



# SEED COMPANY RECORDS AND THE FEDERAL SEED ACT

## I. INTRODUCTION

Maintaining proper records as required under the Federal Seed Act (FSA) is a problem for some seed companies. The failure to keep proper records is contrary to good business practices. Records necessary for normal good business management will ordinarily meet the requirements of the FSA and FSA Regulations. Under the FSA and FSA Regulations, interstate shippers are required to keep, and make accessible for inspection, a complete record of each lot of seed shipped in interstate commerce. Such information includes keeping a file sample and records of receiving, variety, conditioning/blending, tests, labeling, and sales and shipping/disposition. The term "complete record" is defined in the FSA Regulations Section 201.2(l). The FSA Section 202 and the FSA Regulations Sections 201.4(a), 201.5, 201.6, 201.7, and 201.7a describes the record keeping requirements.

A complete record of each lot is required to be kept for three years, except that the file sample may be discarded one year after disposal of the entire lot of seed. The records should be kept in a manner to permit comparison with the records kept by others for the same seed lot. This is so the seed may be traced from the place where it is officially sampled back to the grower, if necessary.

The person procuring the seed from the grower should keep grower's declarations of kind, variety, or type. Subsequent handlers should keep shipper's declarations, invoices, or other labeling establishing the kind, variety, or type labeled.

The complete record for any lot consisting of or containing treated seed shall include records necessary to disclose the name of any substance or substances used in the treatment of the seed. This may include a label, invoice, or other document received from any person establishing the name of any substance or substances used in the treatment, and a representative sample of the treated seed.

The following information provides guidance about the records required for seed subject to the FSA. It is designed for simplicity, yet relates a continuous history of the seed. No record is of value unless it is kept up to date and filed where it is readily available. The complete records may be kept together in one file folder for each lot or they may be kept separately.

## II. LOT NUMBERS

Lot numbers are the principal means of identifying seed and should be shown on all records. The lot number shown in the labeling is required to be the same as that used in the records pertaining to the seed. When a change is made to the seed in a lot, such as adding a seed treatment, the change should be reflected in the lot number. Choose a simple set of numbers. Do not repeat the series of lot designations more often than every three years.

United States  
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### III. RECEIVING RECORDS

Information from receiving records may be recorded electronically or printed in a ledger or notebook. Dealers purchasing seed primarily from growers may prefer a simple style. An invoice may also serve as a receiving record.

Record the lot number each time a purchase of seed is made. If the seed is assigned a new lot number, this information should be entered as indicated below. Invoices, scale tickets, labels or tests, and grower's declarations supplement this record.

#### RECEIVING RECORD (Ledger/Notebook Style Example):

Date	Incoming Lot # & Remarks	Our Lot #	Amount	Received From Supplier	Kind & Variety
10-1-08	bulk load 1 lot 1	3231	18,460 lbs.	Farmer Brown Brookhaven, NY	'Minhafer' oat
10-2-08	30 bags uncleaned Lot RC-2	3232	1,610 lbs.	John Doe Farmdale, NJ	VNS red clover
10-2-08	lot B1014	3233	25 50-lb.	J's Seed Co. St. Louis, MO	Ky. bluegrass
10-6-08	lot 6K16R	3234	50 50-lb.	Country Jones, Inc. Portland, OR	Per. ryegrass
10-8-08	Lot 881462 Blend of lots 988, 992, 1004	3235	60 50-lb.	Boomer Falls Seeds Jefferson, OR	'Kentucky 31' tall fescue
12-8-08	Lot 881462-T Blend of lots 988, 992, 1004 Treated remains of lot 992	3235-T	40 50-lb.	Boomer Falls Seeds Jefferson, OR	'Kentucky 31' tall fescue

Receiving records showing more information may be recorded on individual documents and kept in numerical order by lot numbers:

