


**Seed Regulatory and
Testing Division**


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(1) SRTD Web Page
<http://www.ams.usda.gov/Seed>


- Federal Seed Act (Act) and Regulations.
- List of Agricultural kinds regulated by the FSA.
- List of Vegetable kinds regulated by the FSA.
- Seedsmen's Records and the FSA.
- Treated seed requirements (FSA).
- State noxious weed-seed requirements.
- Facts about naming and labeling varieties.
- Variety name list and instructions for use.
- Items of Interest in Seed publication (IOI).



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(2) FSA & Regulations

- The FSA is a truth in labeling law that regulates agricultural and vegetable seed shipped in interstate commerce.
- The FSA Regulations provide the requirements for enforcing the FSA.
 - labeling, record keeping, advertising.
 - certification standards and procedures.
 - seed testing requirements (followed by FSL for FSA enforcement testing).



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(3) FSA Regulations - Revisions

- Proposed Rule published in the Federal Register on December 17, 2010.
- Comment period until February 15, 2011. No comments received.
- Public hearing held on January 21, 2011. No one attended.
- Final Rule published in the Federal Register on June 2, 2011.
- Effective revision date – July 5, 2011.



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(4) FSA Regulations - Revisions

- **Replaced pure seed definitions (PSDs) for 18 grass kinds with AOSA PSDs**
 - Old FSA Regs. & old AOSA Rules – seed with any degree of endosperm present considered pure seed.
 - Revised AOSA Rules – seed with a caryopsis at least 1/3 length of palea is considered pure seed.
 - 10/1/03 meadow & tall fescue, ryegrasses.
 - 10/1/05 smooth brome, wheatgrasses, other fescues.



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(5) FSA Regulations - Revisions

- Results: possible lower % Pure Seed & higher % Inert Matter (FSL – up to 5% difference).
- Consequences:
 - State labeling complaints submitted on the basis of an AOSA test.
 - Federal Seed Lab (FSL) required to test regulatory samples according to FSA Regs.
 - Some FSL purity test results are out of tolerance with the state test results and in tolerance with the label.



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(6) FSA Regulations - Revisions

- **Replace current noxious weed seed tolerances with those in the AOSA Rules.**

- FSA Regs.- tolerance for comparing the label amount to the test amount.
- NWS tolerances in AOSA Rules revised in 2008.

- Result: Slightly smaller tolerances.



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(7) FSA Regulations - Revisions

- Consequences:
- State labeling complaints are submitted on the basis of the smaller AOSA noxious weed seed tolerances.
- Seed Reg. & Test Div. is required to use the larger noxious weed seed tolerances in the FSA Regs. for enforcement.
- In some cases, state test results are in tolerance with the labeled amount when the larger tolerances in the FSA Regs. are used.



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(8) Test Report Issues & the FSA

- **Test reports required to be kept by an interstate shipper as records for 3 yrs.**


- Sect 201.6 of FSA Regs. (Germ) requires % germ, % hard seed, kind, lot #, and test date.
- Sect 201.7 of FSA Regs. (Purity) requires % pure seed, % inert matter, % other crop seed, % weed seed, and noxious weed seeds.



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(9) Test Report Issues & the FSA

- **Issue: Can a TZ test be used to label germ % for seed shipped in interstate commerce?**
 - No – a TZ test is not considered a germ test record
 - Sect 201.6 of FSA Regs. (Germ) requires % germ, % hard seed, kind, lot #, and test date
 - Sect 201.57a of FSA Regs. allows the use of TZ to determine dormancy of ungerminated seeds of 24 kinds at the end of the germ test

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(10) Test Report Issues & the FSA

- **Issue: How should a seed lot be tested when part is treated and part remains untreated?**
 - Sect 201.2(v) of FSA Regs. Lot of seed is defined as a definite quantity of seed, every bag of which is uniform, within permitted tolerances for factors which appear on the label.
 - A lot of treated seed requires its own lot number and its own test.

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(11) Test Report Issues & the FSA

- **Issue: How should a seed lot be tested when part is treated and part remains untreated?**
 - FSA enforcement: The test of untreated seed used to label treated seed is not considered a valid test record for the treated seed lot.

