



United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Agricultural
Marketing
Service

Livestock and
Seed Program

Items of Interest in Seed Control

April 2005

Seed Inspector Workshop	1
Naming New Biotech Varieties	1
Triers, Probes, and Automatic Seed Samplers—Part 1	2
Administrative Change	3
Directory of Services.....	4
Federal Seed Act Cases Settled	5
Ryegrass Fluorescence List	6
Plant Variety Protection Certificate Status.....	6

Seed Regulatory and Testing Branch
801 Summit Crossing Place, Suite C
Gastonia, North Carolina 28054-2193

Fax-Regulatory Section (704) 852-4109
Fax-Testing Section (704) 852-4189
<http://www.ams.usda.gov/lsg/seed.htm>

SEED INSPECTOR WORKSHOP

Seed Regulatory and Testing Branch (SRTB) Seed Marketing Specialists Roger Burton and Kevin Robinson conducted a Seed Inspector Workshop at the Idaho Department of Agriculture February 23-24, 2005. There were 21 attendees from various States including Idaho, Oregon, and Washington, as well as the Bureau of Land Management (BLM) and one representative from Dairyland Seed Company, Inc.

The following topics were covered:

- How the Federal Seed Act (FSA) works;
- What is covered by the FSA;
- Sampling containers, bags, and bulk seed;
- TZ testing and the FSA;
- Labeling violations;
- Title V of the FSA;
- Sampling principles, documentation, and problems;
- Planning and execution of samples; and
- Training evaluation.

The afternoon of the second day of the workshop was conducted at the BLM in Boise, ID. In addition to classroom training, attendees had the opportunity to sample seed using various methods from hand sampling to probe sampling. Each attendee will be receiving a Certificate of Training from USDA.

For information regarding this article, contact Seed Marketing Specialist Kevin Robinson (704) 810-7264; kevin.robinson2@usda.gov.

NAMING NEW BIOTECH VARIETIES

Recently it has come to our attention that certain biotechnology-derived varieties are being sold by the names of the original varieties into which the new traits were inserted. The addition of a new trait to an existing variety results in the creation of a new variety. Selling two different varieties with the same name is a violation of the FSA because each variety must have its own distinct name.

There are several acceptable ways to name a new variety that is derived from an existing variety. One way to name this new variety is to give it an entirely new name. Another possibility is to use the name of the original variety plus a suffix that makes the variety name unique. An example of this style of naming a new biotechnology-derived variety would be the use of the name of the original variety, for example, 'ABCD,' followed by the addition of a designation for the added trait. This trait designation could be RR if the new variety contained the trait for Round-UpTM resistance. In this case, the new variety name would be, 'ABCDRR.'

If the name of an existing variety is used as part of the name of a new variety, the new variety must be derived from or closely related to the existing variety. It is expected that the new variety will be similar to the existing variety but contain one or more new, improved, or value added traits.

Occasionally we have determined that a new variety with the name of an existing variety as part of its name is not related to or derived from the existing variety. In most instances, the existing variety is a popular variety and accounts for a significant market share. In these cases, it appears that the company marketing the new variety is attempting to capitalize on the popularity of the existing variety. This practice is a violation of the FSA because it is misleading to consumers. Consumers would expect the new variety to be similar to the existing variety but with certain minor differences or improvements.

For information regarding this article, contact Chief Richard Payne (704) 810-8871; richard.payne2@usda.gov.

TRIERS, PROBES, AND AUTOMATIC SEED SAMPLERS--Part I

Introduction

The concept of sampling was utilized when testing of seeds became both feasible and desirable. In order to draw samples which would best represent the lot of seed it was necessary to develop equipment which, when used properly, would give a representative sample. New equipment continues to be developed; in fact, there is a wide variety of seed sampling equipment ranging from the original trier to the multi-faceted automatic seed samplers. The question facing samplers today, both official and private, is which equipment will give representative samples, which equipment can or cannot be used as per regulation, and what are the requirements revolving around the use of such equipment?

Policy and Guidance

Regarding the United States, the FSA and the FSA Regulations give limited guidance as to these questions. Section 201.39(b) of the FSA Regulations stipulates, "For free-flowing seed in bags or bulk, a probe or trier shall be used. For small free-flowing seed in bags a probe or trier long enough to sample all portions of the bag should be used." Section 201.40 shows, "Bulk seeds or screenings shall be sampled by inserting a long probe or thrusting the hand into the bulk as circumstances require in at least seven uniformly distributed parts of the quantity being sampled." There is no stipulation as to the type of trier or the adoption and use of automatic seed samplers. One can conclude that a trier so short it cannot sample all portions of the bag should not be used.