#### RECEIVING RECORD (Individual Document Style Example):

Our lot No.: \_\_\_\_\_ Date received: \_\_\_\_\_

Kind & Variety: \_\_\_\_\_

Amount received: \_\_\_\_\_

Received from: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Supplier's lot No.: \_\_\_\_\_ Brand: \_\_\_\_\_

Supplier's invoice No. and date: \_\_\_\_\_

Transportation record or bill of lading No.: \_\_\_\_\_

Name and address of carrier: \_\_\_\_\_

Remarks: \_\_\_\_\_

#### IV. VARIETY AND ORIGIN/GROWER'S DECLARATION

Origin: A grower's declaration of origin or information traceable to the origin or evidence showing that a declaration of origin could not be obtained is required for alfalfa, red clover, white clover, and non-hybrid field corn.

Kind, Variety, or Type: The person procuring the seed from a grower should obtain a declaration of kind. If the seed is to be labeled with the name of a variety or type, obtain a declaration of variety or type. The grower should keep a copy of the declaration and a sample of the seed. Variety records of vegetable seeds are necessary, as all vegetable seed must be labeled to show the variety name.

If agricultural seed is not required to be labeled as to origin or is not labeled with the name of a variety, you do not need declarations or other documents establishing origin or variety.

The following grower's declaration is an example. Similar grower's declarations may be available from other sources. A declaration can also be a written statement from a grower if it includes the required information such as an invoice or other document establishing the variety name or other documents establishing the variety as labeled.

##### GROWER'S DECLARATION OF ORIGIN, KIND, VARIETY, OR TYPE (Example):

Kind of seed: \_\_\_\_\_ VARIETY\*: \_\_\_\_\_ TYPE\*: \_\_\_\_\_

Grower's lot number or mark, if any: \_\_\_\_\_ Bags: \_\_\_\_\_ Pounds: \_\_\_\_\_

ORIGIN/where grown: County \_\_\_\_\_ State \_\_\_\_\_

Seed sold to: \_\_\_\_\_ Address: \_\_\_\_\_

City and State: \_\_\_\_\_

Delivered to: \_\_\_\_\_ Address: \_\_\_\_\_

City and State: \_\_\_\_\_

Date shipped or delivered by grower: \_\_\_\_\_, 20\_\_\_\_

\*The grower should have adequate information to support their naming of the variety or type. Not having such information, the variety or type should not be stated.

Signature of grower: \_\_\_\_\_

Grower Name: \_\_\_\_\_

Address: \_\_\_\_\_ City and State: \_\_\_\_\_

Note: The grower should retain a copy of this declaration.

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(To be filled in by purchaser)

Purchaser's receiving lot No.: \_\_\_\_\_

## V. CONDITIONING/BLENDING RECORDS

Conditioning/blending records consist of cleaning, scarifying, treating, inoculating, or blending prior to testing the seed for labeling. Records of blending, cleaning, and treating may be combined. If you did not condition the seed, you do not need a conditioning record.

### CONDITIONING/BLENDING RECORD (Example):

New lot No.: <u>21</u>	Instructions:
Kind: <u>Red clover</u>	Clean: <input checked="" type="checkbox"/> <u>clipper, gravity &amp; dodder</u>
Variety: <u>Unknown</u>	Blend: <input checked="" type="checkbox"/> _____
Origin: <u>IL</u>	Rebag: <input checked="" type="checkbox"/> <u>plain white 60 lbs.</u>
Date conditioned: <u>12-10-08</u>	Treat: <input checked="" type="checkbox"/> <u>Thiram 1 oz. per. bu.</u>

#### Seed cleaned or blended:

Kind and Variety	Origin	Lot No.	No. bags	Weight
Red clover	IL	3	7	710
" "	IL	11	4	450
" "	IL	17	10	1120
" "	IL	18	10	980
				3260

#### After conditioning:

New lot No.	No. bags	Weight	<u>Disposition</u>	Date
			Show lot into which bulked or to whom shipped.	
21	43+10 lbs.	2590	to stock record lot 21	12-10-08
21#1 SCR	2	215	to lot 37	12-28-08
21#2 SCR	1 ½	132	to lot 37	12-28-08
21#3 SCR	1	114	to lot 37	12-28-08
no value	2	167	to feed bin	12-28-08
mill loss		42		
total		3260		

## VI. TEST RECORDS

Some firms send samples to a commercial or State laboratory for testing. The reports received are the seed company's test records. A seed company employing its own seed analyst usually relies upon the analyst to maintain a record of each test made. Test records can be maintained in a variety of ways, provided they are accessible for examination.