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(12) Test Report Issues & the FSA

• **Issue: Can the purity & germ % of an untreated lot be used to label the purity & germ % of a treated lot?**

- Sect 201.2(z) of FSA Regs. Conditioning is defined as cleaning, scarifying, blending, to obtain uniform quality, and other operations which would change the purity or germination of the seed and therefore require retesting to determine the quality of the seed.



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(13) Test Report Issues & the FSA

• **Issue: Can the purity & germ % of an untreated lot be used to label the purity & germ % of a treated lot?**

- Seed treatment and the treatment process could result in increased inert matter and a change in germination %.
- A separate purity and germination test would be required for the treated lot that has been given a new lot number.



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(14) Test Report Issues & the FSA

• **Issue: Can the purity & germ % of an untreated lot be used to label the purity & germ % of the treated lot?**

- FSA enforcement: The test of untreated seed used to label treated seed is not considered a valid test record for the treated seed lot.
- The treated lot needs a new lot number.



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(15) Test Report Issues & the FSA

• **Issue: Can the germ % of an uncoated seed lot be used to label the germ % of a coated seed lot?**

- See FSA Regs. Sect 201.2(v) (lot of seed) & Sect 201.2 (z) (conditioning).
- The new lot of coated seed requires its own lot number and its own test.
- FSA enforcement: The test of uncoated seed used to label coated seed is not considered a valid test record for a lot of coated seed.



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(16) Test Report Issues & the FSA

• **Issue: Can the germ % of the original seed lot be used to label the germ % of a re-cleaned seed lot?**

- See FSA Regs. Sect 201.2(v) (lot of seed) & Sect 201.2 (z) (conditioning).
- The new lot of re-cleaned seed requires its own lot number and its own test.
- FSA enforcement: The test of the original seed is not considered a valid test record for a lot of re-cleaned seed.



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(17) Test Report Issues & the FSA

• **Noxious weed seed names on state list ex. Brassica spp., wild turnip – (now Sinapis arvensis)**

- Some states may consider all Brassica seeds as noxious.
- Other states may only consider one species as noxious.
- It takes time to revise laws and regulations.
- Contact the state in question for clarification.



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(18) Test Report Issues & the FSA

- **Other Issues:**
 - Less than the minimum amount of seed tested for purity and noxious weed seeds.
 - FSA enforcement: Regulatory complaints - Regulatory test are not used. The test by the FSL (using at least the minimum required amounts) is used for enforcement purposes.
 - FSA enforcement: Test for labeling – Not considered a valid test record.



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(19) Test Report Issues & the FSA

- **Other Issues:**
 - Less than the minimum amount of seed tested for germination.
 - FSA enforcement: Regulatory complaints – Regulatory test not used. The test by the FSL using the minimum required amount (400 seeds) is used for enforcement purposes.
 - FSA enforcement: Test for labeling – Not considered a valid test.



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(20) Test Report Issues & the FSA

- **Other Issues:**
 - Weed seeds from the purity test (calculated as #/lb.) used for labeling noxious weed seed.
 - FSA enforcement: Regulatory complaints – Regulatory test not used. The test by the FSL using at least the minimum required amount is used for enforcement purposes.
 - FSA enforcement: Test for labeling – Not considered a valid test record.



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(21) Test Report Issues & the FSA

- **Other Issues:**
 - Retesting a retained sample for germ relabeling.
 - The retained sample may not reflect the current quality of the seed lot.
 - Suggestion: Put the “date received” in addition to the “date completed” on the test report.



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(22) Test Report Issues & the FSA

- **Other Issues:**
 - Noxious weed seed exams.
 - What exam? All States exam, All States exam minus UGS, specific State noxious exam.
 - Suggestion: Find out exactly what the customer needs.



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(23) Test Report Issues & the FSA

- **Other Issues:**
 - Why do we test seed?
 - Labeling purposes (official rules).
 - Regulatory purposes (official rules).
 - Provide information to a company (official rules or special test procedures, depending on the situation).



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(24) Test Report Issues & the FSA

- How does the SRTD promote accurate testing?
 - Offer the PVP for ASL
 - Provide feedback to regulatory labs
 - Federal Seed Schools
 - Check tests and seed identification
 - Provide feedback to seed companies about the validity of test reports used for labeling purposes
 - IOI seed testing articles



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