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GOVERNMENT

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AMEND THE FEDERAL SEED ACT

HEARING
BEFORE THE
SUBCOMMITTEE ON
DEPARTMENTAL OPERATIONS
OF THE
COMMITTEE ON AGRICULTURE
HOUSE OF REPRESENTATIVES
NINETY-FIRST CONGRESS

FIRST SESSION

ON

H.R. 10236, H.R. 10423, H.R. 10552,
and H.R. 10653

JULY 23, 1969

Serial N

Printed for the use of the Committee on Agriculture



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1969

32-919

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AMEND THE FEDERAL SEED ACT

WEDNESDAY, JULY 23, 1969

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON DEPARTMENTAL OPERATIONS OF THE
COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 1301 Longworth House Office Building, Hon. Eligio de la Garza presiding.

Present: Representatives de la Garza, Abernethy, Kleppe, Mathias, and Sebelius.

Also present: Mrs. Christine S. Gallagher, clerk, and William C. Black, general counsel.

Mr. DE LA GARZA. The Subcommittee on Departmental Operations will now come to order for the purpose of considering H.R. 10236 by Mr. Abernethy; H.R. 10423 by Mr. Montgomery; H.R. 10552 by Mr. Jones, Mr. Felton, and Mr. Myers; and H.R. 10653 by Mr. Springer. (H.R. 10236 follows:)

[H.R. 10236, 91st Cong., first sess.]

A BILL To amend the Federal Seed Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 101 (a) (25) of the Federal Seed Act (7 U.S.C. 1561 (a) (25)), is amended to read as follows:

"(25) The term 'seed certifying agency' means (A) an agency authorized under the laws of a State, territory, or possession, to officially certify seed and which has standards and procedures approved by the Secretary to assure the genetic purity and identity of the seed certified, or (B) an agency of a foreign country determined by the Secretary of Agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under (A)."

SEC. 2. Section 102 of the Federal Seed Act (7 U.S.C. 1562) is amended to read as follows:

"SEC. 102. Any labeling, advertisement, or other representation subject to this Act which represents that any seed is a class of certified seed shall be deemed to be false in this respect unless (a) it has been determined by a seed certifying agency that such seed conformed to standards of genetic purity and identity as to kind or variety, and is in compliance with the rules and regulations of such agency pertaining to such seed; and (b) the seed bears an official label issued for such seed by a seed certifying agency stating that the seed is a class of certified seed."

Mr. DE LA GARZA. The main bill was introduced by Mr. Abernethy, but in deference to Mr. Montgomery, who must proceed to another meeting, we will hear you now, Mr. Montgomery, on your bill.

**STATEMENT OF HON. G. V. MONTGOMERY, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF MISSISSIPPI**

Mr. MONTGOMERY. Thank you, Mr. Chairman.

I appreciate you giving me this opportunity to appear before you today and I can assure you I will be very brief in expressing my support for H.R. 10236. As you know, Mr. Chairman, I have introduced a similar bill, and I introduced this bill on April 22 of this year.

The bill that we are talking about today would amend the Federal Seed Act to allow the Secretary of Agriculture to set minimum standards for the certification of seeds moving in interstate and international commerce in order for the consumer and producer to be assured the genetic purity of the seeds.

I feel that this bill would be of great benefit to both the producer and consumer of seeds. In all instances, persons would know that the seeds they are purchasing adhere to basic minimum standards of certification as set by the Secretary of Agriculture. At the same time this piece of legislation would allow States or certifying organizations that wish to do so, to set their standards even higher.

I would point out that it is the intent of this legislation that the Secretary of Agriculture set the standards according to those presently ascribed to by the Association of Official Seeds Certifying Agencies.

This legislation most definitely has my support and the support of the Mississippi Seed Improvement Association from my home State.

Mr. Chairman and members of the committee, I request your thoughtful consideration of H.R. 10236 and urge a favorable vote by this subcommittee.

Mr. DE LA GARZA. Thank you very much, Mr. Montgomery.

In the absence of other authors of the legislation, we will now call the spokesman from the Department, Mr. Stanley F. Rollin, Chief of the Seed Branch, Grain Division, C. & M.S., USDA.

We will be very glad to hear from you, Mr. Rollin.

**STATEMENT OF STANLEY F. ROLLIN, CHIEF, SEED BRANCH, GRAIN
DIVISION, C. AND M.S., U.S. DEPARTMENT OF AGRICULTURE**

Mr. ROLLIN. Thank you, Mr. Chairman and members of the committee. I appreciate the opportunity to present to you the Department's views concerning H.R. 10236.

This bill would amend the Federal Seed Act to require approval by the Secretary of Agriculture of the standards and procedures of official seed certifying agencies governing the genetic purity and identity of the seed these agencies certify. At the present time the Federal Seed Act automatically recognizes the rules and regulations of individual official seed certifying agencies.

The Department supports this bill, with minor changes in language which have been outlined in a report which has been forwarded to the committee.

The Federal Seed Act (secs. 101(a)(25) and 102) presently provides that an officially authorized seed certifying agency need only determine that seed has met the agency's own rules and regulations on

genetic purity to be "certified seed" in compliance with the act. There is no standard to govern what these rules and regulations shall be.

Most officially recognized seed certifying agencies in the United States are members of the Association of Official Seed Certifying Agencies. Most official agencies have rules and regulations which comply with the association's recommendations. However, some agencies that are members and some that are not members have rules that do not comply. The association has no legal authority to require compliance with its recommendations. The result is that the term "certified seed" may have a different meaning when seed is certified in one State than when certified in another. This may vary from year to year. This can be misleading to the buyer. It encourages unfair competition in the marketplace.

In speaking of certified seed we are referring only to the "genetic purity and identity" and not standards for germination, weed seed, or purse seed percentage of the kind determined solely in a laboratory. In referring to "genetic purity and identity" we are speaking of preserving the record of the "bloodlines" and the procedures that are necessary to insure that these "bloodlines" are not contaminated in the field and in harvesting, processing, and packaging. The buyer then has official assurance of a pure variety of seed similar to papers on a registered purebred animal.

For example, if scientific evidence and practical experience show that under most conditions a variety of a certain kind of seed will not maintain its genetic purity and identity if reproduced from seed more than three generations, that variety should not be permitted to be reproduced more than three generations and still be certified as genetically pure.

The Department does not plan to enforce stricter standards than are presently recommended by the Association of Official Seed Certifying Agencies. We are primarily interested in seeing that all official certifying agencies meet at least the minimum standards recommended by this association so that the term "certified seed" will convey the same meaning to all buyers of seed in the United States.

The United States also would be in a stronger position in promoting the sale and acceptance of U.S. certified seed in foreign countries if this degree of uniformity were accomplished by passage of this bill. We could then assure foreign buyers that all seed certified in the United States met certain specified minimum standards of genetic purity and identity.

Mr. Chairman, this completes my prepared statement. If you have questions, I shall be glad to respond to them.

MR. DE LA GARZA. Thank you very much, Mr. Rollin.

Are there any questions?

MR. MATHIAS. No.

MR. DE LA GARZA. Mr. Rollin, would this entail a need for more funds to carry out your inspection or surveillance of this act?

MR. ROLLIN. No, we do not visualize any additional funds will be needed for this activity, because we have a working agreement with each of the State departments of agriculture in all 50 States which cooperate with us in enforcement of the Federal Seed Act. They do the principal part of the work and merely report the violations to our Department.

As far as the certifying agencies are concerned, I think that once they are required to have certain minimum rules, that this will be self-enforcing and will be followed by these agencies.

Mr. DE LA GARZA. Well, would you think that the States that cooperated with you—it would require additional funds from them or additional manpower?

Mr. ROLLIN. Not as I see it. They have inspectors who go around the State, sample seeds and inspect labels to see that they are in compliance. As I visualize this, if there is any State certifying agency which does not meet the standards, the Secretary would then not approve its standards. He would notify all of the States that a certain kind of seed coming from a certain State would not be considered certified. Under those circumstances, if another State found such seed moving into that State for sale they would automatically stop sale of the seed and require the certified labels to be taken off the bags. This would be the extent of the enforcement as I see it.

Mr. DE LA GARZA. This is a little bit aside, but do we have any cooperative agreements in any foreign countries as far as the certification or similarity of certifying criteria?

Mr. ROLLIN. We are a member of the OECD, the Organization for Economic Cooperation and Development. This organization has what is called a scheme for the international certification of seed or some similar title. We are members of that scheme, and we have cooperation to the extent that we have a delegate that helps to set up the international standards for this particular international scheme.

Mr. DE LA GARZA. Thank you very much, Mr. Rollin.

Mr. MATHIAS. Mr. Chairman, what prompted this legislation?

Mr. ROLLIN. I believe it was prompted by the Association of Official Seed Certifying Agencies finding that some of their members or some of the States who are not members of the association, have a different standard than the minimum set by the association. This led to unfair competition between the seed being marketed from certain States. They desired to try to promote more uniformity in the term "certified seed" in the different States.

I think that the witness for this association can probably answer this more readily than I can. This is not a Department bill.

Mr. MATHIAS. Fine. Thank you very much.

Mr. DE LA GARZA. Thank you very much for coming up this morning, Mr. Rollin. We appreciate it.

We will now hear from Dr. Walter O. Scott, president, Association of Official Seed Certifying Agencies, Urbana, Ill.

We will be very happy to hear from you, Dr. Scott.

STATEMENT OF DR. WALTER O. SCOTT, PRESIDENT, ASSOCIATION OF OFFICIAL SEED CERTIFYING AGENCIES, URBANA, ILL.

Dr. SCOTT. Thank you, Mr. Chairman.

Mr. Chairman and members of the committee, I am Walter O. Scott of Urbana, Ill., president of the Association of Official Seed Certifying Agencies. I appreciate very much the opportunity to appear before you in support of this legislation.