The Association of Official Seed Analysts (AOSA) sheds slightly more light upon the subject:

For sampling seeds in bags, a trier long enough to reach all areas in the bag shall be used. The trier shall be designed so that it will remove an equal volume of seed from each part of the bag through which the trier travels. Unless the trier has partitions in the seed chamber it must be inserted into the bags horizontally. Non-free flowing seeds difficult to sample with a trier shall be sampled by thrusting the hand into the seed and removing representative portions. When a sample is taken with the hand, insert the hand flat and with the fingers together. Keep the fingers together as the hand is closed and withdrawn. Because of possible segregation, hand samples should be taken from various locations in bags or in bulk.¹

The above reference to removing an equal volume of seed from each part of the bag essentially prohibits the use of triers which are of diminishing diameter. Also, only triers with partitions can be inserted into the seed vertically.

¹ Rules For Testing Seeds, Association of Official Seed Analysts, ed. October 2004, Section 1.2.

In looking for guidance from individual States, a survey of 11 States found sampling methodology, including sampling equipment, was referenced or adapted from the AOSA Rules and/or the FSA Regulations. It appears likely that most States have done the same. For example, in the Administrative Regulations of Kansas, K.A.R. 4-2-3, note section (b): "For free flowing seed in bags or bulk, a probe or trier long enough to sample all portions of the bag should be used." Note the similarity to Section 201.39(b) of the FSA Regulations. While examining only a portion of the State regulations, it appears that most sampling equipment regulations probably stem from the AOSA or the FSA.

The Association of American Seed Control Officials provides additional amplification regarding seed sampling equipment. While the equipment list indicates a seed inspector should be provided with "Triers, probes & other appropriate sampling devices," it does not give specifications. In a later passage, additional information is supplied as follows:

A trier shall be used for sampling free-flowing seed in bags or bulk. It should be long enough to reach all portions of the quantity being sampled. A double tube sleeve type trier shall always be inserted in closed position. An open slotted trier shall always be inserted with slot down. A six-inch long "thief" trier shall never be used on obtaining official samples.²

This is clearly the first instance we have found where a specific piece of equipment (the thief trier) is forbidden from taking official samples. We also have here the first reference to a double tube sleeve type trier and an open slotted trier.

We will have more to say about these in Part 2 which will appear in a future edition of the Items of Interest in Seed Control.

For information regarding this article contact Seed Marketing Specialist Gene Wilson (704) 810-8888; gene.wilson@usda.gov.

ADMINISTRATIVE CHANGE

Anitra Walker was selected for a vacant biological laboratory technician position. Anitra came to us from the USDA, AMS, National Science Laboratory. She was a physical science technician who worked in the Meals Ready to Eat (MRE) Chemistry Section. She performed nutritional and physical analyses on the MRE supplements. Anitra received a B.S. in biology with a minor in chemistry from the University of South Carolina, Columbia, SC, in December 2002. Some of her duties include processing samples for purity and germination tests.

For information regarding this article contact Seed Marketing Specialist Jeri Irwin (704) 810-8878; jeri.irwin@usda.gov.

² Handbook For Seed Inspectors, Association of American Seed Control Officials, page 3.

DIRECTORY OF SERVICES

Chief

Richard C. Payne, (704) 810-8884, richard.payne2@usda.gov

Laboratory Supervisor/Assistant Chief

Susan Maxon, (704) 810-8877, susan.maxon@usda.gov

Administrative Support Staff

Karen Sussman, Branch Secretary, (704) 810-8871, karen.sussman@usda.gov

Susan Haney, Laboratory Secretary, (704) 810-8870, susan.haney@usda.gov

Carolyn Camidge, Office Automation, (704) 810-8882, carolyn.camidge@usda.gov

Winston Robinson, Office Automation, (704) 810-7266, winston.robinson@usda.gov

Agronomist

Michael (Mike) Lovelace, (704) 810-7261, michael.lovelace@usda.gov

Biological Laboratory Technicians

Ernest Allen, (704) 810-8873, ernest.allen@usda.gov

Anitra Walker, (704) 810-7269, anitra.walker@usda.gov

Botanists

Charlene Burton, (704) 810-8880, charlene.burton@usda.gov

Sandy Dawson, (704) 810-8891, sandy.dawson@usda.gov

Todd Erickson, (704) 810-8881, todd.erickson@usda.gov

Patsy Jackson, (704) 810-8883, patsy.jackson@usda.gov

Vacant

Computer Applications

Jonathan Farmer, (202) 720-2875, Fax (202) 690-1174, jonathan.farmer@usda.gov

Sean Sabo, (704) 810-8885, sean.sabo@usda.gov

Plant Pathologist

Sandra Walker, (704) 810-7268, sandra.walker@usda.gov

Plant Physiologist

Vacant

Seed Marketing Specialist (International)

Perry Bohn, (704) 810-7262, OECD Fax (704) 865-1973, perry.bohn@usda.gov

Seed Marketing Specialists (Regulatory)

Roger Burton, (704) 810-7265, roger.burton@usda.gov

Jeri Irwin, (704) 810-8878, jeri.irwin@usda.gov

Kevin Robinson, (704) 810-7264, kevin.robinson2@usda.gov

Linda Vanderhoof, (704) 810-8879, linda.vanderhoof@usda.gov

Gene Wilson, (704) 810-8888, gene.wilson@usda.gov

Variety Specialist

Al Burgoon, Horticulturist, (301) 504-5682, Fax (301) 504-5291, al.burgoon@usda.gov

