



Seed Regulatory and Testing Division

Fall 2024



ITEMS OF INTEREST IN SEED

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RECENT ACTIVITIES

FSA AND INSPECTOR TRAINING

SRTD Seed Marketing Specialist Kevin Robinson provided a Federal Seed Act and inspector training to the South Carolina Department of Agriculture. The training provided guidance on Federal Seed Act enforcement and how to collect samples for the regulatory program. Trainings such as these will help unify seed sampling procedures which will lead to more consistent testing results among State and Federal laboratories.

INTERNATIONAL COLLABORATIONS

SRTD representatives met with members of the Danish consulate and a private Danish company to provide information about seed shipping requirements. The company is looking to sell new vegetable varieties in the United States. AMS SRTD serves as a resource to assist companies marketing their seed within the U.S.

STATE SEED REGULATORS QUARTERLY MEETING

The Seed Regulatory and Testing Division (SRTD) conducts regional quarterly virtual meetings with State Seed Control Officials (SCO). The goal of the meetings is to promote better communication and working relationships with SCOs and discuss current industry issues. Topics from the most recent meetings included:

- FSA test date vs. State expiration date: FSA requires seed lots to be tested before shipping in interstate commerce and the test results do not have an expiration date. States require seed companies to retest and relabel seed lots when the seed lot is expired. Usually, States allow 9 months or 12 months from test date to the expiration date. Please contact State SCOs for their specific requirements.
- Trueness-to-Variety trials update: Last year, SRTD tested pumpkin, squash, and pepper. There were no issues found with pumpkin and squash. Two pepper lots were in violation of the Federal Seed Act.
- Seed lots submitted with multiple components: FSA defines seed lot as “quantity of seed identified by a lot number, every portion or bag of which is uniform, within permitted tolerances.” Therefore, a company cannot have one lot number that has different labeled analysis for multiple components.

For more information regarding this article, contact Regulatory Supervisor Lan Chi Trinh at (704) 810-7272; lan-chin.trinh@usda.gov.

SRTD DONATES TO LOCAL CHARITIES FOR USDA'S FEDS FEED FAMILIES

AMS S&T Seed Regulatory and Testing Division, in cooperation with the North Carolina Department of Agriculture's Piedmont Research Station and Mountain Horticultural Crops and Research Station, harvested over 3,500 pounds of pumpkins and 300 pounds of squash. The produce was donated to several county cooperative extension services, the city of Salisbury, NC, and Bounty & Soul in Black Mountain, NC. These are nonprofit community service organizations that provide supplemental food assistance and other outreach activities for those in need. The squash and pumpkins were donated as part of the USDA's Feds Feeds Families campaign, which strives to help our neighbors in need.



Squash plants at Mountain Horticultural Crops Research and Extension Center in Mills River, NC. (Kevin Robinson AMS SRTD 2024)

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

TETRAZOLIUM TESTING UNDER THE FEDERAL SEED ACT

Tetrazolium (TZ) testing is a biochemical test that determines seed viability based on respiration activity of the living tissues in seeds. It can be used to determine viability of ungerminated seeds at the end of a germination test, to determine dormancy in seed, and to test for vigor.

According to the Federal Seed Act (FSA) Regulations, at the end of a germination test, viability of ungerminated seeds shall be determined. FSA Regulations also indicates four methods for determining whether the ungerminated seeds are dormant: cutting test, tetrazolium test, scarification, or application of germination promoting chemicals (201.57a). The Seed Regulatory and Testing Division prefers the use of the TZ test to determine dormancy.

FSA Regulations (201.57a) list the kinds that require a dormant seed determination at the end of a germination test. These are mostly grasses, and include: bahiagrass, big bluestem, little bluestem, buffalograss, blue grama, and Indian rice grass, among others.

It is important to note that a TZ test is not a substitute for a germination test. The TZ test cannot distinguish between seed that would germinate under normal conditions and dormant seed. Also, the TZ test cannot always detect pathogens in the seed which could interfere with germination and cause abnormal seedling development. When labeling, dormancy percentages found while performing a TZ test at the end of a germination exam cannot be included as part of the germination percentage.