As the name implies, this is an organization of certifying agencies. There are 43 member agencies in the United States. In most States the college of agriculture, the agricultural experiment station or the extension service is responsible for the seed certification program. In many of these States a grower organization is delegated the responsibility to carry on the program. In a few States a division or a section of the State department of agriculture is responsible for seed certification. Some of these also have active grower organizations that aid in the promotion of good seed. Each agency is recognized by State law as the official seed certifying agency within the State where it operates.

In 1968 about 17,000 certified seed growers produced certified seed on about $2\frac{1}{4}$ million acres. Many of the certification agencies have two classes of membership, active and associate. Active members are those that are certifying seed and associate are those not engaged in seed certification but are interested in the promotion of good seed. There were 8,000 associate members among the 43 agencies in 1968.

Seed certification, briefly defined, involves the use of seed production and processing standards in combination with a system of record-keeping, field inspections, and seed inspection to protect the genetic purity and maintain the genetic identity of crop varieties.

One seed looks just like any other of the same kind, yet one may grow into a plant far superior to the other in some characteristic such as disease resistance or protein quality because the plant breeder that developed the one variety bred into it this superiority.

If the consumer is to benefit fully, the seed of the superior variety must be increased in such a way that it is protected from admixtures and/or stray pollen of less desirable varieties.

Seed certification provides the consumer with assurance that every effort has been made during the production and processing of the seed he buys to maintain the genetic capacity of that seed to reproduce the variety as originally developed by the plant breeder. In other words, the seed he buys will produce plants which will possess all the superior attributes that make the particular variety desirable to him.

The concept of seed certification was developed about 50 years ago. At that time very little certified seed moved in interstate commerce and none internationally. Most was consumed within the State or even the community where it was produced and certified.

This situation changed as the value of seed certification became widely recognized and as transportation facilities improved. As this trend developed, the need for uniform standards and procedures became apparent. Obviously some degree of nonuniformity existed when seed was being certified by 40-odd certification agencies each having its own standards and procedures.

Uniform minimum seed certification standards were developed and published in 1946, about the same time certified seed and certifying agency were defined in the Federal Seed Act.

As is true in any industry, production, processing, and merchandising practices employed by the seed industry are constantly changing to meet the demands of the times. Associated with these changes is often the need to modify seed certification standards and procedures. An example is the production of alfalfa seed.

For generations we recognized the power of natural selection and the survival of the fittest. We were sure that alfalfa seed, produced in

an area where the winters were mild, would not produce plants that would survive the rigorous winters of the upper Midwest and Northeastern United States. This meant that the great seed producing potential of the irrigated sections of such States as California and Arizona could not be used to produce alfalfa seed for the large consuming area of the upper Midwest and Northeast. As a result many years were often required between the time a new superior variety was released and there was enough seed to adequately supply the demand in the consuming area.

Then research workers discovered that winter hardy varieties could be increased one generation in the mild-climate section of the country without seriously affecting the winter-hardiness of the variety. Seed certification agencies with this knowledge and with the cooperation of the seed trade developed a new certification procedure, known as inter-agency certification, to service and facilitate this new concept in growing alfalfa seed.

A certain new production practice, or merchandising procedure, may also intensify the need for greater uniformity in seed certification standards and procedures.

The Association of Official Seed Certifying Agencies is of the opinion that current trends in interstate and international commerce in certified seed point up the need for a more specific legal definition of certified seed and certifying agency.

Therefore, the Association of Official Seed Certifying Agencies supports the amendment of the Federal Seed Act as set forth in H.R. 10236. The benefits from the enactment of this legislation will include:

(a) Certified seed moving in interstate commerce will for the first time be legally defined as meeting minimum standards for genetic purity. Therefore, the consumer will know what to expect in the way of minimum genetic purity of the certified seed he buys regardless of origin. In 1967, almost 2½ billion pounds of certified seed was produced in the United States. It is estimated that between 50 and 60 percent of the total production may be involved in interstate trade.

(b) The standards and procedures used by seed certifying agencies will necessarily be more uniform as applied to all classes of certified seed moving in interstate commerce. In the absence of the proposed changes, seed moving in interstate commerce that is certified by one agency may legally be genetically inferior to that certified by another or by the majority of the seed certifying agencies. The proposed legislation will establish minimum genetic standards for this seed and the certification of it.

(c) In many countries seed certification is a function of the federal government. International trade in certified seed with many of these countries will be facilitated because of the legal definitions at the national level. In addition these will provide a common base for intergovernmental communications on policy matters relating to seed certification. Eight million pounds of certified alfalfa seed worth over \$4 million were exported between July 1, 1968, and April 30, 1969. In addition certified seed of several clovers and grasses were exported.

(d) The clarification of the definitions of certified seed will greatly simplify the administration of the Federal Seed Act with respect to regulating interstate commerce in certified seed.

There has been some concern expressed among seedsmen and growers of certified seed that this amendment of the Federal Seed Act takes from the States the authority to establish seed certification standards and procedures and places this authority with the Secretary of Agriculture. Over a long period of years seed certifying agencies working as members of the Association of Official Seed Certifying Agencies have developed minimum seed certification standards and procedures that are adequate to protect and maintain the genetic purity of crop varieties and practical as well.

It is logical, and we expect the Secretary will find the present minimum genetic standards of this association adequate and will approve these as the minimum requirements to be made by official seed certifying agencies for certified seed moving in interstate commerce. If this is done, the democratic process will be maintained, whereby each official certification agency and others interested in seed certification will have an opportunity to contribute to the establishment and changing of the standards and procedures.

Currently our association has 20 standing committees that constantly study and review seed certification procedures and standards. One of these concerns itself with standards and procedures that are basic to all crops. The other committees are usually responsible for a single crop.

There is no limit to the size nor the composition of these committees. The membership usually includes personnel from the State certification agencies, representatives from the U.S. Department of Agriculture, research and extension people from the agricultural colleges, producers and merchandisers of certified seed. All sections of the country where the crop is agriculturally important are normally represented. Most growers of certified seed are also consumers because they do not produce certified seed exclusively. For instance, a farmer in Illinois who produces certified seed of wheat may buy certified seed to plant his commercial soybean acreage.

Each official seed certification agency may continue to establish its standards and procedures within the framework of the approved minimum standards. Higher requirements imposed by any official State seed certifying agency would also be eligible for approval under the bill.

Thank you for the opportunity to express the support of our association for H.R. 10236. If you have questions, I will be glad to respond to them.

MR. DE LA GARZA. Thank you very much, Dr. Scott.

Do you have any questions, Mr. Mathias?

MR. MATHIAS. Yes; I do.

Dr. Scott, you are the president of the Association of Official Seed Certifying Agencies. Is there another agency of this type in the United States?

Dr. SCOTT. No; there is not another agency of this type in the United States. I mean association, excuse me. This is an association of certifying agencies, and this is the only association of this type in the United States.

MR. MATHIAS. So in other words you don't have any competition as far as another agency trying to certify seed. You are the only group that does this?

Dr. SCOTT. We are the only group. Each member agency, as we have explained, is officially recognized in its particular State. In other words, it is the exclusive agency for the certification of seeds in the State where it operates, and there are 43 of these which are members of our association and there are two other State agencies that are not members.

Mr. MATHIAS. How do these seed people join your association?

Dr. SCOTT. It is a voluntary participation program. Anyone who wishes to grow certified seed, of course, has to start with breeders or foundation. These are earlier classes of certified seed. He then applies to the certification agency for certification of his field, then his seed is properly inspected. It is a voluntary participation program.

Mr. MATHIAS. Do they pay dues to your association?

Dr. SCOTT. The individual grower pays dues or maybe only inspection fees to the agency that inspects and certifies his crop.

Now, the State certification agencies that are members of our organization do pay dues and fees to our association, yes.

Mr. MATHIAS. How are the dues based, on total seed production or so much per year?

Dr. SCOTT. There is a flat fee. I cannot now recall what it amounts to. The remainder is based on the total number of acres certified. There is a maximum. I believe the maximum total fee that any agency would be paying to our association would be \$250.

Mr. MATHIAS. What are the benefits of a seedgrower joining your agency versus not joining your agency? Couldn't he sell his seeds just as well without paying?

Dr. SCOTT. The individual grower does not pay the \$250 a year. It is only the State agency that pays the \$250 a year to the Association of Official Seed Certifying Agencies.

Now, to go back to the individual grower, a farmer in Illinois that wants to certify his seed joins the Illinois Crop Improvement Association, pays the inspection fees for the inspection and certification of his seed. If his seed meets the requirements, genetic requirements, it is then labeled with an official certification tag. This helps promote his seed, we feel, because it gives the consumer assurance that this particular bag of seed is high in genetic purity. In other words, it represents the variety which he is purchasing.

Mr. MATHIAS. What would happen to a grower who wanted to grow seed? He could go out and buy certified seeds, plant them, and then sell these seeds also; couldn't he?

Dr. SCOTT. Yes; he can sell uncertified seeds, certainly.

Mr. MATHIAS. Does he sell these for less money than certified seeds?

Dr. SCOTT. Yes; usually less money. Uncertified usually does not demand the same price that certified seed demands.

Mr. MATHIAS. For example, if I wanted to buy some seed—I would be taking a chance. In other words, in buying uncertified seeds I would be taking a chance, because I would not have the sampling and it wouldn't be guaranteed seeds, a certain quality?

Dr. SCOTT. Well, I suppose I should first say it would depend on the representation of the person from whom you purchased the seed. But you would have full assurance, if it carried the certified tag, that it was as represented.

Mr. MATHIAS. Also, Dr. Scott, if there is a violation under this proposed law, in your interpretation, who would prosecute? Would it be the State or the Federal Government here in Washington that would actually prosecute that violator?

Dr. SCOTT. If it had moved in interstate commerce, it would come under the jurisdiction of the Federal Seed Act. If it had not moved in interstate commerce, it would not have to meet the standards, really.

Mr. MATHIAS. It would stay right in the State?

Dr. SCOTT. Yes.

Mr. MATHIAS. Who would decide that in the State, what person?