FEDERAL SEED ACT CASE SETTLED

The following cases were settled administratively under the Federal Seed Act between October 1, 2004, and March 31, 2005. Under the administrative settlement procedure, the Seed Regulatory and Testing Branch and the firms agreed to settle the cases for the amount specified, with the firms neither admitting nor denying the charges. Official Program Announcements on each of these cases is accessible on the following Web site:

<http://www.ams.usda.gov/news/newsrel.htm>:

Adams Seed Cleaners, Inc., Saluda, SC, has paid \$1,250 for a case involving four seed shipments. The alleged violations, while not the same for all shipments, were false labeling of germination percentage and failure to label the presence of noxious-weed seeds. Seed regulatory officials in Georgia cooperated in the initial sampling and inspection.

Andrews Farm and Seed, Inc., Carthage, MO, has paid \$875 for a case involving three seed shipments. The alleged violations, while not the same for all shipments, were false labeling of other crop seed percentage and date of test, failure to label the presence of noxious-weed seeds, and failure to keep required records. Seed regulatory officials in Alabama and Texas cooperated in the initial sampling and inspection.

Beachner Seed Company, St. Paul, KS, has paid \$1,625 for a case involving four seed shipments. The alleged violations, while not the same for all shipments, were false labeling of germination, pure seed, other crop seed, inert matter, and weed seed percentages, kind name, variety name, and date of test; failure to label the presence of noxious-weed seeds; and failure to keep required records. Seed Regulatory officials in Georgia, Kentucky, and Missouri cooperated in the initial sampling and inspection.

Discount Seeds, Inc., Watertown, SD, has paid \$1,625 for a case involving five seed shipments. The alleged violations, while not the same for all shipments, were false labeling of germination, pure seed, and other crop seed percentages; failure to label the presence of noxious-weed seeds; and failure to keep required records. Seed regulatory officials in Georgia, Maryland, Michigan, Missouri, and Texas cooperated in the initial sampling and inspection.

Farmers Ag Center, Mountain Grove, MO, has paid \$1,575 for a case involving three seed shipments. Shipments to Indiana and Tennessee were reshipped in interstate commerce by other firms. The alleged violations, while not the same for all shipments, were false labeling of pure seed and other crop seed percentages, failure to label the presence of noxious-weed seeds, and failure to show the shipper's name and address or code designation. Seed regulatory officials in Georgia and Kentucky cooperated in the initial sampling and inspection.

Gayland Ward Seed Company, Inc., Hereford, TX, has paid \$750 for a case involving four seed shipments. The alleged violations, while not the same for all shipments, were false labeling of noxious-weed seeds, hybrid seed percentage, kind name, and date of test. Seed regulatory officials in Oklahoma and Virginia cooperated in the initial sampling and inspection.

Lake Valley Seed Company, Inc., Boulder, CO, has paid \$1,000 for a case involving three seed shipments. The alleged violations, while not the same for all shipments, were false labeling of germination percentage, failure to keep required records, and failure to test for germination within the prescribed period prior to interstate shipment. Seed regulatory officials in Indiana cooperated in the initial sampling and inspection.

Mixon Seed Company, Inc., Orangeburg, SC, has paid \$1,500 for a case involving five seed shipments. The alleged violations, while not the same for all shipments, were false labeling of kind name and germination percentage, and failure to keep required records. Seed regulatory officials in Georgia cooperated in the initial sampling and inspection.

Pennington Seed, Inc., Madison, GA, has paid \$16,425 for a case involving twenty-two shipments from their locations in Georgia, Missouri, and Oregon. The alleged violations, while not the same for all shipments, were false labeling of germination, pure seed, inert matter, and other crop seed percentages, noxious-weed seeds, components in a mixture, date of test, kind name, and variety name; failure to label the presence of noxious-weed seeds, failure to show the name and rate of occurrence of noxious-weed seeds and required information for a seed component; and failure to keep required records including those establishing the kind and variety name; and shipping seed containing prohibited noxious-weed seeds and noxious-weed seeds in excess of State's limits. Seed regulatory officials in Florida, Georgia, Kentucky, and Texas cooperated in the initial sampling and inspection.

Plantation Products, Inc., Norton, MA, has paid \$1,375 for a case involving seven seed shipments. The alleged violations, while not the same for all shipments, were false labeling of germination percentage and failure to test for germination within the prescribed period prior to interstate shipment. Seed regulatory officials in Indiana and Texas cooperated in the initial sampling and inspection.

RYEGRASS FLUORESCENCE LIST

The current ryegrass fluorescence list by the National Grass Variety Review Board is available on the following Web site:

<http://www.oscs.orst.edu/publications/specialreports/vfl.pdf>

PLANT VARIETY PROTECTION CERTIFICATE STATUS

Check the status of certification and search for expired certificates by accessing the Plant Variety Protection Office's Web site and entering their Public Access Database:

<http://www.ams.usda.gov/science/pvpo/PVPindex.htm>.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.