

Washington State is a prime location for seed production of many vegetable species and specialty crops. Smaller farms are cultivating vegetable and flower seed for both on-farm use and to sell directly to consumers, or contractually to seed companies. Selling seeds can be a financially profitable business, either alone or integrated into a diverse production system.

This fact sheet includes information on:

- Requirements for selling seeds
- Seed Labeling Permit
- Seed testing requirements
- Seed Dealer License

Requirements for Selling Seeds

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. Call the Yakima office at 509-454-4395, or see agr.wa.gov.

Three requirements may apply when selling seeds in Washington State, depending on the scenario:

1. **Seed Labeling Permit**
2. **Seed testing for germination rate and noxious weeds**
3. **Seed Dealer License**

- The simplest scenario is if your farm is growing seed for use on your farm and not selling it. In that case, no permits, testing, or licenses are required.
- If a farm is contracted to grow seed for a seed company, the requirements are also simple; no permits, testing or licenses are required.
- If a farm grows seed and sells directly to consumers (e.g., at farmers markets, farm stands, online), directly to another farm, or to retail businesses (e.g., grocery store or nursery), a Seed Labeling Permit and seed testing is required.
- If a farm re-sells seed obtained from another farm, the farm selling the seed at retail is required to have a Seed Dealer License, seed tests, and a Seed Labeling Permit. Seed companies are also a required to have a Seed Dealer License, Seed Labeling Permit, and to conduct seed tests. The table below summarizes the requirements for different scenarios.

These seed selling requirements also apply to growing and selling native plant seeds. Wild-collected seed for resale must be collected legally with appropriate permissions from the landowner where it is collected. Please see the "Selling Foraged Plants and Mushrooms" fact sheet.

Overview of Seed Selling Requirements

SCENARIO	SEED LABELING PERMIT	SEED TESTS (Germination and Noxious Weeds)	SEED DEALERS LICENSE
Farm growing seed for on-farm use only (not selling)	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	Yes	Yes	No
Farm that buys labeled and tested seed from another farm and resells it without re-labeling it	No	No	Yes*
Farm that buys seed from another farm, re-labels and resells it	Yes	Yes	Yes*
Seed company purchasing from multiple farms	Yes	Yes	Yes*

**Note: Selling seeds packaged by a registered seed labeler in containers of 8 ounces or less does not require a Seed Dealer License.*

REGULATIONS FOR SPECIFIC PRODUCTS

1. 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 to sell 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 relabel. If you are reselling seed but not relabeling it, a labeling permit is not required.

Application for the Seed Labeling Permit are available from the WSDA Seed program, 509-454-4395 or online at agr.wa.gov. The application requests:

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

The Seed Labeling Permit application must be submitted by mail with the annual permit fee of \$20 (check only) and is due before February 1, or late fees apply. Farms with gross seed sales exceeding \$10,000 per fiscal year (July 1 to June 30) must also pay an annual seed assessment fee. Seed labelers who have been permitted previously, but will not require a permit in any given year, should still submit the permit application and indicate they will not request the permit.

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 flower or vegetable seed sold for home use, generally in standard packets of 8 ounces or less, labels must include **all** of the following information:

- ✓ Year in which the seed was packed for sale. There are two acceptable approaches:
 - *"packed for planting in [insert the year]"* written on the label.
 - If the seed is tested for germination, the label can include the percentage germination with the calendar month and year the test was completed. For example, *"Germination 90% 6/13."*
- ✓ Lot number established by your farm as a batch, meaning a specific group of seed packed of the same variety, or seed packed on the same day. For example, *"Lot ABC-123."*
- ✓ Kind and/or specific variety of seed.
- ✓ Company contact information, including company name and address.
- ✓ Minimum rate of germination. 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."*
- ✓ Information about noxious weeds. The label must have the name of any restricted noxious weeds and the rate of occurrence in the seeds (to be sold) per pound. This is required for each kind of restricted noxious weed seed present in the seeds you are selling.
- ✓ Seeds being sold must be free of prohibited noxious weeds. Seed is deemed mislabeled if the seed consists of, or contains, any of the listed prohibited noxious weed seeds. The list of prohibited noxious weed seeds is in Chapter 16-301 WAC. In addition, seed is deemed mislabeled if it consists of, or contains, any of the restricted noxious weed seeds in excess of the number declared on the label. The list of restricted noxious weed seeds is in WAC 16-301-050. Find both by searching the WAC titles by number on the Legislature's website at apps.leg.wa.gov/wac.

Seed assessment fee

Farms with a Seed Labeling Permit and gross agricultural and/or vegetable and flower seed sales in Washington of over \$10,000 (during the preceding fiscal year of July 1 to June 30), must pay an annual seed assessment. The assessment is calculated at a rate of 11 cents per \$100 of gross annual dollar sales. This seed assessment is due along with the annual Seed Labeling Permit. A penalty is added to all assessments not paid by February 1, and the Seed Labeling Permit may not be issued until all seed assessments and any penalties are paid.

Exemptions to the seed assessment fee 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 for a full list of exemptions.

2. Seed Testing Requirements

In some cases, seeds require testing in order to be sold. Required tests include 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.

NOTE: Official seed sampling of lots to conduct representative testing is only required for export, certified beans, and under certain contractual situations.

Please call the WSDA Seed Program at 509-454-4395 for more information.

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 lab with legal authority to test seeds in the state of Washington. The testing lab 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 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 are listed in the Seed Program Testing Fees schedule on the Legislature's website, apps.leg.wa.gov, WAC 16-303-200. Germination tests are listed as "Germ/1."

Germination Standards

GERMINATION STANDARDS BY CROP (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 Celeriac	55	Kale	75	Pumpkin	75	Turnip	80
Chicory	65	Kohlrabi	75	Radish	75	Watermelon	70

3. Seed Dealer License

A Seed Dealer License is required to obtain seed from another grower or company and resell it.

There is an exception: sale of seeds packaged in containers of 8 ounces or less by a registered seed labeler, does not require a Seed Dealer License.

The annual Seed Dealer License costs \$125. The license is required for each location where the licensee operates and must be posted on site. This specialty license is available from the Washington State Business Licensing Service (BLS) and requires a Business License, as well as a scale or weighing device registration. Your business license must list the Seed Dealer License before any reselling of seed may occur. For more information, contact the Washington State Business Licensing Service, 800-451-7985, BLS@dor.wa.gov, or bls.dor.wa.gov/specialtylicenses.



5. Licensing