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.
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):

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

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.

(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.: 21
Kind: Red clover
Variety: Unknown
Origin: IL
Date conditioned: 12-10-08

Instructions:
Clean: [X] clipper, gravity & dodder
Blend: [X] ____________________
Rebag: [X] plain white 60 lbs.
Treat: [X] Thiram 1 oz. per. bu.

Seed cleaned or blended:

<table>
<thead>
<tr>
<th>Kind and Variety</th>
<th>Origin</th>
<th>Lot No.</th>
<th>No. bags</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Red clover</td>
<td>IL</td>
<td>3</td>
<td>7</td>
<td>710</td>
</tr>
<tr>
<td>&quot; &quot;</td>
<td>IL</td>
<td>11</td>
<td>4</td>
<td>450</td>
</tr>
<tr>
<td>&quot; &quot;</td>
<td>IL</td>
<td>17</td>
<td>10</td>
<td>1120</td>
</tr>
<tr>
<td>&quot; &quot;</td>
<td>IL</td>
<td>18</td>
<td>10</td>
<td>980</td>
</tr>
</tbody>
</table>

After conditioning:

<table>
<thead>
<tr>
<th>New lot No.</th>
<th>No. bags</th>
<th>Weight</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>43+10 lbs.</td>
<td>2590</td>
<td>to stock record lot 21</td>
</tr>
<tr>
<td>21#1 SCR</td>
<td>2</td>
<td>215</td>
<td>to lot 37</td>
</tr>
<tr>
<td>21#2 SCR</td>
<td>1 ½</td>
<td>132</td>
<td>to lot 37</td>
</tr>
<tr>
<td>21#3 SCR</td>
<td>1</td>
<td>114</td>
<td>to lot 37</td>
</tr>
<tr>
<td>no value</td>
<td>2</td>
<td>167</td>
<td>to feed bin</td>
</tr>
<tr>
<td>mill loss</td>
<td></td>
<td>42</td>
<td></td>
</tr>
<tr>
<td>total</td>
<td></td>
<td>3260</td>
<td></td>
</tr>
</tbody>
</table>

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 nonuniformity. 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):

<table>
<thead>
<tr>
<th>Lot No.: 21</th>
<th>Kind: red clover</th>
<th>Variety: Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original amount 43 bu. + 10#</td>
<td>2,590#</td>
<td>43 + 10#</td>
</tr>
<tr>
<td>Invoice No.</td>
<td>Invoice Date</td>
<td>Date Shipped</td>
</tr>
<tr>
<td>101</td>
<td>12/17/08</td>
<td>12/22/08</td>
</tr>
<tr>
<td>114</td>
<td>12/19/08</td>
<td>12/22/08</td>
</tr>
<tr>
<td>126</td>
<td>12/22/08</td>
<td>12/22/08</td>
</tr>
<tr>
<td>----</td>
<td>----</td>
<td>12/23/08</td>
</tr>
</tbody>
</table>

IX. 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 Division (SRTD) 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 SRTD 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 SRTD 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 SRTD 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