Dr. SCOTT. Each of the States have a State seed law, and if it were in violation of any requirements of the State seed law, the State department of agriculture or the State people would prosecute.

Mr. DE LA GARZA. Dr. Scott and Mr. Mathias, would you kindly excuse me for a minute.

Congressman Abernethy and Congressman Montgomery from Mississippi informed me that we have a group of youngsters from the 4-H Clubs from the State of Mississippi learning about the Government at firsthand. I am very happy to welcome you before the committee. We are very happy to have you here.

For the benefit of the young lady that took the picture, the rules of the House prohibit taking pictures while the House or a committee is in session. Congressman Montgomery and Congressman Abernethy have already posted bail for you. I think you will be all right, though, if you will send me a copy of the picture, we will then dismiss the charges altogether.

We are very happy to have you here and appreciate you being here, especially since we are hearing legislation by two of your most distinguished Members from Mississippi, Congressman Abernethy and Congressman Montgomery, and we hope that you learn much while you are here visiting Washington and our Government and that you might come again to visit us.

Will you kindly continue the interrogation?

Mr. MATHIAS. Yes. Thank you.

I might say we have pretty girls in Mississippi.

I have one more question, Dr. Scott.

On page 3 of your testimony under a, the sentence, "In 1967, almost 2½ billion pounds of certified seed was produced in the United States."

Do you, by any chance, have the total amount of seed that was not certified, what percentage? In other words, what percentage of the 2½ billion pounds were certified of the total seed? Do you have any idea?

Dr. SCOTT. We estimate the 2½ billion pounds is in the neighborhood of 8 to 10 percent of the total.

The next witness is going to actually, I think, give you a percentage. I believe it is 8 to 10 percent of the total.

Mr. MATHIAS. That is all I have, Mr. Chairman.

Mr. DE LA GARZA. I think Mr. Abernethy said that he had no questions. If he should—you are not leaving immediately, are you, Dr. Scott?

Dr. SCOTT. No.

Mr. DE LA GARZA. Thank you very much.

We will proceed to the other witness, John I. Sutherland, executive vice president, American Seed Trade Association.

Oh, I am sorry. I had forgotten we have an author of one of the bills here. We will be very happy to hear at this time from Congressman Jones of North Carolina.

STATEMENT OF HON. WALTER B. JONES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Mr. JONES. Thank you, Mr. Chairman.

Mr. Chairman and members of the committee, I appear before this committee in support of H.R. 10236, introduced by my able colleague, Tom Abernethy from the State of Mississippi.

Also, I have introduced H.R. 10552, which is an identical bill. Both bills are brief and provide for uniform standards of agricultural seeds which are transported in interstate commerce.

The need for this legislation is apparent, especially in view of the scientific advances being made in research both by private industry and our agricultural colleges. At the present time many of our States are operating under varying standards of certification as to purity and genetic qualities. This legislation will permit the Secretary of Agriculture to set minimum standards which must be met by seed producers before they will be permitted to engage in interstate commerce.

In 1967 1½ billion pounds of certified seed was produced in the United States, and it is estimated that between 50 and 60 percent of the total produced was involved in interstate commerce. Now, all of these sales were made with a varying degree of requirement as to their purity. H.R. 10236 also permits the Secretary to set procedures and standards for certification of seed imported from foreign countries. These standards will be comparable to those required of American producers.

By the same token, it is felt that this requirement of uniformity can be of invaluable assistance in the advancement of our export program.

By way of interest I would like to note that between July 1, and June 30, 1968, the farmers of this country exported 8 million pounds of certified alfalfa seed for a total value in excess of \$4 million.

Finally, Mr. Chairman, according to the information I have, virtually every segment of the seed producing industry of this Nation is in support of this legislation. I hope this subcommittee will give this a favorable report.

Thank you, sir.

Mr. DE LA GARZA. Thank you, Mr. Jones. We appreciate your appearance before us.

Any questions, Mr. Abernethy?

Mr. ABERNETHY. No.

Mr. DE LA GARZA. Mr. Mathias?

Mr. MATHIAS. No, no questions.

Mr. DE LA GARZA. Thank you very much.

Mr. JONES. Thank you.

Mr. DE LA GARZA. Mr. Sutherland, we appreciate you bearing with us while we had Congressman Jones testify. We will be very happy to hear from you now.

STATEMENT OF JOHN I. SUTHERLAND, EXECUTIVE VICE PRESIDENT OF THE AMERICAN SEED TRADE ASSOCIATION

Mr. SUTHERLAND. Thank you, Mr. Chairman and committee members.

My name is John Sutherland. I am executive vice president of the American Seed Trade Association (ASTA), whose national office is located here in Washington, D.C. The ASTA represents 530 company members who have offices in all States, except Alaska. It also represents 42 affiliated State and regional associations and, we believe, the seed industry at large.

The ASTA supports, in principle, the proposed amendment in House bill No. 10236 and related bills (H.R. 10423, 10552 and 10653).

On June 17, 1969, during the 86th annual convention, the ASTA Board of Directors approved the following resolution:

Whereas the ASTA has agreed with the principle of the proposed amendment to the Federal Seed Act to provide for uniform minimum standards of genetic purity by re-defining "Certified Seed" and "Official Certifying Agencies," and

Whereas H.R. 10236 provides for the establishment of uniform minimum standards by re-defining 'Certified Seed' and 'Official Certifying Agencies,' and

Whereas the minimum standards would be those approved by the Secretary and

Whereas it is understood that the intent will be to approve the standards set forth for seed certification by AOSCA.

Therefore be it resolved that the ASTA reaffirm its support of the principles set forth in H.R. 10236 to provide for uniform minimum standards of genetic purity and identity for all classes of certified seed with the understanding that the approved minimum standards and procedures will be determined through a procedure which will assure that the desires of the producer, the seed industry and the public interests are recognized.

Resolved further that: AOSCA will apprise the ASTA of their existing standards, and procedures for changing the standards, by crop, prior to Senate and House hearings.

Mr. Chairman, this amendment, while supported in principle by the association, did not receive unanimous support from all segments of the membership. The concern of these members is expressed in the board resolution which stresses the need for clarification in the procedures to be used by the Association of Official Seed Certifying Agencies, and the U.S. Department of Agriculture, in developing genetic standards under the rules and regulations of this amendment.

The ASTA wishes to develop a formal procedure with AOSCA in proposing genetic standards to the USDA which would give equal representation to the seed industry—who use the voluntary certification service—and, the seed certifying agency—which offers the service—so that both will be recognized.

Federal recognition of certification through this amendment, with State control, should achieve more uniformity in interpretation of genetic standards and strengthen seed certification both at home and abroad. It is the desire of our industry to have participation in the development of these recommendations with the AOSCA and the USDA. While approximately 6 percent to 8 percent of all the seed is certified, it is a significant amount to the seed producer, the seed industry and the public.

It is also the ASTA's request and understanding that these proposed amendments to the Federal Seed Act apply only to minimum genetic standards and that other minimum standards, such as purity

and germination remain unchanged. We hope some clarification for the record can be given on this matter.

During the testimony by previous witnesses, certain information was developed which indicated options are available to State seed associations under the present system as far as complying with the recommended minimum standards of the Association of Official Seed Certifying Agencies. The point was made that most of the State agencies make an effort to follow the standards but some, maybe two or three, find it more to their liking in part to make and follow their own rules. If we could take the above statement at face value and assume out of a total of 43 State associations there would be 41 that would at all times be 100 percent in compliance with the rules and regulations and only two or three going their own way, it would not be too bad. That isn't exactly the way it works, however, and as far as the industry's concerned the point which needs to be stressed is that it is not always the same two or three State associations that are not complying. The whole membership of 43 State associations may at times have taken their turn at setting out a new ruling or a part of a standard and are subject to doing so in the future. This becomes one of the main weaknesses of the present system of certification and will continue to be an aggravation to the seed trade when merchandising some kinds of certified seed across State lines. H.R. 10236 is designed to correct the situation.

The association appreciates the opportunity of appearing before you, Mr. Chairman and this subcommittee, and will be happy to answer any questions that the committee might have.

Mr. DE LA GARZA. Mr. Abernethy?

Mr. ABERNETHY. No questions.

Mr. DE LA GARZA. Mr. Mathias?

Mr. MATHIAS. Yes.

Mr. Sutherland, the ASTA represents 42 States or members of 42 States?

Mr. SUTHERLAND. Yes.

Mr. MATHIAS. Are there any other such associations?

Mr. SUTHERLAND. No, there are actually 37 State associations and five regional associations, and they are affiliated with the national organization.

Mr. MATHIAS. What is the percentage of 530 company members as compared to the total seed producers?

Mr. SUTHERLAND. It is estimated that the membership of the association represents between 80 and 90 percent of all the seed produced in the United States. This includes flower seeds, vegetable seeds, seed corn, sorghum, farm seeds, all types of seeds.

Mr. MATHIAS. Where does it figure, then, 6 to 8 percent of the total seed grown is certified seed? What happens to the rest of it?

Mr. SUTHERLAND. The other 90, 92 percent, 94 percent is handled as uncertified seed by our membership.

Mr. MATHIAS. Where is the concern, then?

Mr. SUTHERLAND. Well, in certain kinds of seed, cotton, alfalfa, it has historically been the type of merchandising that has existed to certify this seed, and there is a need in the industry to have certified seed which has been promoted to the farmer at a, you might say, a Good Housekeeping stamp of approval type of labeling. So this has

been promoted over the last 50 years, and there still is a demand for this type of service. Therefore, the industry, on certain kinds of seeds, continues to use this service.

Further, it does guarantee through a recordkeeping process the genetic purity of the variety.

Mr. MATHIAS. Well, it seems to me that 90 percent of the people that grow these seeds do not really want it certified. They have no concern over certification of seeds. If they did they would have made standards a long time ago. If the growers only grow 6 to 8 percent of the seed and they want that certified why didn't they a long time ago want the rest of the 90 percent of the seed certified? Why is it right now that your group, which doesn't represent 90 percent of the growers, want all the seed certified?

