

**Agricultural Marketing Service (AMS)
Livestock, Poultry, and Seed Program (LPS) and Science and Technology Program (S&T)
Meeting with Seed Sector Stakeholders
January 12, 2015**

Stakeholder Representatives:

1. Andy LaVigne, American Seed Trade Association (ASTA)
2. Bernice Slutsky, American Seed Trade Association
3. Ric Dunkle, American Seed Trade Association
4. Pat Miller, American Seed Trade Association
5. Jane DeMarchi, American Seed Trade Association
6. Michelle Klieger, American Seed Trade Association
7. Chet Boruff, Association of Official Seed Certifying Agencies (AOSCA)
8. Jess Peterson, Association of Official Seed Analysts /Society of Commercial Seed Technologists
9. Matt Moran, Association of Official Seed Analysts /Society of Commercial Seed Technologists
10. Chris Heck, Association of Official Seed Analysts /Society of Commercial Seed Technologists
11. Neal Foster, President SCST, South Dakota Crop Improvement Association
12. Barbara Cleave, Society of Commercial Seed Technologists
13. Susan Reed, President AOSA, Association of Official Seed Analysts
14. Ann Marie Thro, Sr. Advisor, Plant Health & Production and Plant Products, USDA Office of the Chief Scientist
15. Steve Malone, Association of American Seed Control Officials (AASCO)
16. Elizabeth Lee, National Association of Plant Breeders

USDA Representatives:

1. Anne Alonzo, Administrator, Agricultural Marketing Service
2. Ruihong Guo, Deputy Administrator, Science and Technology Program
3. Paul Zankowski, Commissioner, Plant Variety Protection Office (PVPO), Science and Technology Program
4. Jeff Haynes, Deputy Commissioner, Plant Variety Protection Office, Science and Technology Program
5. Craig Morris, Deputy Administrator, Livestock, Poultry, and Seed Program
6. Larry Meadows, Associate Deputy Administrator, Livestock, Poultry, and Seed Program
7. Warren Preston, Associate Deputy Administrator, Livestock, Poultry, and Seed Program
8. Fawad Shah, Director, Seed Regulatory and Testing Division (SRTD), Livestock, Poultry, and Seed Program
9. Ernest Allen, Deputy Director, Seed Regulatory and Testing Division, Livestock, Poultry, and Seed Program
10. Dana Stahl, Chief of Staff, Livestock, Poultry, and Seed Program
11. Sharlene Deskins, Attorney, Office of the General Counsel
12. Elizabeth Flores, Deputy Chief of Staff, Animal and Plant Health Inspection Service

Introduction: On January 12, 2015, AMS-LPS and S&T hosted a stakeholder meeting with 16 leaders from 10 organizations representing seed sector stakeholders. This was the third of a planned series of meetings with stakeholders from sectors served by LPS. The meeting took place in the LPS Conference Room and started with introductory remarks from AMS Administrator Anne Alonzo. LPS Deputy Administrator Craig Morris and S&T Deputy Administrator Ruihong Guo explained the purpose of the stakeholder meeting and provided a brief summary of print materials provided to participants. LPS Seed Regulatory & Testing Division Director, Fawad Shah and S&T Plant Variety Protection Office Commissioner, Paul Zankowski briefly explained the roles of each of their respective programs within AMS. Stakeholders came well prepared and a productive dialogue on seed sector issues began. A summary focused on the concerns and issues discussed is included below.

❖ **Strengths of AMS; Strengths of Industry**

- Getting rid of the Plant Variety Protection (PVP) application backlog.
- Having U.S. representation at global meetings (e.g., International Union for the Protection of New Varieties of Plants (UPOV), Organization for Economic Cooperation and Development (OECD) Seed Schemes, International Seed Testing Association (ISTA)).
- AOSCA has done great job on Organic Seed Finder Website (<http://www.organicseedfinder.org/>) – started in October 2012. AMS National Organic Program has been very supportive of the industry.
- Seed Certification – long standing relationship and Communications. Self-assessments. Stakeholder meeting.

