



A Quick Start Guide to Selling Native Seeds

Gregory Cooper, Graduate student, Natural Resource Management Department
Lora Perkins, Associate Professor, Lead Faculty for the Native Plant Initiative
Krista Ehlert, Assistant Professor & SDSU Extension Range Specialist

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Introduction

The native seed market is growing nationwide, and getting involved can be both economically and ecologically beneficial. Opportunities for selling native seeds are growing, but it can be overwhelming and confusing to get started. This guide details what you need to know to sell seeds of native flowering plants (forbs) in South Dakota.

It is important to note that every state has different seed laws, and although this guide will focus on South Dakota, many regulations and guidelines transcend state boundaries. This guide is also not inclusive of all seed laws; however, it will provide an overview of the basic rules and regulations.

Getting Started

Good news! No permit is required in South Dakota if the seed is of your own production and if sale of seed is not your primary source of income. This makes getting started very accessible and provides an opportunity to diversify your income sources.

There are two main pathways in the sale of forb seeds: 1) to a seed company or 2) to the consumer. Selling directly to a seed company is an easy option if you want to sell your seed in bulk. The company will take care of further sales and all required testing. If you choose this option, make sure the company is reputable and follows seed guidelines established by the Association of Official Seed Analysts (AOSA). This will ensure testing

results are accurate and assures you receive a fair price for your seed.

Selling directly to a consumer is beneficial if you are selling both small packets and bulk seed. This option also removes the middleman, thereby creating more financial potential for you and your small business. However, this option requires you to get the testing done, as well as providing the proper labels for the seed. More information on this is below.

Testing Seed

Whether you are selling small seed packets or seed in bulk, you will need to get three required tests done: 1) purity test, 2) germination test, and 3) noxious weed test. Testing needs to be done by an official state or federal seed lab or under the supervision of a registered/certified seed technologist. It is important to use a reputable lab who will provide accurate results. Accurate results provide higher quality seed material, benefits consumers, and your profits. Some agencies are transitioning to require dealers to use a [USDA Accredited Seed Laboratory](#) for testing. These labs follow specific AOSA testing rules.

Sampling seeds for tests

For many tests, samples need to be at least 400 flower seeds, but labs may require more depending on species and seed size. To get accurate results, it is important to collect a random and representative sample of the harvested seeds prior to sending them

in for testing. Depending on how you grow your seeds, you may have one or more seed lots. A seed lot is a quantity of seeds that are uniform in characteristics. When selling seeds, you will need to have a defined seed lot number stated on the labels. Each lot also needs to be sampled and tested independently.

(1) Purity Test

Pure live seeds (PLS) is the percentage of seeds that germinate. This test also provides you with the percentage of other crop seed, inert matter, and weed seed in the sample.

(2) Germination Test

Germination is the first stage in which a seed begins to sprout. A germination test must be conducted within 12 months of the sale for flower seeds. In South Dakota, many flower seeds have a minimum germination percentage required for sale. This minimum usually falls within 50-70% germination but is different for every species. A list of species and the minimum germination can be found in the [South Dakota Seed Inspection Standards](#). This test is performed to make sure seed samples are of standard quality for the consumer.

(3) Noxious Weed Test

The noxious weed test will analyze the seed sample to see if there are any weeds mixed in with the flower seeds. This test is performed to make sure seed packets are not contaminated and the buyer is getting what they paid for. Prohibited and restricted noxious weeds vary by state (See the [State Noxious Weed List](#)), but there are three standards that need to be met:

1. Prohibited noxious weeds: The seed sample cannot have any prohibited noxious weeds.
2. Restricted noxious weeds: The seed sample cannot exceed a cumulative total of 20 restricted noxious weed seeds per pound.
3. Weed seeds: The seed sample cannot contain more than 1% of weed seeds by weight.

Labeling The Seed For Sale

After testing is done, a label needs to be created for the flower seed. Most of this information will be reported to you from the required tests described above. The regulations and guidelines for labeling seed packets are noted below and visible in Figure 1. Figure 2 and 3 are examples of seed labels that were created for the sale of seed from the SDSU Native Plant Initiative.