Mr. SUTHERLAND. If I have left that impression I would like to correct the record in that we are still only asking for certification of this 6 to 8 percent. We are not asking for this to be mandatory for all seeds. This would be a voluntary program which would apply to the current seed being now certified. There would still be this 90 percent, approximately 90 percent of uncertified seed still being sold in the United States.

Mr. MATHIAS. So this bill would just clarify the 6 to 8 percent of the seed that is being certified now?

Mr. SUTHERLAND. That is correct, because—

Mr. MATHIAS. The minimum standard from 6 to 8 percent?

Mr. SUTHERLAND. Yes.

Mr. MATHIAS. But they are certified now. Even within certified seed there is a discrepancy there?

Mr. SUTHERLAND. Yes, we have found—

Mr. MATHIAS. In the minimum standards?

Mr. SUTHERLAND. We have found on one kind of seed one State might interpret a standard differently than a neighboring State. We would like to see this interpretation uniform in all States. We believe this is what this legislation would do. Under the Federal guidance they would give a uniform interpretation.

Mr. MATHIAS. Would you give me a concrete example of a minimum standard, say, in alfalfa or another seed that is easy to describe this definition?

Mr. SUTHERLAND. Well, the minimum standard for genetic purity in alfalfa—I am going to guess at this—what is it, 70 percent?

Dr. SCOTT. It is 99.5

Mr. SUTHERLAND. I wanted one that had a little broader range.

Let's use arbitrarily the figure of say the minimum standard would be 90 percent on a crop. This means that the industry in labeling this seed would have to meet the standard. Now, they could label it 95 percent or 98 percent or 99.5, but the minimum would be 90. It varies for each kind of crop. As Dr. Scott has pointed out, for alfalfa it is 99.5 percent purity. It might vary for other kinds of crops.

Mr. MATHIAS. Would it be possible, say, if you had a figure of 8 percent of the people who grew certified seed, if you did adopt a national minimum standard would this put any of these certified seed growers out of business?

Mr. SUTHERLAND. No.

Mr. MATHIAS. Because, say a particular piece of land would just not produce up to this minimum standard.

Mr. SUTHERLAND. No, I believe that nationwide the current certification interpretations that are now applied by each State in many cases are meeting the minimum standards; therefore, this would not be an undue hardship on any of the State producers.

I think the main objective of this legislation would be to get uniform interpretation, and it could cause some hardship, but I think it would be a minimum.

Mr. MATHIAS. I am glad you pointed this out that only the 6 to 8 percent of the certified seed growers will be affected by this bill. I assumed it was for every seed grower in the United States that would have to come up to the minimum standards.

Mr. SUTHERLAND. No, this is not the case. There has been a development internationally. We export about \$40 million worth of seed for dollars to European markets. The OECD and Common Market countries require that they receive certified seed; therefore, it is necessary for our Federal Government and our State agencies to certify seed and to attach this tag. This is the only way we can sell in this market; is to have this service by our Federal Government and the State agencies. So we do need this for our international markets, also.

Mr. MATHIAS. That is all I have, Mr. Chairman.

Mr. ABERNETHY. Mr. Chairman, I have a question.

Mr. DE LA GARZA. Mr. Abernethy.

Mr. ABERNETHY. Mr. Sutherland, do you represent the seed producers themselves? Do you represent the trade that markets the commercial—

Mr. SUTHERLAND. We represent the trade that markets it.

Mr. ABERNETHY. Who represents the producers? Is there anyone here that represents them?

Mr. SUTHERLAND. I would feel that the certifying agencies are organizations of the farmer-grower, and they would be more likely to represent this group than we do.

Now, we do, however, have many, many, many contracts with the growers and the producers. Our companies do.

Mr. ABERNETHY. Well, now, what is the feeling of the growers regarding this legislation, if you know?

Mr. SUTHERLAND. I do not know. I cannot give you that information. I do believe—

Mr. ABERNETHY. Who would we check with to determine?

Mr. SUTHERLAND. I believe the Farm Bureau has filed a statement in the Senate on similar legislation.

Mr. ABERNETHY. I am speaking of people who don't belong to the associations. I am just talking about John Doe out here as a seed producer. I just wonder if there should not be someone among the producers who should be checked with about this legislation.

Mr. SUTHERLAND. I would certainly agree with you, Mr. Abernethy, and I would assume that this legislation has been publicized and that the farmers who are represented by the Department of Agriculture—the Department would have given some consideration to this.

Mr. ABERNETHY. Yes. Incidentally, you have seen the Department's report on this legislation, I assume?

Mr. SUTHERLAND. I have seen the statement the Department gave.

Mr. ABERNETHY. This little amendment they propose doesn't create any problems as far as you gentlemen are concerned?

Mr. SUTHERLAND. I have not seen the official Department's report.

Mr. ABERNETHY. Well, I think they are only clarification amendments. Is that not correct, Mr. Rollin?

Mr. ROLLIN. Yes, sir.

Mr. ABERNETHY. That is all.

Now, I want to ask one other question.

You represent the seed trade association, and you state that on June 17, 1969, during the convention of your association that you adopted a certain resolution and you include that resolution in your statement. That resolution concludes with a paragraph as follows:

"Resolved further that: AOSCA will apprise the ASTA of their existing standards," and so forth. How is it that ASTA resolves for the AOSCA? They weren't there.

Mr. SUTHERLAND. No, they were not there.

Mr. ABERNETHY. Was that really just an unhappy construction of a paragraph, or did you have the authority to resolve for and on behalf of the Association of Official Seed Certifying Agents?

Mr. SUTHERLAND. No, we did not have the authority, and this is a correction that should have been made in this resolution. This is and has been our policy to work very close with the State seed certifying agencies and this association. It is our hope that through increased cooperation we can take a look at the existing standards and the procedures that we use in developing the standards and work out an agreement with them, that we can sit down either in their committees or in some other manner and work out these standards and propose them to the Department as joint standards which can be approved then and would have the support of the industry and the seed certifying agencies.

Mr. ABERNETHY. Was the information which you referred to in this particular paragraph that you have just read, was that brought to the attention of your association and was there a meeting of the minds? Did you have some understanding about it prior to the Senate and House hearings?

Mr. SUTHERLAND. No, we have requested this information. It has been given to us verbally in discussions with Dr. Scott as president of the association. We have not formalized a procedure, because our board of directors has not and will not meet until this fall, and the AOSCA board of directors will not meet until this fall. So any formal procedures cannot be acted upon until that time.

Mr. ABERNETHY. Well, this paragraph says that this information shall be passed around prior to a Senate and House hearing. Does that raise any question between the two associations, any problem?

Mr. SUTHERLAND. There is no problem as far as the American Seed Trade Association is concerned.

Mr. ABERNETHY. Any as far as the other associations are concerned, or can you speak for them?

Mr. SUTHERLAND. Dr. Scott is here. I would like——

Mr. ABERNETHY. What do you say, Dr. Scott?

Dr. SCOTT. I don't think this raises any problem.

Mr. ABERNETHY. It raises no problem?

Dr. SCOTT. I don't think so.

Mr. ABERNETHY. We have an expert lawyer here that brought this to my attention. I thought I should take some notice of it.

All right. Thank you very much.

Mr. DE LA GARZA. Thank you very much, Mr. Sutherland.

For the sake of the record, Dr. Scott, we perhaps should reopen your testimony and make it explicit in the record your statement that you have just made that your organization is in agreement with this other association, and you are cooperating to the extent that you will have a meeting of the minds to recommend to the Secretary procedures for the certification or the minimum standard.

Dr. SCOTT. Thank you, Mr. Chairman.

Yes, I would like to point out that the standards and procedures of AOSCA are in printed form, freely available to any interested person.

These have been transmitted, I believe, to ASTA. We do plan to cooperate with ASTA in working out a mutually agreeable method of developing standards in the future.

Mr. DE LA GARZA. And with the Department?

Dr. SCOTT. And with the Department, yes, sir.

Mr. DE LA GARZA. You cannot leave the Department out.

Dr. SCOTT. Yes, and with the Department.

Mr. DE LA GARZA. Thank you very much, Dr. Scott.

We will now hear from Mr. Foil W. McLaughlin, director, North Carolina Crop Improvement Association.

We will be most happy to hear from you, Mr. McLaughlin.

STATEMENT OF FOIL W. McLAUGHLIN, DIRECTOR, NORTH CAROLINA CROP IMPROVEMENT ASSOCIATION, RALEIGH, N.C.

Mr. McLAUGHLIN. My name is Foil W. McLaughlin. I am director of the North Carolina Crop Improvement Association from Raleigh, N.C.

Mr. Chairman and members of the committee, I certainly appreciate the opportunity to appear before this committee in support of H.R. 10236 and other identical bills which amend Federal Seed Act to change the definition of seed-certifying agency and certified seed. Representing the North Carolina Crop Improvement Association, the official seed-certifying agency in North Carolina, I think that this bill is necessary for the continued improvement in seed certification service provided to users of certified seed.

Permit me to touch briefly on the purpose of seed certification. First, seed certification is a voluntary participating service. The concept of certification as developed over the last 40 years in North Carolina has been one of providing genetically—variety—pure seed with known origin which is properly identified for the consumer. By this, I mean that the North Carolina Crop Improvement Association through its program of established minimum seed standards, provides a service to farmers and seedsmen who produce and plant seed of varieties approved for certification. When the certification label has been attached to a container of seed grown in North Carolina, that seed has passed field and seed inspections as meeting the minimum standards established for seed certification in North Carolina.

The North Carolina Crop Improvement Association is a member of the Association of Official Seed Certifying Agencies. This member-

ship provides us with basic minimum seed standards which we use in establishing North Carolina's seed certification standards. This means then, Mr. Chairman, that seed grown and certified in North Carolina meet the genetic purity standards established by the Association of Official Seed Certifying Agencies. Complying with these minimum standards is important to us not only as producers of certified seed but as a consumer of certified seed grown in other States.