❖ **Challenges to the Seed Sector**

Uniformity and Consistency between Laboratories Remains a Key Stakeholder Concern

Stakeholders emphasized that a consistent and strong testing system is needed to support product labeling, customer needs, and regulatory requirements; they also expressed how budgetary issues have limited laboratory's ability to maintain or improve uniformity and consistency within the seed sector. AOSA and SCST certify technicians but not laboratories.

❖ **Seed Lab Audit Program**

Can the Seed Regulatory and Testing Division Initiate a Laboratory Review Program?

There was an extensive conversation on establishing a laboratory review program as a method to ensure uniformity among seed testing laboratories. Stakeholders indicated the program needed a home and funding, and consequently inquired if AMS would be interested in managing or co-managing (through a public-private partnership) a laboratory review program. LPS reviewed budgetary constraints of their user-fee and appropriated funds and estimated this activity would require 1 FTE and indicated that more flexibility is available through the marketing avenues that exist within LPS rather

than the regulatory method. S&T indicated a framework for reviewing laboratories exists in their program.

Additional discussion included budgetary constraints of State and small laboratories and recognition of laboratories already accredited to specific standards by third-party accreditation bodies. This option would be more cost effective for laboratories and government alike. LPS offered to explore development of a self-certification process for laboratories and house an “approved” laboratories list on the LPS website. The self-certification process would allow laboratories to attest that they meet the specified requirements. The list of “approved” laboratories would identify laboratories that hold third-party accreditation and those that attest to the specified requirements.

Identifying Acceptable Laboratories

Additional discussion included the need to identify what a laboratory must do to become a certified laboratory, to develop specified requirements that seed testing laboratories need to meet, and to ensure the laboratories (and reviewers) are interpreting the requirements uniformly. LPS indicated that appropriated funds could be used to support the development of a seed testing standard or requirements. Stakeholders stressed “we can’t wait for states to be able to afford audits; consistency is needed now.” There was some concern on how self-certification would affect program integrity and how some of these concerns could be mitigated and addressed.

Why do we Certify Seed Technicians but not Testing Laboratories.

Stakeholders discussed that some laboratory inconsistency occurs from a lack of requirements that not all seed technicians are required to be certified. While some incentives exist for technicians to become certified, these are generally within individual organizations, not an industry practice. Additionally, there are opportunities for inconsistency to occur within and between laboratories since they are not required to be certified.

Testing Methods

Stakeholders agreed that testing methods should be reviewed and approved. There seems to be considerable inconsistency in what is considered acceptable testing methods used to report labeling results (pure live seed vs. germination percentage; viability vs. germination percentage). Issues often are associated with native species not covered by the Federal Seed Act and which don’t always have established testing procedures. Is there a need to look at laboratory certification for certain kinds of seed?

❖ Updating the Federal Seed Act (FSA)

The FSA needs to remain current with changes in the industry, such as the increasing importance of cover crops and native species. Should FSA regulations be updated each

time a new native (or other) species is identified? Or could the regulations reference another document outside the regulatory framework to make the regulation more flexible?

❖ **Productivity and Efficiency**

Kudos to AMS for getting rid of the PVP application backlog.

❖ **Electronic plant variety protection applications**

The PVPO is working on its ePVP system and will be enlisting seed industry partners to test the system. The PVPO plans to launch the ePVP with a limited number of species in May 2015.

❖ **Outreach ideas for both programs**

Numerous suggestions were discussed on how AMS could improve outreach activities in the seed sector. These are outlined below.

Ensure the industry is well represented at international meetings – It is important to have a U.S. presence at UPOV and at the International Seed Federation Intellectual Property meeting. Use of molecular markers is an important issue. Although there is a PVP Advisory Board, with 2 industry representatives, it is important to identify representatives who understand the PVP process within their own organizations and who appropriately represent the industry (there is a concern that the industry is not sufficiently represented), while being mindful of intellectual property rights to prevent conflicts of interest between entities at the table.

Notification of Policy Issues Affecting the Seed Industry – The Seed Industry would generally like to receive notifications of policy issues that may affect them prior to implementation. This may be accomplished by working on a crop-by-crop basis. Early notification would ensure a level playing field for all entities.