All tests for labeling purposes should be made in accordance with the procedures set forth in the FSA Regulations or similar testing procedures in the Association of Official Seed Analysts Rules for Testing Seeds. Be sure that the sample is drawn in such a manner that it represents the entire lot of seed. Also, be sure that tests are made to determine the name and rate of occurrence of noxious-weed seeds for each State into which the seed may be shipped. Include tests for Federal noxious-weed seeds, which are prohibited in agricultural and vegetable seeds, shipped in interstate commerce. Purity records for vegetable seed need not be kept as that information is not required to be shown on the label.

Note: Non-uniformity in seed lots is believed to be the biggest single cause of mislabeling. If a lot is non-uniform, mislabeling is likely since, under the FSA, every bag of seed in the lot is required to be accurately labeled. Quality control procedures designed to detect and remedy non-uniformity are strongly encouraged. An example of such a quality control procedure would be to test samples from different portions of the lot. If these tests indicate non-uniformity, clean, blend and/or subdivide a large lot into several smaller lots, or otherwise condition the seed to eliminate the non-uniformity. After the non-uniformity has been eliminated, test a sample representing the entire lot for labeling purposes.

## VII. SALES AND SHIPPING/DISPOSITION RECORDS

Invoices and bills of lading documenting the lot number, kind or kind and variety, date and amount shipped, and to whom the shipper sold the seed should be retained. These records serve to document sales and shipping of seed.

A record of disposition of each lot of seed may be kept as a separate record or combined with other records. Such a record should identify the seed by lot number, kind or kind and variety, and should show the original amount of the lot. Space should be provided to enter the invoice date, amount, invoice number, and date shipped of each sale of the lot.

The disposition record may also serve as an inventory record. Disposition records of retail sales are not usually kept. Firms doing both retail and wholesale business may choose to assign certain lots for retail purposes.

### DISPOSITION RECORD OR STOCK RECORD (Example):

Lot No.: 21 Kind: red clover Variety: Unknown

Original amount 43 bu. + 10#				2,590#	43 + 10#	
Invoice No.	Invoice Date	Date Shipped	Bags	Weight	Balance	Sold/Transferred to
101	12/17/08	12/22/08	10	600#	33 + 10#	XYZ Seed Co.
114	12/19/08	12/22/08	20	1200#	13 + 10#	Kassie Gardens
126	12/22/08	12/22/08	10	600#	3 + 10#	Lucky Seed Co.
----	----	12/23/08	3 + 10#	190#	-0-	into lot No. 36

## **IIX. LABELING RECORDS**

The actual label, copy of the label, actual container (seed packet or lawn seed container), or copy of the container showing the labeling of the seed serves as a labeling record. Sections 201.8 – 201.31 of the FSA Regulations describes the label contents.

Agricultural seed labels are required to show the kind name, variety name or the words “Variety Not Stated” (Section 201.10 of the FSA Regulations), pure seed, other crop seed, weed seed, and inert matter percentages, noxious-weed seed name and rate of occurrence, origin (for alfalfa, red clover, white clover, and non-hybrid field corn), germination percentage and date of test, lot number, and interstate shipper’s name and address or code designation i.e., AMS number (explained further on the Seed Regulatory and Testing Branch (SRTB) Web site under “AMS Code Designation”).

Vegetable seed labels for one pound or less for seed meeting standard germination are required to show the kind name, variety name, and interstate shipper’s name and address or code designation i.e., AMS number (explained further on the SRTB Web site under “AMS Code Designation”).