It is estimated by the USDA that between 50 percent and 60 percent of the seed entered into commerce crosses at least one State line before it is planted. North Carolina is no exception. For example, it takes approximately 150 million pounds of seed to plant 1 year's crops in North Carolina. We produce about 128 million pounds of certified seed in North Carolina but all of it is not planted in North Carolina. We receive certified seed from many States and seedsmen ship North Carolina grown seed into other States. This means, Mr. Chairman, that certified seed moves in interstate commerce in large quantity and should be legally defined in the Federal Seed Act as meeting the minimum standards for genetic purity as established by the Association of Official Seed Certifying Agencies.

As I understand, it is the sole intent of this bill to authorize the Secretary of Agriculture to approve the standards and procedures recommended by the Association of Official Seed Certifying Agencies as the minimum requirements to be made by official seed certifying agencies, however, higher requirements imposed by any official State seed certifying agency would be eligible for approval under this bill. To have these standards "approved" as provided in H.R. 10236 would mean that a specified class of certified seed, regardless of the State of origin, would have met at least minimum standards for genetic—variety—purity.

This amendment and appropriate regulations will establish the minimum criteria that a seed certifying agency such as the North Carolina Crop Improvement Association must meet if the seed we certify moves in interstate commerce. However, under this bill, the responsibility for maintaining minimum standards for certifying seed in North Carolina will remain that of the North Carolina Crop Improvement Association. The procedures for establishing and changing standards by individual State certifying agencies would not be altered. Such agencies, however, would need to maintain standards which equal or exceed the "approved" minimum standards.

I am North Carolina's representative to the board of directors of the Association of Official Seed Certifying Agencies and a member of its executive committee. As such, I am familiar with the procedure used in establishing and changing the minimum standards of the association. Briefly speaking, the association employs commodity committees composed of representatives and specialists including seed growers, seedsmen, and scientists from all regions of the Nation. These committees carefully consider proposed changes in standards before making a recommendation to the association's board of directors for final approval. This procedure assures us that detailed consideration is given to the needs and problems of all regions before making any change in certification standards or procedures.

For seed of many crops, the genetic—variety—purity can only be determined by pedigree records as maintained through certification

procedures. However, seed quality factors such as germination or weed mixtures can be determined during laboratory examination of the seed. Therefore, the maintenance of genetic purity and identity for the protection of the consumer is very essential.

As agriculture becomes more specialized in North Carolina and the Nation, the variety of seed planted becomes very critical. Once the variety has been chosen, the farmer must be assured that the seed he plants is of this variety and is genetically pure. In North Carolina, we do plant certified seed grown in other States. We would like to be assured that all certified seed meets certain specified approved standards. In other words, certified seed should mean the same thing (genetically speaking) regardless of the State in which it was produced or in which State it is sold. This will not be true as long as 50 States each have the option to adopt its own regulations with no minimum standards. This proposed amendment to the Federal Seed Act will provide for an "approved" minimum standard for all certified seed. I have evaluated this bill with seed producers, seedsmen, and farmer groups in North Carolina and they are in agreement that this legislation is needed. Therefore, Mr. Chairman and members of the committee, I urge you to give favorable consideration to H.R. 10236.

Mr. Chairman, if you will permit, I would like to make one additional statement relative to representation which Mr. Abernethy has raised in regard to the producers.

Mr. DE LA GARZA. We will be happy to hear from you.

Mr. McLAUGHLIN. The question of representation by the producers, that is the seedgrowers—I will use North Carolina as an example—the North Carolina Crop Improvement Association is the official seed certifying agency recognized by general statute in North Carolina. As such, the members of this association are the certified seed producers.

To produce certified seed they must be a member and participate. This membership, therefore, through its board of directors, represent the seedgrowers.

I am a representative from the North Carolina Crop Improvement Association, officially, to the Association of Seed Certifying Agencies and, therefore, I do represent the certified seedgrowers at the national level through our Association of Official Seed Certifying Agencies.

Now, using North Carolina as an example, this will also apply to any of the other 43 member agencies. There is one official director to the Association of Official Seed Certifying Agencies representing the local certified seedgrowers. So I would say that the Association of Official Seed Certifying Agencies does, in fact, represent the certified seedgrower as such.

Thank you, sir.

Mr. ABERNETHY. Mr. Chairman.

Mr. DE LA GARZA. Mr. Abernethy.

Mr. ABERNETHY. Mr. McLaughlin, is your feeling or opinion that the pendency of this legislation, in our consideration of it, that the general contents has been disseminated down to and among the producers themselves?

Mr. McLAUGHLIN. Speaking for North Carolina, of course, we have discussed this with them over the last year and a half, really.

Mr. ABERNETHY. Yes.

Mr. McLAUGHLIN. Prior to its being introduced, we have discussed this with our board of directors of our North Carolina Crop Improvement Association. We have discussed this with the membership at our annual meeting in January of this year, and I would say that every opportunity at which we have had we have discussed it at the North Carolina level.

Only as recently as Monday I participated in the North Carolina Seedman Association program, at which time a special item on the program was a discussion of the proposal. I would think that we have done our best to inform the local certified seedgrower of the proposal.

Mr. ABERNETHY. What is his general feeling about it?

Mr. McLAUGHLIN. In North Carolina?

Mr. ABERNETHY. Yes.

Mr. McLAUGHLIN. They hope that you will take favorable action on the bill.

Mr. ABERNETHY. All right.

Now, can you state whether or not that is the general feeling and attitude and opinion of the seedgrower throughout the seed-producing industry; that is, among the producers?

Mr. McLAUGHLIN. The certified seedgrowers?

Mr. ABERNETHY. Yes.

Mr. McLAUGHLIN. Yes, sir; I would say so, and I would again refer to personal contact—

Mr. ABERNETHY. Yes.

Mr. McLAUGHLIN. We had within the month a meeting of our southern seed certification officials, at which time this proposal was again further considered. These persons present represented their local State certifying agency, in turn the growers, and we had complete support at the southern agency level of those present.

Mr. ABERNETHY. Well, now, this legislation—incidentally—this is off the record.

(Discussion off the record.)

Mr. ABERNETHY. Back on the record.

The question, then, has been raised as to whether or not the general producer himself or themselves have been well notified of this, and I take it from what you say that they have been and they are in support thereof?

Mr. McLAUGHLIN. This is my—

Mr. ABERNETHY. Is that right?

Mr. McLAUGHLIN. This is my impression; yes, sir.

Mr. ABERNETHY. That is your impression. Does the contrary impression exist among any of the witnesses in the room at this time?

No one spoke out, so I guess they are in agreement.

Now, are you familiar with the report that has been filed here by the Farm Bureau?

Mr. McLAUGHLIN. Yes.

Mr. ABERNETHY. They raise that question. They raise a question about—they said they are concerned that the standards and procedures that might be recommended, that the growers themselves might not have had an adequate consideration of their views. Does that concern you, or do you think there will be a problem as regards such?

Mr. McLAUGHLIN. I think the certified seedgrowers have been and are adequately represented through its representation, its State repre-

sentation to the Association of Official Seed Certifying Agencies, and every opportunity in which they would like to participate through their official representation I think is open, sir, really.

Mr. ABERNETHY. Well, these standards and procedures would, of course, be published in the Federal Register, would they not, and the producers and the public would have an opportunity to make some appearance before they became final?

Mr. McLAUGHLIN. This is my understanding.

However, Mr. Rollin would elaborate.

Mr. ABERNETHY. I wonder if the Department witness would respond to that?

Mr. ROLLIN. I don't believe we planned to publish the standards in the Federal Register, but to propose a regulation referring to this publication and making this publication available to anyone who desires it.

Mr. ABERNETHY. To what extent would the information be disseminated among producers?

Mr. ROLLIN. To the extent that they desire to request a copy after the proposed regulation referred to this publication.

Mr. ABERNETHY. How would they know you had adopted any standards?

Mr. ROLLIN. We would have a public hearing, which we are required to have under the Federal Seed Act, before adopting this set of standards.

Mr. ABERNETHY. How would notice of such be given to the average producer of seed?

Mr. ROLLIN. It will be in the Federal Register. There would be press releases.

Mr. ABERNETHY. If I may interrupt you, not many people read the Federal Register.

Mr. ROLLIN. I realize that, but we put out press releases to all of the seed trade magazines, and if necessary to all the farm periodicals and whatever we think is necessary to reach the public we think should be informed.

Mr. ABERNETHY. I ask these questions only because this matter comes to my mind here this morning and it has caught me a little by surprise.

I also note a suggestion made by the Farm Bureau. I don't always agree with them, but I think their interest is manifest to the farm people of the country.

Thank you very much.

Mr. DE LA GARZA. Mr. McLaughlin?

Mr. McLAUGHLIN. Yes, sir.

Mr. DE LA GARZA. Let me ask you this:

Speaking about North Carolina, assuming that the minimum standards set out by AOSCA were adopted, would this cost—the cost to the farm user would cost more to buy the certified seed?

Mr. McLAUGHLIN. Mr. Chairman, actually the procedures for certifying seed, the cost involved, and the volume of certified seed produced, as I see it would not be affected in North Carolina one bit.

Mr. DE LA GARZA. Well, it would entail the necessity, as I see it, of more cost to the producer of the seed if he would be limited to three generations, as one of these statements say, or it would entail more

work or more careful analysis of whatever it is he does to qualify under more strict certification standards; wouldn't that be correct?

Mr. McLAUGHLIN. No, sir, because North Carolina now complies with the standards to which you are referring, the Association of Official Seed Certifying Agency minimum standards.

Mr. DE LA GARZA. He has to go to a different or more stringent process to obtain certification?

Mr. McLAUGHLIN. No, sir, I don't visualize that he would have to go through any different process at all. As has been previously indicated, the vast majority of the State certifying agencies now do in fact have standards comparable to those of the association which we are referring to.