Ensure Seed Industry Feedback Before and After International Meetings – It is important for SRTD and PVPO to hold meetings or teleconferences with the Seed Industry prior to international meetings to ensure the U.S. representative clearly understands the concerns and wishes of the industry. Post-meeting feedback also is valuable. A technical advisory group may be one way to accomplish this coordination.

❖ **USDA Needs To Do a Better Job of Marketing Our Services to Foreign Countries**

Determine whether some level of equivalency could be reached between ISTA and U.S. Standards – Many, if not most, of the ISTA requirements mirror those of AOSA. AOSA would have support from other countries in pursuing equivalency; since ISTA is viewed as being very costly and cumbersome by laboratories. There are two separate issues: seed standards (AOSCA) and seed testing (AOSA). The individual country would need to identify AOSA as equivalent ISTA. USDA could support AOSA equivalency efforts by posting a side-by-side comparison of ISTA versus AOSA on the AMS website to demonstrate the high level of similarity between the two programs.

The broader issue is when is it appropriate for private industry to develop the data, rather than the government? Stakeholders wouldn't want USDA to change the industry's process for the sake of harmonization. Electronic applications are a win/win. Consider shared review between company and government or other body. Having a targeted approach with countries would help gain acceptance of the U.S. approach.

Improve Organic Seed Use – While the Organic Seed Finder website has been very useful and the NOP very supportive, more still needs to be done. More involvement from seed vendors is needed. NOP needs to include seed in NOP equivalency agreement negotiations – Stakeholders indicated that oftentimes organic seed use is not included or considered in equivalency agreements/arrangements negotiations between countries and the National Organic Program.

Understanding the Importance of Cover Crops and Seed Industry's Role -

Stakeholders emphasized the growing importance of cover crops and the concerns that cover crop use brings to the seed industry. A farmer wishing to use certified seed or a certified seed mixture as a cover crop is required to seek permission from the PVP owner, to ensure identity of the seed and allow the PVP owner to receive royalties. In other instances, the seed is "brown-bagged" and often renamed, which means the grower loses royalties. Some states offer a rebate to farmers who test cover crops. How can we allow the use of certified seed or seed mixtures for cover crops while maintaining the identity of the seed and not being overly burdensome to farmers? There was some confusion on the responsibility of PVP owners and farmers. It was suggested that there be a check box on the PVP application that would allow the seed to be used in a cover crop mix, however this would be difficult to justify through the OMB forms review process. The cover crop issue would best be handled through a blog or information sheet that describes how certified PVP seed could be released and labeled in a cover crop mixture.

Often States offer conditions; many times the Seed Conditioners within the State are not regulated. Most Seed Conditioners in South Dakota must be licensed through the Crop Improvement Association. There are issues with Cooperatives that run a few months a year. There appears to be some specific areas of concern, generally in F&V and in the southern part of the US.

❖ Factsheets and websites with explanations of both programs and the benefits

AMS reviewed the new webpages to house the SRTD and PVPO services (<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateA&page=Seed>). AMS is redesigning its website and is working to make it more intuitive for users. GovDelivery is a service that AMS is adopting that could be used to allow seed industry information and updates to be pushed to interested subscribers.

❖ Available training to industry on both programs

LPS SRTD offered to conduct mock audits at their facility for State laboratories as a means to prepare State laboratories for audits and as a means to educate laboratory personnel and bring consistency to the interpretation of requirements.

Interpretation of the standards or regulations is truly the issue. If we don't address this issue any other work will be futile.

Action Points:

- Develop a self-audit proposal that will be used by industry testing laboratories to attest their adherence to minimum industry standards.
- Develop a list of laboratories that have attested or have been accredited to a particular standard/rule.
- Communicate to NOP that the Seed Industry would like (1) to include seed in equivalency agreements and (2) how to improve organic seed use, bringing people to the table.
- Unified message on cover crops to State Extension and Universities. LPS could develop a paper or article for publication in a blog, this message should include how the process works and it needs to include instruction on how this product could be labeled.
- Examine possibility of streamlining the FSA. An impromptu meeting to discuss the possibilities may be worthwhile.
- Ensure industry feedback is considered prior to decision points, such as changes in policy or at international meetings. Also, keep industry apprised of the outcomes of decisions and international meetings.
- Develop a side by side comparison of ISTA / AOSA requirements and post to the AMS website.