TZ test on a bahiagrass seed after a germination exam, showing viability. (Elizabeth Stewart AMS SRTD 2024)

For more information regarding this article, contact Botanist Elizabeth Stewart at (704) 810-8873; elizabeth.stewart1@usda.gov.

WHAT IS A TITLE V VARIETY UNDER THE FEDERAL SEED ACT

Varieties under Title V protection may only be sold by variety name as certified seed. The decision to give a variety Title V protection is made by the owner or breeder of the variety before it first traded on the market. This protection is only available to those who seek to protect their variety through the Plant Variety Protection Act.

Section 501 under Title V of the Federal Seed Act (FSA) states, “It shall be unlawful in the United States or in interstate or foreign commerce to sell or offer for sale or advertise, by variety name, seed not certified by an official seed certifying agency, when it is a variety for which a certificate of plant variety protection under the Plant Variety Protection Act specifies sale only as a class of certified seed: Provided, That seed from a certified lot may be labeled as to variety name when used in a mixture by, or with the approval, of the owners of the variety.”

The key to this section is that a Title V variety must be a class of certified seed. Advertising or selling uncertified seed of a Title V variety by variety name is a violation of Title V which, unlike other requirements in the FSA, applies to both intrastate and interstate advertising, sales, and shipments.

Often, SRTD is asked if there is a requirement to include a comment from the Plant Variety Protection Office that states, “Unauthorized Propagation Prohibited – To Be Sold by Variety Name Only as a Class of Certified Seed – U.S. Protected Variety” on the labels of Title V protected varieties? Section 201.8 of the FSA Regulations states, “The label may contain information in addition to that required by the Act, provided such information is not misleading.” Therefore, a statement such as the one above may be placed on a seed label, provided such a statement is truthful and not misleading. However, it is not a requirement.

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

U.S. OECD PROGRAM NOTES

Reminders from the U.S. OECD Seed Schemes Program Manager:

- An OECD Variety List Query is recommended for confirming which varieties are eligible for certification. The list can be found on the National Institute of Agricultural Botany website (<https://www.niab.com/oecdv2/>). This tool is updated as varieties are added throughout the year.
- Requests for Multiplication Abroad Agreements should be submitted to the U.S. OECD Program manager before the beginning of the production season in the country where the production will take place. Requests should include variety or parent line descriptions and any additional details required by the producing country. Late season requests cause difficulties for the certifying agency in the other countries involved.
- When shipping seed through the U.S. OECD seed schemes program, be aware that shipments to the EU, and many other countries, require OECD labels. Reciprocally, seed OECD shipments arriving in the United States must bear OECD labels rather than country labels.

For more information regarding this article, contact OECD Program Manager Steve Malone at (704) 810-8888; stephen.malone@usda.gov.

UPDATING THE ALL STATE NOXIOUS-WEED SEED LIST

The All State Noxious-Weed Seed List, recognized in the administration of the Federal Seed Act, contains information about various State prohibitions of noxious-weed seeds. Under the authority of the Federal Seed Act, the USDA is responsible for monitoring each State’s noxious weed seed laws and participating in their enforcement when seed is moved in interstate commerce.

When viewing the All State Noxious-Weed Seed List, it is important to be aware that the seeds are listed according to the scientific and common names as passed by each State’s lawmaking bodies. SRTD collaborates with State regulators to harmonize synonyms and common names as much as possible, but the interstate shipper is

ultimately responsible for conducting the cross-referencing necessary to ensure the label meet State requirements. The most up-to-date list is found on the [USDA AMS website](#).

For more information regarding this article, contact Seed Marketing Specialist Rodney McNeace at (704) 810-8879; rodney.mcneace@usda.gov.

CALENDAR OF EVENTS

- *American Seed Trade Association Field Crop Seed Convention.*
Orlando, FL; December 10-13, 2024
- *American Seed Trade Association Vegetable and Flower Seed Conference*
Orlando, FL; January 31 – February 4, 2025
- Association of Official Seed Certifying Agencies Southern Regional Meeting
Savannah, GA; March 24-26, 2025
- Association of Official Seed Certifying Agencies Western Regional Meeting
Hood River, OR; April 16-18, 2025
- ISTA Seed Symposium
Christchurch, New Zealand; May 4-5, 2025
- AOSA/SCST Annual Meeting
Missoula, MT; June 6-12, 2025

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