The procedures for certifying the seed itself, the physical procedures would not be changed in which this is the service that the grower has to pay for, the procedures to go through, the field inspection, your filing of application.

Mr. DE LA GARZA. I understand this, but my question was—I think you answered it—which is really very simple—is that all this legislation is attempting to do is that every State have the same minimum requirements?

Mr. McLAUGHLIN. For genetic purity, yes, sir.

Mr. DE LA GARZA. And your testimony is that most of them have it now; is that it?

Mr. McLAUGHLIN. Yes, sir.

Mr. DE LA GARZA. We have a statement which will be submitted later from the Farm Bureau, which expresses some concern that inadequate consideration would be given or not adequate consideration would be given to farmer users of certified seed.

This is what I am trying to clear up, will it cost the farmer any more for his seed? We assume, of course, that he would be aided very much by better seed and more uniform certification procedures, but the question which I would like to ask you, and quoting to you from the Farm Bureau letter which will be submitted for the record:

The American Farm Bureau Federation Board is concerned that the proposed "standards and procedures" might be recommended by state seed certifying agencies and approved by the Secretary without adequate consideration of the views of the farmer-users of certified seed.

Would you think that under the operations which you now have that the farmer-user is adequately protected as you have it in your statement now?

Mr. McLAUGHLIN. Yes, sir, and may I explore just one point to point this out.

At the national level our North Carolina Crop Improvement Association has commodity committees, a cotton committee, a small grain committee.

These committees are composed of four basic groups of people, the seedsman, who is merchandising it to the grower, the expert, the scientist, and the user, and in our State this is generally the executive secretary of that particular association, whether it be cotton or sweet potatoes and so forth. So that we feel that through these commodity committees—and it is at this level that any change is fully evaluated before it is recommended to our board—we feel at this level that the

producer as well as the merchandiser, as well as the user is represented in our organization.

Mr. DE LA GARZA. Mr. Kleppe, do you have any questions?

Mr. KLEPPE. No, I don't think so, Mr. Chairman.

Sorry I was late. I was on the other side. But thank you, any way.

Mr. DE LA GARZA. Thank you very much, Mr. McLaughlin.

We will now hear from Mr. W. W. Guerry, Mississippi Seed Improvement Association.

Mr. ABERNETHY. He is a very valuable constituent of mine, and I want to be sure I recognize his presence and qualifications to vote in Mississippi.

Mr. DE LA GARZA. We are always glad to have valuable constituents.

We are very happy to have you here, Mr. Guerry, and we will be happy to hear from you now.

STATEMENT OF WALKER W. GUERRY, EXECUTIVE SECRETARY, MISSISSIPPI SEED IMPROVEMENT ASSOCIATION

Mr. GUERRY. Thank you, Mr. Chairman and members of the committee.

My name is Walker Guerry. I am executive secretary of the Mississippi Seed Improvement Association and I am Mississippi's representative on the board of directors of the Association of Official Seed Certifying Agencies.

I appreciate the opportunity of appearing before your committee representing Mississippi Seed Improvement Association and the Association of Official Seed Certifying Agencies in support of H.R. 10236 and supporting bills.

Seed certification and certified seed are no longer viewed only from a local or national level but also from an international point of view.

Not only will this amendment establish greater uniformity in certified seed in the United States, but it will also certify the meaning of the term "certified seed" in international trade.

This amendment to the Federal Seed Act will recognize a minimum certification standard; however, it will not restrict a State from surpassing those standards.

The amendment would establish minimum criteria on certified seed moving in interstate commerce. While this is true the amendment does not restrict the now democratic process whereby interested groups or individuals may have a voice in establishing the standards to be recognized under the Federal Seed Act.

I feel that this amendment is needed and trust that your committee will lend its support.

Thank you for the opportunity of appearing before your committee.

Mr. DE LA GARZA. Thank you very much, Mr. Guerry.

Mr. ABERNETHY. Mr. Chairman, I would like to—Mr. Guerry, I want to personally welcome you here. I am sorry I haven't had an opportunity to speak with you before the hour, but I will do so after the hearing.

You state that, "While this is true the amendment does not restrict the now democratic process whereby interested groups or individuals may have a voice in establishing the standards to be recognized under the Federal Seed Act."

What voice would they have?

Mr. GUERRY. You mean by that—

Mr. ABERNETHY. Are they members of your association?

Mr. GUERRY. They could very easily be members of our association, as has been pointed out. On the level of the AOSCA we have commodity meetings such as cotton, rice, and so forth.

Mr. ABERNETHY. Yes.

Mr. GUERRY. On this committee anyone that is a member, or if he is not a member he may participate in the discussion and formulation of the regulations that will be recommended by these committees, these commodity committees, such as cotton.

If anyone is interested in what the cotton committee is doing on the AOSCA level he may participate in these committee meetings.

Mr. ABERNETHY. Now, you know we have some pretty good seed producers around Mississippi.

Mr. GUERRY. Yes.

Mr. ABERNETHY. What is their general feeling about this legislation?

Mr. GUERRY. They support it.

Mr. ABERNETHY. They have full knowledge?

Mr. GUERRY. They have full knowledge.

Mr. ABERNETHY. Does Mr. Howard McShann produce seed himself?

Mr. GUERRY. Yes, he does.

Mr. ABERNETHY. I know he is interested in this bill because he was the first person to call me about it.

Mr. DE LA GARZA. Mr. Kleppe?

Mr. KLEPPE. No questions.

Mr. DE LA GARZA. Thank you very much. I appreciate you coming to appear before us today.

Is there any other witness who would like to testify in behalf of this legislation?

If not, I have some statements to submit for the record.

Mr. Albert Russell, executive vice president, National Cotton Council of America, and the American Farm Bureau Federation, Marvin L. McLain, legislative director—and Mr. Rollin, we are charging the Secretary through you that “adequate consideration of the views of the farmer-users of certified seed be protected to their utmost in your deliberation if this legislation is enacted.”

You are nodding, not with much agreement.

Mr. ROLLIN. Perhaps I should say something on the use of the term farmer-user. I am not too clear on what the Farm Bureau is talking about.

Congressman Abernethy was talking about the seed producers and thinking of the people who produce certified seed, I presume, and what their attitude is toward this. But when the Farm Bureau talks about farmer-users they are talking about the buyer of this certified seed.

I can't quite see how the buyer would have any voice in this determination of the standards.

Now, he has the choice of buying certified seed or not buying it. He can buy uncertified seed. I don't see how he can have a voice in establishing these standards except insofar as we are required to have a public hearing and to hear the views of any citizen who is able to express views on the subject. This is why I am a little puzzled with the charge.

If you can clarify that for me I will be glad to carry the charge back to the Department.

Mr. DE LA GARZA. I will be very happy to, and you have just stuck a chord here.

Mr. Abernethy has been speaking of the producers of certified seed, and I take this Farm Bureau statement—and my interest would be in the ultimate consumer, and I am somewhat unhappy with your statement that what interest should the consumer—should the farmer have on this. This is what this business is all about, not what the association of agencies or the fellow who grows the seeds.

My main concern here is for my farmer that is going to buy some seed, and I hope at an adequate and just price and that he gets what he pays for when he puts it out in the field.

I think you missed the boat when you say what concern should he have? I know that he wouldn't be technically capable of going through the process of certification and so on, but the attitude of the Department is that your interest is with the producer or with the associations.

You have lost me, and we might continue this hearing in another sense and see that we set things straight, that this legislation should be, if the intention is not, we want to be sure that it would be for the benefit of the consumer, of the fellow out on the farm that buys the seed, and by golly, if he doesn't have a say so in it then we have missed it altogether. That is what I would like for you to convey to the Secretary.

Mr. ROLLIN. I think there is no doubt about what you say.

The Federal Seed Act is basically legislation to protect the consumer. The whole concept is truth-in-labeling law. But what I was talking about is the determination of the standards themselves. This is done by the scientist, by the producers, and by the people who are growing the seed. They are the ones that have to decide what standards they can meet, what is practical and what can be met.

My statement means—or was meant to convey that the consumer, for instance in Missouri, is not in a position to determine what the standards in the State of California should be for the production of seed in the State of California. This is what I was trying to convey.

Mr. DE LA GARZA. I agree with you in this respect and I qualify that as far as the technical process. I am not going to discuss with my doctor what kind of an incision he is going to make if he is going to operate on me. But I think I have a darn sight of interest in discussing with my doctor what he is going to do to me. I might be interested in knowing what kind of incision even if I might not understand. But I want his assurance that he is going to do it the right way.

I think this is what these people mean, that the farmer-user be notified, that the farmer-user be considered in your deliberations, not in the technical process as to procedures, and so on, but that the ultimate decision be that you are going to do what is best for the farmer-user. And keep in the back of your mind that your certification and procedures shall be for the benefit not of the grower or of the association, but of the ultimate consumer, which would be the farmer.

Mr. ROLLIN. I think I can assure the chairman and the committee members that this is always the primary view that we have in mind in enforcement of the Federal Seed Act, and we never lose sight of it. If that is what is intended I am sure I can carry this charge back to the Department of Agriculture.

Mr. DE LA GARZA. I knew it was, and I know your statement is related more to the technical end. With this I agree with you.

But you be sure that the farmer in the Rio Grande Valley of Texas, at least, is apprised of the fact that the Department is fixing to do something that may have some bearing on the kind of seeds he gets, right?

Mr. ROLLIN. Right.

Mr. DE LA GARZA. Thank you very much.

Mr. ABERNETHY. Mr. Chairman?

Mr. DE LA GARZA. Mr. Abernethy?

Mr. ABERNETHY. I think I have unintentionally, in terms of this matter up here—in fact, I know I have. I am glad you came back to the stand.

I haven't seen the Department letter until it reached this desk and I just glanced at it. I didn't read it thoroughly. I really thought the letter had reference to the farmer-producer of seeds, but it is the farmer-user of seeds. So I am confused in the matter, and I apologize for it.

