



Seed Regulatory and Testing Division Summer 2023



ITEMS OF INTEREST IN SEED

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RECENT AND UPCOMING ACTIVITIES

FARMERS FAIRNESS

In March 2023, USDA published a report on fair competition in the seed sector. Prepared in response to Executive Order No. 14036 “Promoting Competition in the American Economy,” the report called for the establishment of a Farmer Seed Liaison at USDA to promote transparency and bring the farmer voice into the intellectual property system, a new Federal working group on fair competition in seeds, and a notice to industry under the Federal Seed Act with respect to the disclosure of kind and variety names to farmers before shipment.

POLICY AND RULE CHANGES OF 2023

SRTD staff have prepared a chart that organizes all of the rule changes from this year. This includes updates from OECD Seed Schemes, Association of Official Seed Analysts, and the International Seed Testing Association. [2023 Seed Industry Policy and Rule Changes \(usda.gov\)](https://www.usda.gov/oc/seed/2023-seed-industry-policy-and-rule-changes).

104TH ASSOCIATION OF OFFICIAL SEED CERTIFYING AGENCIES ANNUAL MEETING

The Association of Official Seed Certifying Agencies (AOSCA) held its 104th Annual Meeting on June 4-7, 2023, in Bloomington, Minnesota. AOSCA was established in 1919, consisting of agencies from North and South America, Australia, New Zealand, and South Africa. AOSCA’s mission is “to promote and facilitate the movement of seed or plant products in local, national, and international markets through the coordinated efforts of official seed certification agencies acting to evaluate, document, and verify that a seed or plant product meets certain accepted standards.” There were close to 100 participants from all over the United States as well as Canada and New Zealand at the meeting.

Seed Marketing Specialist Lan Chi Trinh represented the Seed Regulatory and Testing Division (SRTD) at the meeting and at the AOSCA Advisory Committee to give updates on SRTD and U.S. OECD Program activities.

The General Membership meeting and the Standard Council meeting discussed amendments to the existing AOSCA Standard. Other highlights included presentations “Driving Innovation”, “The Language of Leadership – Making Your Advocacy Count”, and “Building a Successful Agency.”

Roger Wippler (Foundation Seed Manager of Minnesota Crop Improvement Association) and Dr. Bill Foote (North Carolina Department of Agriculture and Consumer Services, Plant Industry Division Director) received the AOSCA Honorary Member Award. AOSCA also presented the inaugural Excellence in Innovation Award to

Minnesota Crop Improvement Association for their willingness to educate and train professionals through their Capacity Building Initiative program.

The next AOSCA Annual Meeting will be held in Destin, Florida on June 14-19, 2024. For more information about AOSCA, please visit <https://aosca.org>.

For information regarding this article, contact Seed Marketing Specialist Lan Chi Trinh (704) 810-7272; Lan-ChiN.Trinh@usda.gov.

37TH ASSOCIATION OF AMERICAN SEED CONTROL OFFICIALS MEETING

The Association of American Seed Control Officials (AASCO) held its 37th Annual Meeting on July 11-14, 2023, in Lafayette, Indiana. Dr. Ruihong Guo, AMS Deputy Administrator, and Seed Marketing Specialist, Lan Chi Trinh, represented the Seed Regulatory and Testing Division (SRTD) at the meeting.

The meeting was attended by a total of 40 representatives from organizations including seed control officials from 23 States, American Seed Trade Association (ASTA), Association Official Seed Analysts (AOSA), Canadian Food Inspection Agency (CFIA), Seed Innovation & Protection Alliance (SIPA), Society Commercial Seed Technologists (SCST), and several seed companies.

Dr. Guo presented on the 2022 AMS/Science & Technology Program activities. During the general session, Lan Chi Trinh presented on the Federal Seed Act and issues related to brand name. The presentations generated lively discussion among the attendees.

Other interesting presentations included seed innovation and protection, new technology for agricultural inspection and registration, and harmonization among different organizations.

In addition, there were discussions regarding treated seed disposal, test date requirements on mixtures, changing/updating test dates on seed labels, expiration dates on biological seed treatments, and adding seed health sampling information to the Handbook on Seed Sampling. There was one proposed amendment to Recommended Uniform State Seed Laws, which

did not pass due to lack of supporting documentation.

The 2024 AASCO Annual Meeting will be held in Utah. Meeting dates and location information will be announced at a later date.