Vegetable seed labels for one pound or less for seed below standard germination are required to show the kind name, variety name, interstate shipper’s name and address or code designation i.e., AMS number (explained further on the SRTB Web site under “AMS Code Designation”), germination percentage and date of test, and the words, “Below Standard.”

Vegetable seed labels for more than one pound are required to show the kind name, variety name, interstate shipper’s name and address or code designation i.e., AMS number (explained further on the SRTB Web site under “AMS Code Designation”), germination percentage and date of test, and the lot number.

## **IX. FILE SAMPLES**

A file sample representing each lot of seed is considered a part of the purity and germination record. The containers should be marked, or other records kept, showing when, where, and how the sample was obtained and the amount and identification of the lot of seed it represents. Plastic bags may be used to prevent infestation by insects or to isolate infested samples. A file sample of agricultural seed should be at least the minimum size for a noxious-weed seed examination as set forth in the FSA Regulations Section 201.52 (and shown in Table 1 of Section 201.46) and a file sample of vegetable seed should consist of at least 400 seeds. A sample kept by a seed laboratory may be considered as a seed company's file sample provided the sample is available for inspection upon request. A seed company who arranges for a seed laboratory to keep their file samples should always submit a sample at least twice the size required for the tests requested so that ample seed will remain on file after the test.

## **X. RECORD CHECK LIST**

If your records show the following information, you can rest assured that your records comply with the FSA and FSA Regulations and they will supply you with sufficient information to trace the history of any seed lot handled.

### **1. Receiving Records**

Lot number assigned

Purchased from

Name and address of carrier

Invoice number

Invoice date

Transportation record or bill of lading number and date

Date shipped

Date received

Amount received

Type(s) of receiving records represented by the **supplier**, such as:

Supplier's analysis tag, which should reveal:

Kind and variety

Lot number

Origin

Date of test

Analysis results

Supplier's laboratory report, which should reveal:

Name of laboratory

Laboratory number

Lot number

Supplier who obtained laboratory report

Date

Analysis results

Suppliers invoice, bill of lading, or other document, which establishes:

Supplier of seed lot, date, and amount received

### **2. Variety and/or Origin**

Copy of Grower's Declaration of Origin, Kind, Variety, or Type

Supplier's invoices

Other documents necessary to establish the origin, kind, variety, or type labeled

### **3. Conditioning/Blending Records**

New lot number assigned  
Date conditioned  
Lot number(s), source, and weight of each lot blended  
Rough weight  
Cleaned weight  
Number of cleaned seed bags  
Kind of bags and how marked  
How conditioned (clipper mill, gravity separator, blended, scarified, dried, etc.)  
Description, label, or other document showing the name of applied treatment substance or inoculants, and application date

### **4. Shippers Test Records (obtained by the shipper)**

Name of laboratory  
Laboratory number  
Lot number  
Shipper who obtained laboratory report  
Date  
Analysis results  
If labeling is based on analysis of component lots, each lot should have complete records as indicated above

### **5. Sales and Shipping/Disposition Records**

Invoice number  
Invoice date  
Kind and variety  
Lot number  
Number bags  
Weight shipped  
Quality represented on invoice  
Date shipped  
Shipped from (consignor/shipper)  
Date delivered  
Shipped to (consignee)  
Transportation record or bill of lading number and date  
Name and address of carrier

### **6. Labeling Records**

Actual label from the shipment  
Copy of the label  
Container (seed packet or lawn seed container) showing the labeling of the seed  
Copy of the container showing the labeling of the seed

**7. File Sample**

At least 400 seeds of vegetable seed; for minimum size of agricultural seed see the FSA Regulations Section 201.52 and Table 1 in Section 201.46

Lot number

Sample number

How and where sample was obtained

**8. Correspondence**

Correspondence relating to seed shipment, records, or reports relating to official tests made by State enforcement agencies