That is not the first mistake. I must confess I make a mistake occasionally except on election year, and I am liable to make one then.

I am seriously sorry, I have been confused because this clearly states farmer-user instead of farmer-producer, and while I am also interested in the user, I really think in the long run the establishment of standards for certified seeds is in the interest of the consumer who is the farmer using the seed as well as the customer of the farmer.

I think, as the chairman has said, I think the consumer does have an interest, and I think the legislation is in his interest. Planting and using good seeds.

Mr. ROLLIN. Basically this is the purpose of this legislation. It is to provide more uniform standards and meet minimum standards for the benefit of the buyer of the seeds. This is the basic purpose.

Mr. ABERNETHY. And that he is getting a seed that meets the standards laid down by people who know what standards ought to be?

Mr. ROLLIN. That is right.

Mr. ABERNETHY. Thank you, sir.

Mr. DE LA GARZA. I think we are all in agreement now. We have finally got it on the right track.

We also have some statements and letters to be inserted in the record.

(The matters referred to follow:)

STATEMENT OF HON. WILLIAM L. SPRINGER, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF ILLINOIS

Mr. Chairman, H.R. 10236 is a good bill. I have gone into this matter in detail with those in my District who are most closely acquainted with it. Dr. Walter O. Scott, agronomist at the University of Illinois, testified on a similar bill before a Senate Subcommittee on Agriculture and Forestry.

Dr. Scott pointed out that seed certification provides the consumer with assurance that every effort has been made during the production and processing of the seed he buys to maintain the genetic capacity of that seed to reproduce the variety as originally developed by the plant breeder. In other words, the seed he buys will produce plants which will possess all the superior attributes that make the particular variety desirable to him.

Since the concept of seed certification was developed about 50 years ago, the situation has changed as the value of certification became widely recognized and transportation facilities improved. The need for uniform standards and proce-

dures became apparent and were developed and defined in the Federal Seed Act of 1946.

Enactment of this legislation will mean that seed moving in interstate commerce will finally meet minimum standards for genetic purity regardless of origin. This will also mean that standards and procedures used by seed certifying agencies will be more uniform as applied to all classes of certified seed moving in interstate commerce. It will facilitate international trade in certified seed where seed certification has been a function of the federal government.

As is true in any industry, production, processing, and merchandizing practices employed by the seed industry are constantly changing to meet the demands of the times. This legislation will meet that need and will aid in the clarification of defining certified seed in the better administration of the Federal Act.

My bill, H.R. 10653, similar to the bill being considered this morning, and was introduced because I strongly feel the importance for this legislation. It has my support and I trust will be favorably reported.

STATEMENT OF RICHARD CARLTON, SECRETARY, LOUISIANA SEED COMMISSION

Mr. Chairman and Members of the Committee, my name is Richard Carlton. I am Secretary of the Louisiana Seed Commission and am responsible for the administration of the Louisiana Certified Seed Program and I am Louisiana's representative to the Board of Directors of the Association of Official Certifying Agencies. I wish to express my appreciation for the opportunity to present the views of our certifying agency with regards to House Bill 10552. Our State Seed Law delegates to the Louisiana Seed Commission the authority for promulgation of all rules and regulations pertaining to seed certification in our state. This commission is made up of the Commissioner of the Louisiana State Department of Agriculture as Chairman, The Director of the Louisiana State University Experiment Station, The Director of the Louisiana Cooperative Extension Service, The President of the Louisiana Farm Bureau Federation and the Chairman of the Louisiana State Seedsmen's Association. This commission includes representatives from research, regulatory, and education, as well as producers and consumers of certified seed. This type of governing board exists in all the fifty states and Canada.

House Bill 10552 would in effect take the responsibility for that part of the various states' seed certification programs dealing with varietal purity out of the hands of these obviously well qualified grass roots boards and commissions and turn it over to the Secretary of Agriculture. It is obvious that the Secretary would not have the knowledge of local or even regional problems to supersede these governing bodies in making decisions on needed changes in their individual states' rules and regulations for seed certification.

I should like to give examples of what is required now and what will be required, should this bill become part of the Federal Seed Act, to make a simple change in a state's certified seed regulations. Presently, if a segment of our certified producers such as the seed rice growers would see a real need for a change in isolation, for instance, they would petition the seed commission with a request for the change. The commission would study the proposal and if there were safeguards to prevent any loss in the *quality of the seed* and if the maintenance of these safeguards was technically and economically feasible the change would be made and would be made in time enough to take care of any pressing need.

Should this bill pass, and the same request is made the aforementioned procedure would take place then at the next annual meeting of the Association of the Official Seed Certifying Agencies, our representative would present the request for change to the rice commodity committee which is made up of representatives from *competing rice producing states*. Should the commodity committee approve the request it would then go to the entire board of directors for another vote and assuming it passed this group it would be referred to the Secretary of Agriculture, who would then be required, by law, to hold a public hearing; depending on the results of the hearing he may or may not allow us to change our own regulations, I mentioned in the procedures required, should this bill pass, the necessity for approval by the Association of Official Seed Certifying Agencies. It is my understanding that there will be congressional intent established at these hearings that the Secretary of Agriculture will use Publication No. 22, (minimum genetic certification standards) of Association of Official Seed Certifying Agencies as his acceptable standards in approving certifying agencies.

I seriously doubt the Secretary can fulfill this intent for long, due to the legal requirement of public hearings, assuming of course the testimony at the public hearings received consideration. Also, I am doubtful of the constitutional stability of such a requirement because this organization has voluntary membership and Florida, which is not a member, or some other state, should they decide to leave the organization, would have no vote for changes in their own regulations.

All of the problems associated with the implementation and maintenance of this bill could be and should be overcome if there were a real need for it. I am frankly at a loss as to why this act was conceived in the first place. I have been told by one of the originators that it will furnish legal status to the certification program. Certified seed and certifying agency are already defined in the Federal Seed Act. I have been told by one of the originators that it would afford "breeders rights". I have no objections to some means of maintaining breeders rights as long as it does not furnish private companies monopolies on varieties which were developed by public monies. I do not, however, agree that it should be part of any seed certification program. This is not the purpose of seed certification. This would be going far afield from the primary purpose of our authority, which is as I see it is to furnish the producer and consumer of certified seed an impartial agency that will certify to the best of the available technology the quality of the seed being certified. I feel as the American Seed Trade does, that some means other than seed certification should be developed to insure breeders rights. I have been told this bill will furnish greater uniformity of standards between the states. This I grant it might do even to the extent that some states may go out of production of certified seed of certain crops. We are responsible for uniform quality seed, not uniform standards. If Mississippi can continue to furnish us with certified cottonseed of the genetic quality we are now receiving, our farmers would run us out of the state if we tried to say their standards are not adequate. We have abundant research data to show that seed can be produced under different genetic standards and have equal quality. The quality of the seed in the bags is what is important. I want to emphasize that I am not advocating any relaxing of the present standards for seed certification and I can say with pride that Louisiana certified seed is as good, if not better, than any in the world. I would say, however, that there are more ways than one to arrive at quality and no one knows better than the local agency which way is best for it. I am also told by one of the originators of this legislation that it offers a great deal of additional advantage to the consumer.

In my thirteen years with the Louisiana Certifying Agency, better than 95 per cent of the consumers' interest in the seed certification program has involved mechanical standards such as germination, noxious weeds, diseases and insects. The only real lack of uniformity of genetic standards, which I have heard expressed involved limitations of generations of seed that could be produced from foundation seed. I was concerned to a certain extent about this until I learned that several states allow foundation seed to be produced from foundation seed and there is no provision in Publication No. 22 to change this. I see little difference between allowing multiple generations of registered seed or certified seed and allowing this for foundation seed. Our farmers are presently blessed with an adequate supply of high quality certified seed which is something which might not continue to be true if enough red tape is fed into the procedures for producing this seed. I have heard reference to the fact many of the European countries have been under a federal system for some time and I wonder if all of these countries have an adequate supply of seed of a quality equal to what we enjoy here in the United States. It is my understanding that we presently export a considerable amount of seed to these countries. I have been told that this bill would help in expediting exports to other countries that might have doubts as to the abilities of individual states to maintain the quality of seed to the extent of the ability of the U.S.D.A. The states will still be doing the inspections. The difference might be that a state which has traditionally supplied these exports might suddenly find that the commodity committee had changed the regulations so that local conditions within such a state would make it impossible to certify in quantities necessary to meet this commitment so the competing states would then get their share.

I would like to say in closing that I do not believe that the majority of the people who will be affected by this legislation, particularly the farmer who must have these seed, have had an opportunity to study its implications. I have talked with representatives of many farm organizations from several states and have yet to find one outside the seed trade who was aware of this legislation. Each

person I talked to expressed opposition. However, they heard only my opinions and should have an opportunity to hear both sides.

My first recommendation to the sub-committee would be let this legislation die. My second recommendation, should the first not be agreed with, would be to postpone action until next session of Congress and all the national farm organizations be furnished with the testimony of these hearings so that they may get the feelings of their membership and have an opportunity to formulate a position on this far reaching legislation. Should neither of these be satisfactory, my third would be that if such legislation is really necessary it should include the equally important mechanical standards for germination, noxious weeds, diseases and insects. Genetically pure seed is of little value to the farmer if they will not germinate, contain noxious weeds, or diseases and insects which would seriously affect the crop.

Thank you gentlemen for your kind indulgence. If there are any questions, I shall be happy to attempt to answer them.

STATEMENT OF ALBERT R. RUSSELL, EXECUTIVE VICE PRESIDENT, THE NATIONAL COTTON COUNCIL OF AMERICA

My name is Albert R. Russell. I am Executive Vice President of the National Cotton Council of America, with headquarters in Memphis, Tennessee. The Council is the central organization of the raw cotton industry, representing producers, ginner, crushers, merchants, warehousemen, cooperatives, and manufacturers.

