

Seed Regulations for Custom Planters

Custom planting is on the increase in Kansas, as farmers seek to reduce capital investment in little used equipment or to move into cropping systems such as no-till. Custom planters may also be used to relieve a labor shortage on the farm. Regardless of the reason, farmers and custom planters need to be aware of their responsibilities when planting and growing certified seed.

The use of a custom planter does not absolve a farmer or custom planter of their responsibility to adhere to state and federal seed laws and intellectual property rights. If seed protected under the Plant Variety Protection Act or by patents is planted both the farmer and custom planter have the responsibility to abide by the appropriate laws. Therefore, both parties need to be well informed as to the variety of seed that is planted, and of any restrictions placed upon the use of the crop produced.

Ensuring information is relayed to the farmer is generally not an issue in cases where the custom planter merely conducts planting with seed purchased or grown by the farmer, assuming that that seed is obtained legally. Potential problems can arise when the custom planter also supplies the seed. If the custom planter does not relay the proper PVPA and patent information, or provide proof of legal purchase of the seed, the farmer may be subject to restrictions they are unaware of.

This situation can also be reversed. If a custom planter is using seed provided by the farmer, they should seek documentation that ensures the seed was obtained legally. Otherwise, the custom planter may be held liable for planting illegal seed.

The Kansas Crop Improvement Association is prepared to work with custom planters and farmers to assist them in understanding the various seed regulations. As each situation may be different, farmers and planters are encouraged to contact KCIA for assistance. KCIA staff can be reached at kscrop@kansas.net or by calling 785-532-6118.