA-ARS magazine “Agricultural Research”, January 1999.)

**NEW GRASS TO HOLD THE ROADSIDE**

A new erosion-fighting grass may appear on western roadsides and highways within a few years. RoadCrest crested wheatgrass tolerates cold and drought and readily forms rhizomes – horizontal underground stems that send up new shoots. RoadCrest was developed over 15 years of studies by

**BRIGHAM BARLEY**

At the 1998 Seed School, Dr. Rulon Albrechtsen reported on his latest creation, UT90B772-2120. The UAES Variety Review Committee at Utah State

scientists with ARS and Utah State University. Tests in four states indicate it should thrive in temperate, semiarid areas of Intermountain and western Great Plains states. In these regions, it is best suited where summer temperatures are mild and annual precipitation ranges from 10 to 20 inches. Compared to many other crested wheatgrasses, RoadCrest greens up earlier in spring. It requires less seed to establish a good stand and forms rhizomes more vigorously. RoadCrest also is shorter – a trait that helps reduce the need for mowing. The new grass is descended from plants grown from seeds collected in Turkey. Seed should be on sale by 2000. *Kay H. Asay, USDA-ARS Forage and Range Research Unit, Logan, Utah; phone (435) 797-3069, e-mail [khasay@cc.usu.edu](mailto:khasay@cc.usu.edu).*

**Note:** RoadCrest is in the application process for PVP utilizing the Title 5 option, which means it can be sold only as a class of certified seed. Seed production and marketing is under exclusive license agreement with Wheatland Seed (Brigham City, UT), Round Butte Seed (Culver, OR) and Bruce Seed (Townsend, MT). Growers in Utah desiring to produce certified seed of RoadCrest should contact Orson Boyce at Wheatland Seed (1-800-676-0191).

<p>The Utah Crop Improvement Association <b>CERTIFIED SEED</b>  <b>QUALITY</b> Standard for the Yonag, digitaly Agriculture Dept.          Specialist, and Secretary-Manager,          Utah Crop Improvement Association</p> <p>UCIA EXECUTIVE COMMITTEE:          Eli Anderson, President          Fred Wagstaff, Vice President          Chris Allen, Director</p>
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University approved the release of this variety as Brigham. Agronomic characteristics of Brigham as compared with other barley varieties currently being grown in Utah are listed in the accompanying table. Brigham is ideally adapted for wheel line sprinkler

irrigation and high fertility. It is short enough to fit under the wheel line pipes without hormone treatment and is extremely stiff-strawed so it won't lodge. Its yield is comparable to Rollo barley, which is usually a few bushels less than Century or Statehood, but a few more than Steptoe. Its test weight and protein are slightly superior to Steptoe. It is very attractive in the field after heading as it has long, flared awns that gives the field a soft, fluffy appearance. It is easy to thresh but the head attachment to the stem is not brittle.

Brigham is in the process of PVP application which means that it can be sold only as a class of Certified seed. Production and marketing will be under non-exclusive license agreements with a nominal royalty being collected on Registered and Certified seed sold. Contact the UCIA for license information and Foundation seed.

A limited amount of Certified seed will be available from Chris Allen in Cove and Loni Hammond in Fayette, and there will probably be some distribution through the major seed dealers. Registered seed is available from the same sources but will require prior licensing arrangements with UCIA before planting.

**UTAH IRRIGATED SPRING BARLEY TESTS, 1996-1997**

Agronomic Characteristics  
2 Year (4 Locations/Year)\* Averages

	<b>Height</b>	<b>Lodging</b>	<b>Yield</b>	<b>Test Wt.</b>	<b>Protein</b>
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<b>Variety</b>	<b>(inches)</b>	<b>(%)</b>	<b>(bu/ac)</b>	<b>(lb/bu)</b>	<b>(%)</b>
Baronesse	33.9	36	116.9	54.0	14.4
Brigham	32.3	4	133.7	51.8	12.8
Century	35.5	16	139.9	52.6	13.8
Colter	35.2	28	124.8	52.6	11.8
Idagold	27.6	20	116.9	54.4	14.0
Maranna	28.0	25	113.8	51.6	14.0
Medallian	30.4	39	105.8	51.0	13.2
Rollo	34.2	28	133.8	51.1	11.8
Russell	35.3	26	112.9	54.2	12.9
Sprinter	30.4	20	106.0	50.0	13.8
Statehood	33.2	10	137.9	51.4	13.7
Step toe	34.7	53	127.0	51.6	12.5
Walker	37.2	12	129.8	53.1	13.2

\*Logan (Cache Co.), Riverside (Box Elder Co.), Morgan (Morgan Co.), Palmyra (Utah Co.).