The Council supports H.R. 10236 which would amend the Federal Seed Act whereby uniform standards and procedures can be established to assure the genetic purity and the identity of seed certified throughout the various states.

For many years now, the Council has officially recognized the necessity for improving varieties and the quality of cotton planting seed and has supported efforts to improve variety testing and the breeding, release and distribution of cotton planting seed.

Nothing could be more fundamental to the future welfare of cotton than higher quality planting seed. In its long-standing battle against man-made fibers, cotton must compete in terms of quality and price. And, high quality planting seed is one of the vital keys to strengthen cotton's competitive position in both of these areas. Such seed are essential to securing better stands of vigorous growing plants and they are of crucial importance to the production of higher yields for reducing unit cost and to provide cotton fibers of higher quality, value and performance to manufacturers.

Cotton producers associate these field and mill performance traits with the seed variety which they plant and the purchase of certified seed for planting is practiced widely. In any given state, producers annually purchase quantities of certified seed which have been produced under certification in one or more other states. Since standards and procedures for seed certifying vary among state certifying agencies, farmers cannot always be assured of getting seed which are adequately identified or with the consistency of genetic purity which they have a right to expect.

It is our studied opinion that H.R. 10236 would greatly improve this situation by providing for the establishment of standards and procedures to bring about a degree of uniformity of seed certification throughout the states. Any rules and regulations issued by the Secretary of Agriculture under this authority should, of course, be in harmony with the views of state certifying agencies and others interested in seed certification. Moreover, once minimum standards are established, any certifying agency should be able to establish its own standards and procedures within the framework of the minimums.

We urge approval of H.R. 10236, and appreciate the opportunity to present the Council's views on this matter.

AMERICAN FARM BUREAU FEDERATION,
Washington, D.C., July 22, 1969.

HON. ELIGIO DE LA GARZA,
Chairman, Subcommittee on Departmental Operations, House Committee on Agriculture, U.S. House of Representatives, Washington, D.C.

DEAR MR. DE LA GARZA: The Board of Directors of the American Farm Bureau Federation recently gave consideration to H.R. 10236, a bill to amend the Federal Seed Act.

Among other things, H.R. 10236 would define a "seed certifying agency" as "an agency, authorized under the laws of a State, territory, or possession, to

officially certify seed and which has standards and procedures approved by the Secretary to assure the genetic purity and identity of the seed certified * * *

The American Farm Bureau Federation Board is concerned that the proposed "standards and procedures" might be recommended by state seed certifying agencies and approved by the Secretary without adequate consideration of the views of the farmer-users of certified seed.

We, therefore, recommend that the proposed legislation be amended to ensure that farmer-users will be given adequate representation in any process that may be employed to develop the standards and procedures which the Secretary of Agriculture would be authorized to approve for seed certifying agencies.

We would appreciate it if you would include this letter in the record of the hearings on H.R. 10236.

Sincerely yours,

MARVIN L. McLAIN,
Legislative Director.

WACO, TEX., July 22, 1969.

HON. ELIGIO DE LA GARZA,
*House Office Building,
Washington, D.C.:*

The Texas Seedsmen's Association and Texas Certified Seed Producers, Inc., support H.R. 10236 and identical bills. Lack of sufficient advance notice of hearing prevents to testify for H.R. 10236. Therefore request this telegram be entered in the official records of the subcommittee hearings.

OTHEL. M. NEELY,
*Executive Vice President, Texas Seedsmen's Association
and Texas Certified Seed Producers, Inc.*

TEXAS DEPARTMENT OF AGRICULTURE,
Austin, Tex., July 24, 1969.

HON. ELIGIO DE LA GARZA,
*House of Representatives,
Washington, D.C.*

DEAR REPRESENTATIVE DE LA GARZA: I understand that a hearing will be held within a short time pertaining to House Bill H.R. 10236 and related bills which would provide for changing the definition of certified seed and seed certifying agency in the Federal Seed Act.

Passage of such legislation will certainly be to the best interest of Agriculture in the United States. As Director of the Texas Seed Certification Program and Texas Seed Act, I appreciate to the fullest the need for some means of bringing more uniformity to the Association of Official Seed Certifying Agencies' standards for genetic purity and, most important, some means of enforcement of genetic certification standards that we do not presently have within the AOSCA. Passage of House Bill H.R. 10236 will provide for both uniformity and enforcement resulting in a better opportunity for the consumer to know that the minimum genetic purity of seed moving interstate as represented by the certified label is correct irregardless of origin.

It is my understanding that the certified seed producers in Texas as well as the Texas Seed and Plant Board and the Texas Seedsmen in general are in support of the Bill.

Your cooperation in inserting this correspondence in the hearing records will be appreciated.

Sincerely,

H. STAFFEL, JR.,
Secretary, State Seed and Plant Board.

NATIONAL COUNCIL OF COMMERCIAL PLANT BREEDERS,
Washington, D.C., July 22, 1969.

HON. ELIGIO DE LA GARZA,
*Chairman, Subcommittee on Departmental Operations,
House of Representatives, Washington, D.C.*

DEAR MR. DE LA GARZA: The Board of Directors of the National Council of Commercial Plant Breeders at their annual meeting on June 17, 1969, gave con-

sideration to H.R. 10236 to amend the Federal Seed Act as the Act relates to certified seed. The National Council's Board of Directors passed the following resolution:

"The board of directors approve in principle the provisions of the proposed bill H.R. 10236 sponsored by AOSCA relative to revision of sections of the Federal Seed Act to more clearly define seed certifying agencies and uniform minimum standards for genetic purity."

It is requested this letter be read into the hearing record.

Very truly yours,

ROBERT J. FALASCA, *Secretary.*

NORTH CAROLINA SEEDSMEN'S ASSOCIATION,
Raleigh, N.C., July 17, 1969.

HON. WALTER B. JONES,
House of Representatives,
Washington, D.C.

DEAR MR. JONES: I am writing in regards to H.R. 10552 and related bills to amend the Federal Seed Act with regard to certified seed and seed certifying agencies. This bill would permit the Secretary of Agriculture to approve standards and procedures of seed certifying agencies to assure the genetic purity of the seed certified. No other changes are contemplated under this proposed legislation.

This matter has been discussed by the various crop improvement associations around the country, by the seedsmen's associations and by seed control officials generally. Passage of this legislation would eliminate a great many problems which exist today due to different states having different standards for assuring the genetic purity and identity of certified seed. Such differences interfere with the orderly movement of seed in interstate commerce and can be very detrimental to the interest of farmers who think they may be buying seed according to the genetic purity and identity standards which they are used to in their own state, only to find too late that another state may have a lower standard for certified seed.

The North Carolina Seedsmen's Association supports this bill and asks that favorable action be taken on it.

Will you please enter this letter in the House Agriculture Committee Hearing Records on H.R. 10552 and related bills.

Sincerely,

ROBERT B. DAVIS, *President.*

MR. DE LA GARZA. Without objection, we will insert the recommendations of the Department in the record, which has proposals for two corrective amendments.

(The matter referred to follows:)

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, July 9, 1969.

HON. W. R. POAGE,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. CHAIRMAN: We appreciate your letter of May 12, 1969, requesting a report on H.R. 10236, a bill "To amend the Federal Seed Act" with respect to establishing certain standards for certifying seed in interstate commerce.

This Department recommends that the bill be passed, if changed as suggested below.

The bill provides for the approval by the Secretary of Agriculture of the standards and procedures of official seed certifying agencies with respect to the genetic purity and identity of the seed these agencies certify. At the present time the Federal Seed Act automatically recognizes the rules and regulations of each official seed certifying agency.

The Association of Official Seed Certifying Agencies is an organization established primarily for the purpose of promoting uniformity in standards and procedures for certified seed among the official seed certifying agencies. We understand that 43 official State seed certifying agencies are active members of this association. Nevertheless, some of the 43 members of the association, as well as

a few other official State seed certifying agencies that are not members, do not always follow the recommendations of this association. Thus, the term "certified seed" may be misleading to the consumer of seed that has been certified in States following different rules than his own State.

The Association of Official Seed Certifying Agencies has been unable to obtain voluntary compliance with its recommended standards and procedures for the certifying of seed. The association has therefore requested this legislation to authorize the Secretary of Agriculture to approve the standards and procedures recommended by the Association of Official Seed Certifying Agencies as the minimum requirements to be made by official seed certifying agencies for purposes of the Act. The currently prescribed standards and procedures of the association are deemed to be appropriate by this Department. Higher requirements imposed by any official State seed certifying agency would also be eligible for approval under the bill. The bill would not impose any requirements with respect to certifying seed that does not move in interstate or foreign commerce.

In addition to establishing greater uniformity in certified seed in the United States, this amendment will also clarify the meaning of the term "certified seed" in international trade. There has been considerable difficulty in attempting to explain to foreign governments and foreign purchasers of certified seed why the United States Government has no control over the minimum standards and procedures for certifying seed in the United States. It has been particularly difficult to explain why we permit each of the 50 States to establish its own standards and procedures that the Federal Government automatically recognizes under the Federal Seed Act instead of having one set of standards.

In the interests of conformity with the provisions in the present Act, and clarification of the bill, the following changes in the bill would be desirable:

1. On page 1, in line 7, capitalize "territory" to read "Territory";
2. On page 2, in line 15, change "a class" to "the specified class".

The enactment of this proposed legislation is not expected to require additional funds. The cooperative agreements now in effect between the U.S. Department of Agriculture and the State Departments of Agriculture for cooperation in enforcement of the Federal Seed Act will absorb the small additional workload created by this amendment. Once the amendment is adopted and the Secretary approves the standards and procedures for a State, the amendment will be largely self-policing by each cooperating State and certifying agency.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

(S) J. PHIL CAMPBELL,
Acting Secretary.

Mr. DE LA GARZA. There being no other witnesses and no other statements, the committee will stand in recess subject to the call of the Chair.

We thank all of you for appearing before us today.

(Whereupon, at 11:35 a.m., the subcommittee adjourned, subject to the call of the Chair.)