For more information about AASCO, please visit <http://www.seedcontrol.org>

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BRAND NAME AND ITS ROLE UNDER THE FEDERAL SEED ACT

Brand names and trademarks have become an important marketing strategy for the seed industry. They provide an identity and uniqueness to a company's products. However, there are limitations when labeling with brand names under the Federal Seed Act (FSA).

What is a "Brand"? According to the FSA regulations, "brand" means a name, term, sign, symbol, or design, or a combination of them that identifies the seed of one seller or group of sellers and differentiates that seed from the seed of other sellers.

How should a brand be used? According to section 201.36b(e) of FSA regulations, "Seed shall not be advertised under a trademark or brand name in any manner that may create the impression that the trademark or brand name is a variety name."

Therefore, a variety cannot be used as a brand name or as a part of the brand name, and the brand name cannot be used as a variety name. If a company wishes to advertise products under a brand name, the brand name should be clearly indicated as a "Brand" on the label.

What about a mixture of brands? FSA regulations does not address brand mixtures. However, section 201.2(p) of the regulations defines mixture as "seeds consisting of more than one kind or variety, each present in excess of 5 percent by weight of the whole." Seed companies may have multiple brands in one seed lot as long as the label clearly indicates the brand names and variety names within the seed lot. A seed company may not advertise a seed lot as a mixture when there are multiple brands in the seed lot, and the label

indicates “Variety Not Stated”. Advertising in this way does not meet the FSA definition of mixture since there is only one variety, “Variety Not Stated”. Regardless of how many brand names are on the label, “Variety Not Stated” is considered a single variety.

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2023 AOSA/SCST ANNUAL MEETING

The Association of Official Seed Analysts (AOSA)/Society of Commercial Seed Technologists (SCST) held their joint annual meeting in Saskatoon, Canada from June 10 – 15, 2023. The meeting was well attended by analysts from both Canada and the United States. Workshops were offered on seedling evaluation, method validation, genetic technology, and purity testing. At the end of the meeting, attendees had an opportunity to tour the seed laboratory at the Canadian Food Inspection Agency.

The meeting consisted of both in person and virtual components. The ability to attend committee and Rules discussion meetings virtually, which was developed largely due to the pandemic, has allowed for larger participation by analysts who cannot normally travel to the annual meetings. The Rules discussion meeting was held completely virtually 3 weeks before the annual meeting. This new format allowed for more discussion time and more time for authors to edit their Rule proposals based on the discussion. The Rule proposal voting was held in person on the last day of the meeting. Seventeen proposals passed out of the 18 that were submitted. These included the addition of salvia and quinoa testing methods, removal of the raised blotter method, additional guidance for coated seed purities, seedling evaluation criteria, and reporting requirements of hard seed, pure live seed, and tetrazolium results.

One main topic of discussion at the meeting was the merger of the two organizations into a single organization. This would reduce redundancy in committee work, Executive Board work, and operating costs. A working group has been writing the by-laws for this new organization. Membership and voting will still be identified according to regulatory versus private laboratory

affiliation, giving both groups equal ability to pass or block new Rule proposals.

For more information regarding this article, contact Laboratory Supervisor Todd Erickson (704) 810-8877; todd.erickson@usda.gov

SEED TRAINING WORKSHOP IN GASTONIA, NC

SRTD held a Seed Analysts Training Workshop in Gastonia, NC, on August 14-16, 2023. Seventeen seed analysts from State and private laboratories attended. The workshop focused on purity and identification of similar crop and weed species with emphasis on identification of noxious-weed seeds. Other topics included: seed and seedling structures, germination, botany terms, pure seed unit definitions, uniform blowing procedure, and various calculations.

Following the workshops, the purity and germination exams were given to analysts to become either a Certified Seed Analyst (CSA) or a Registered Seed Technologist (RST).

The workshop promotes uniformity in testing by fostering greater compliance with State and Federal seed-labeling laws. The mission of the Federal Seed Act is to promote uniformity in seed laws and fair competition within the seed industry. This effort is supported by State seed control programs through authorization provided by cooperative agreements between the States and the USDA’s Agricultural Marketing Service (AMS).



For more information regarding this article, contact Laboratory Supervisor Todd Erickson (704) 810-8877; todd.erickson@usda.gov.

CALENDAR OF EVENTS

- American Seed Trade Association, Seed Expo
Orlando FL; December 4 - 7, 2023
- Association of Official Seed Certifying Agencies
Destin Florida; June 14-19, 2024
- The Association of American Seed Control Official Annual Meeting
Utah; TBD
- Association of Official Seed Analysts/ Society of Commercial Seed Technologist Annual Meeting
Rapid City SD; June 1-6

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