

# AGRONOMIC CROP SCIENCE REPORT

Research

Extension

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## SEEDSMEN'S RECORDS REQUIRED BY THE FEDERAL SEED ACT 1/

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The Agricultural Marketing Service (AMS) of the U. S. Department of Agriculture is concerned with inspection, grading, market news, transportation and warehousing, regulation, and other aspects of marketing agricultural products. The Grain Division of AMS is responsible for inspection of grain and grain products, grain market news, and enforcement of the Federal Seed Act and Plant Variety Protection Act.

There are certain records required of seedsmen under the Federal Seed Act and regulations. Section 202 of the Act requires that all persons transporting, or delivering for transportation in interstate commerce, agricultural or vegetable seeds, shall keep for a period of 3 years a complete record of the germination, purity, origin, treatment, and variety. It provides that the Secretary of Agriculture or his agents shall have the right to inspect such records for the purpose of effective administration of this Act.

The term "complete record" is further defined in the regulations to include samples and records of declarations, labels, purchases, sales, cleaning, bulking, treatment, handling, storage, analyses, tests, and examinations, and consists of information pertaining to a person's own transactions and information received from others pertaining to their transactions.

The records needed to satisfy the requirements of the Federal Seed Act are really nothing more than should be kept in the ordinary conduct of your seed business. Your records are your internal information system by which you know what you are doing. The records of purchases, sales, storage, inventory, and transportation which you need for good business management are generally adequate for Federal Seed Act purposes.

First, a few words about lots and lot numbers. Lot Numbers are used to identify seed. A "lot of seed" is a definite quantity of seed, identified by a lot number, every portion or bag of which is of uniform quality, within tolerances, for the factors which appear in the labeling. The seedsman may devise any system of lot numbers from a simple series of numerals to an internal coding system that has special meaning within the company. Lot

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2/ From an address by C. R. Edwards, Chief, Seed Branch, Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, Hyattsville, Maryland, at the Seedsmen's Short Course, sponsored by Oregon State University, Corvallis, Oregon - March 12, 1975.

numbers should not be repeated more often than every 3 years. If a lot is blended with other seed or if a lot is subdivided, it should be given a new identification and records should be available to show what was done.

The records themselves may be broken into two sections. (1) Records of transactions which trace seed from the grower to the consumer, and (2) Records of quality control.

### RECORDS OF TRANSACTIONS

Purchases or Receiving Records. Records of purchases consist of invoices, bill of lading, scale tickets, grower's declarations of origin or variety, and any labeling, including test reports, received from the supplier. Very simply, a record of what, when, and from whom seed was purchased and how represented. Not all of these would be involved in each lot handled, but those which are pertinent should be obtained and kept in an orderly system.

Processing or Conditioning. Cleaning, drying, blending, bulking, and treatment or anything else that is done that changes the condition or identity, including quantity of the seed, should be kept on a record so that the finished lot can be retraced to the receiving record and the entire amount accounted for. Many companies use a multi-purpose record that serves as the instructions to the processing plant, and a report and record after the operation is completed.

Storage. A separate record of storage is not usually needed. The processing record may show where the seed was stored.

Transportation. The invoice may show the routing of the shipment. A bill of lading may supplement the invoice. The records should show what, how, when, where it was transported. The lot number should be shown on these records.

Sales. Sales confirmation, or contracts and invoices are the usual records. The lot number and the amount of each lot sold should be shown so that it is a complete record.

Labeling. The main item is the label attached to the bags. Be sure to keep a copy of the label in your files so that you will know how the seed was labeled. Sales confirmations or contracts, invoices, bills of lading, test reports, or other representations accompanying the shipment, are part of the labeling. Also, any labeling received from your supplier should be kept as a part of your receiving records or quality control records.

### RECORDS OF QUALITY CONTROL

Origin. "Origin" means where the seed was grown. Labeling as to origin is required for alfalfa, red clover, white clover and open-pollinated corn under the Federal Seed Act and most state seed laws. The record should consist of a grower's declaration, a country shipper's declaration indicating he holds grower's declarations, or some other documentation of the place where the seed was grown. Labeling received from the supplier constitutes the record, and there must be a record for the four seed kinds named.

Germination. The Federal Seed Act requires that the seed be tested for germination within a 5-month period immediately prior to interstate shipment, not including the month in which the test was made. There must have been a test and the record must be kept. The record usually consists of a laboratory report. The purpose of that requirement is to help assure truthful labeling as to germination. If the seed goes out of condition during that 5-month period, however, the shipper is still liable for the false labeling.

Purity. The record of the purity test usually consists of a laboratory report. It may be the calculated purity of a blend of two or more lots, each of which was tested separately. It may be a label from your supplier, but a word of caution. You are liable for the labeling when you ship the seed, even though you copy your supplier's labeling or leave his tags on the bags. The two of you may be separately liable.

Noxious-Weed Seeds. The noxious-weed seed examination is usually made when the purity test is made. This test should be made to identify the noxious-weed seeds according to the law of the state into which you are shipping the seed. The test report is the record.

Variety. Some varieties of seed can be identified as to variety. In these cases the laboratory test report is the record of the variety. In most instances, however, the variety cannot be determined on the basis of seed characteristics and the records become the basis for labeling. The law exempts the labeler from liability for false labeling indistinguishable seed as to variety; provided, he relied upon information received from his supplier and takes such other precautions as are deemed reasonable to correctly label the seed. For indistinguishable seed, the seedsman obtaining the seed from the grower should obtain a grower's declaration of variety - a record in which the grower describes the seed delivered and declares it to be the variety stated.

All seed labeled as to variety should be traceable to a grower's declaration. The grower is then liable. An exception would be if the grower produced the seed from stock seed supplied by the seedsman. The theory is that one seedsman must rely on another for correct labeling as to variety. If any one along the line fails to keep a complete record, then the liability falls upon him. If complete records are kept, it should be possible to retrace the history of the seed and establish who is at fault for the misrepresentation.

Treatment. Records of treatment must be kept by the person who treats the seed. All subsequent handlers must rely on correct representation made by the person who treats the seed. The record of treatment is usually the processing record. Be sure and keep a record of the labeling of the treatment also.

Samples. A file seed sample should be kept for each lot handled. It must be at least large enough for a noxious-weed seed examination. It may be discarded one year after the entire lot is disposed of. A seedsman may rely on the seed laboratory to keep the file sample for him, but the seedsman is liable for the incomplete record if the sample is not retained by the laboratory. The sample should represent the entire lot. The sample should be taken in the same manner that a seed inspector would sample the lot.

Summary. A seedsman's records should be the basis for labeling seed and should relate each seedsman's transactions so that any lot of seed may be retraced from where inspected back to the grower, or so that the seedsman knows what is done with each lot of seed and so that seed is labeled correctly.