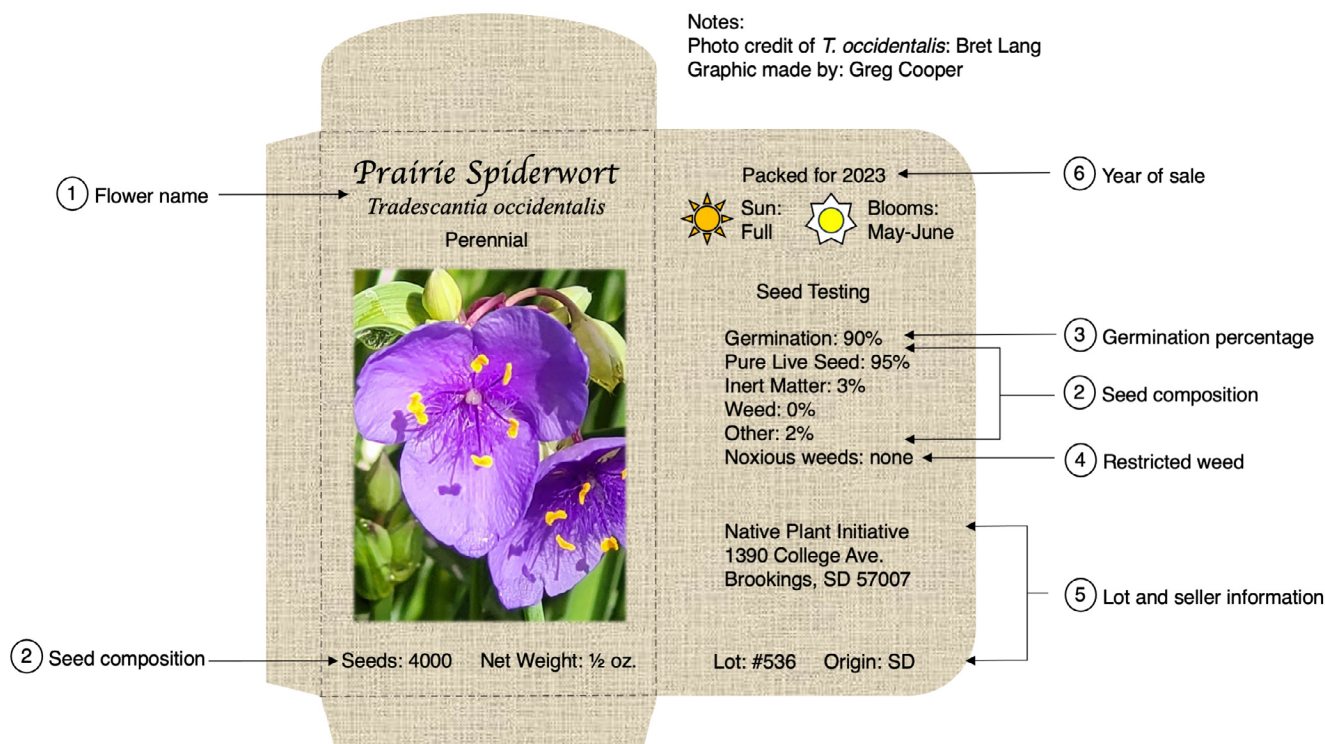


Figure 1. An example seed packet with the components that need to be included.



Figure 2. A seed packet for seeds from the SDSU Native Plant Initiative.

(1) Flower name

The name of the seeds should also include the kind and variety if applicable. It would be most helpful for consumers if the label contains both common and scientific name. Scientific names can be easily searched via the [USDA Plant Database](https://plants.usda.gov/). The seed packet should also be labeled as “mixture” or “hybrid,” when appropriate (seeds only need to be labeled hybrid if >75% of the seeds are hybrids). It is also important to note that you can’t sell plant variety protection (PVP) seeds, which are seed varieties that have been patented by developers.

(2) Seed composition

Information about seed composition will mostly come from the purity test. Percentage of weed seeds will need to be added if present. Percentage of PLS needs to be added if below the standard. If the standard is unavailable for the species, it is better to place the PLS on the label just in case. Labeling the percentage of other crop and inert matter is also helpful for seed buyers. The minimum number of seeds packaged should be labeled if the packet material is not transparent. Net weight is another piece of helpful information to include on the label.

(3) Germination percentage

Germination percentage should be included on the label. If germination percentage is above the standard, it does not need to be labeled, but providing this information is helpful for the consumer. Again, label the germination percentage if you have difficulty finding the



Figure 3. A different view of a seed packet made by the SDSU Native Plant Initiative.

species’ standard. This result will be taken from the test you had conducted and should be exclusive of hard and dormant seeds. If the germination percentage is below requirements, the words “below standard” need to be included on the label. It is also beneficial to state the percentage of hard and dormant seeds, if present.

(4) Restricted weeds

Under the heading “noxious weed seeds,” the names and rate of occurrence of each restricted noxious weed present need to be included on the label.

(5) Lot and seller identification

You will need to add your lot number (or other form of identification) and the origin of the seed (state will usually suffice). The name and address of the person or business who is selling seed also needs to be on the label.

(6) Year for sale

You will need to label the year the seed is packed for sale, as “packed for 202X.” You can alternatively add the month and year of when the germination test was performed.

(7) If seeds are treated

If seeds were treated, there will be just a few more items to put on the label. You must indicate that the seeds were treated and the common name of the chemical used. If the treatment was applied at harmful levels to either animals or humans, the label must state, “do not use for food, feed, or oil purposes.” The purpose of the treatment should be stated if the treatment was not a

pesticide. Additional labeling information can be found on the [South Dakota Legislative Research Council website](#) for seeds treated with inoculants or coatings.

Final Notes and Record Keeping

Now you can get started growing and selling native seed!

There are some additional considerations before you start harvesting seed to sell. It is always important to have good record keeping, and its suggested that you keep records of the seeds lots, invoices of sale, testing records, seed treatments, etc. for a minimum of 3 years. It's always important to follow federal and state laws of testing and labeling (especially when selling across state lines). More information about South Dakota State laws can be found on the [South Dakota Seed Standards](#) webpage on the South Dakota Legislative Research Council website.

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