

SUMMARY STATEMENT ON THE FEDERAL SEED ACT

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Editor's Note:

Recent special developments in forest tree improvement (tree breeding) have led to proposals that the Federal Seed Act be amended to include forest tree seeds. This article has been published solely to provide a better understanding of the Federal Seed Act.

1. General information. The Federal Seed Act of August 1939 is a law which covers, essentially, labeling of agricultural and vegetable seeds. It is applicable in all States and concerns shipments in interstate and foreign commerce. Forest tree seeds are not regulated under this Act, but could be covered if appropriate amendments were enacted.

The Federal Seed Act requires agricultural seed to be labeled to show the name of the kind, or kind and variety, or kind and type; percentages of pure seed, weed seed, inert matter, and other crop seeds; percentage of germination; percentage of hard seed, if present; date of the germination test; and name and address of the interstate shipper. Labeling showing the names and rates of occurrence of weed seeds considered noxious in the State into which the seed is shipped is also required.

Vegetable seeds above specified standards need be labeled to show only the name of the kind and variety of seed and the name and address of the interstate shipper. If below the specified standard, vegetable seed must be labeled to show the percentage of germination, the percentage of hard seeds, if present, and the date of the germination test, together with the words "Below Standard."

State seed inspectors enforce the State seed laws and the Federal Seed Act by

visiting seed establishments including grocery stores, drugstores, and others to draw samples from containers of seed being offered for sale to the public. These samples are tested in the State seed laboratories to determine whether the seed is correctly labeled to comply with the State seed law and the Federal Seed Act. Except for advertising violations, all action under this Act results from violations reported to the Agricultural Marketing Service by State seed officials. AMS, under authority of the Secretary of Agriculture, administers the Act through standard cooperative agreements with the 50 States.

2. Basic objectives. The purpose of the Federal Seed Act is to regulate interstate and foreign commerce in agricultural and vegetable seeds. Its basic objectives are (1) to require specified labeling on the containers of seed transported in interstate commerce, (2) to prevent misrepresentation in the labeling and advertising of seed in interstate and foreign commerce, and (3) to require that imported seeds meet certain minimum standards of quality.

3. Nature and scope of the regulatory functions. Warning letters or notices are issued for minor violations of the Act when it is determined that the public interest will be adequately served by such action. Seizure actions are recommended on the request of the State seed officials primarily when it is decided that seed worthless for planting cannot be sold within a State and should not be returned to the interstate shipper for processing except under supervision. Civil action is recommended under the Act in nearly all court actions since no element of intent must be proved. Criminal action may be recommended when the Act has been

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violated knowingly, or as a result of gross negligence or the failure to make a reasonable effort to determine the pertinent facts. Cease and desist orders may also be issued. However, this action has been taken only once since the enactment of the Federal Seed Act, as civil and criminal actions recommended in Federal courts have been more efficient and less costly.

4. The administrative mechanism for performing the regulatory functions. The 50 States, with which the Agricultural Marketing Service has cooperative agreements, employ more than 400 seed inspectors to inspect seed in enforcement of State seed laws. The Seed Branch of the Grain Division, AMS, has five regional offices and laboratories; they are in Sacramento, Calif.; Minneapolis, Minn.; Kansas City, Mo.; Montgomery, Ala.; and New Brunswick, N.J., and the headquarters office and laboratory are at Beltsville, Md. The Federal offices and laboratories employ a total of about 40 technical and administrative people.

Custom inspectors of the U.S. Department of the Treasury are required under the Federal Seed Act to provide samples of all imported seed which are specified by the U.S. Department of Agriculture so AMS can determine whether the seed meets the minimum requirements. Seed that does not meet USDA minimum requirements may be recleaned, stained, destroyed, or exported, depending upon the type of deficiency. The original test of imported seed is performed under appropriated funds. Supervision of recleaning, staining, or destruction of rejected seed is done on a reimbursable basis.

Inspectors in the Plant Quarantine Division of the Agricultural Research Service also sample imported seeds at Port-of-Entry for pest control purposes. This procedure includes forest tree seeds.

5. Procedures followed in connection with complaints received from outside and within the Department of Agriculture, and the resulting actions. Complaints may be filed by any person; however, 90 percent are received from State seed officials. Under cooperative agreements in effect with all

States, when personnel of a State seed laboratory find a violation of the Federal Seed Act, they submit to the regional Federal Seed Laboratory essential documents together with a sample of the seed. The regional Federal Seed Laboratory tests the sample and compares the results with those reported by the State laboratory. If agreement exists, an inspection of the shipper's records may be made by one of the regional Federal Seed Act representatives, and a file sample of the shipment may be obtained for comparison with the official sample previously obtained by the State inspector. All facts of the investigation, including the results of tests on all samples available and the report of the inspection of the shipper's records, are reported to the Beltsville, Md., headquarters office. There the evidence is reviewed and a recommendation for action is made.

For routine cases in which it is decided that no action appears warranted, the regional laboratory may advise the State seed officials who submitted the complaint of the reasons for such a decision. A copy of this letter is reviewed in the Beltsville headquarters office for concurrence with the decision. Warning letters or notices are issued in cases in which it is determined that action will adequately serve the public interest.

Letters affording the shipper an opportunity to present views prior to a possible recommendation of prosecution are also issued. Recommendations for prosecution are made to the Office of the General Counsel of the U.S. Department of Agriculture, who then forwards recommendations to the appropriate U.S. attorney.

All complaints received from State seed officials or members of the seed trade are disposed of by action under the Federal Seed Act or, if no action is warranted, the person who submitted the complaint is informed of the reasons why no action was taken.

Investigations and actions regarding advertising originate largely within the Agricultural Marketing Service. Its personnel review farm and seed publications containing advertising relating to seed. About 1,000 complaints are handled each year. However, less than 10 percent result in court action.

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