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UNIFORM STANDARDS AND PROCEDURES FOR CERTIFYING SEED

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HEARING

BEFORE THE

SUBCOMMITTEE ON AGRICULTURAL RESEARCH
AND GENERAL LEGISLATION

OF THE

COMMITTEE ON
AGRICULTURE AND FORESTRY
UNITED STATES SENATE

NINETY-FIRST CONGRESS

FIRST SESSION

ON

S. 1836

BILL TO AMEND THE FEDERAL SEED ACT (53 STAT. 1275),
AS AMENDED

JULY 17, 1969

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Committee on Agriculture and Forestry



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UNIFORM STANDARDS AND PROCEDURES FOR CERTIFYING SEED

THURSDAY, JULY 17, 1969

U.S. SENATE,
SUBCOMMITTEE ON AGRICULTURAL RESEARCH
AND GENERAL LEGISLATION OF THE
COMMITTEE ON AGRICULTURE AND FORESTRY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 324, Old Senate Office Building, Senator James B. Allen presiding.
Present: Senator Allen.

Senator ALLEN. The meeting will please come to order.

Senator Everett Jordan, the author of S. 1836, had a death in his family. He is chairman of this subcommittee, and had intended to be here at the hearing, and in his absence I have been asked to preside at the subcommittee session.

Senator Young of North Dakota sent word that he would be here in just a few moments, but for us to go ahead.

The subcommittee is holding hearings today on S. 1836. The purpose of this bill is to give a more definite meaning to the term "certified seed" and provide for uniform procedures under which it is certified, so that purchasers may be assured of the class, kind, variety, and genetic purity of such seed.

Certified seed is used principally by seed growers, and is currently divided into three classes, called, respectively, foundation, registered, and certified. The law does not now specifically state what facts must be certified, and leaves to the certifying agencies the procedures to be used. Under the bill, the law would state what must be certified, and the Secretary of Agriculture would determine the procedures to be used.

Copies of the bill, the report of the Department of Agriculture, and a staff explanation of the bill will be inserted in the record at this point.

(The documents are as follows:)

[S. 1836, 91st Cong., first sess.]

A BILL To amend the Federal Seed Act (53 Stat. 1275), as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(a) (25) of the Federal Seed Act 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 such Act 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."

—U.S. DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 9, 1969.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

DEAR MR. CHAIRMAN: This is in reply to your request of April 21, 1969, for a report on S. 1836, a bill to amend the Federal Seed Act (53 Stat. 1275), as amended, 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 6, capitalize "territory" to read "Territory"; and
2. On page 2, in line 14, 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,

J. PHIL CAMPBELL, *Acting Secretary.*

STAFF EXPLANATION OF S. 1836

(Subcommittee No. 4)

Short explanation.—This bill would (1) give a more definite meaning to the term "certified seed", and (2) authorize the Secretary to approve standards and procedures for seed certification.

Background.—There are three classes of certified or registered seed as follows: (1) Foundation, (2) Registered, and (3) Certified. Certified seed is generally regarded as seed that is certified as to class and genetic purity by a seed certifying agency that has made the field and other investigations necessary to determine the facts certified. However, the law does not now specifically require that the seed be certified as to class, genetic purity, or other fact. Certification under the law now means only that the seed was determined to be produced, processed, and packaged, and conformed to standards of purity as to kind or variety in compliance with the rules and regulations of the certifying agency. While most States follow the standards and procedures recommended by the Association of Official Seed Certifying Agencies, some do not, so that use of the term "certified seed" does not provide the purchaser with assurance that the seed meets any minimum requirements. The bill is designed to provide such assurance.

SECTION-BY-SECTION ANALYSIS

Section 1.—The first section redefines "seed certifying agency" to require such agencies to have standards and procedures approved by the Secretary to assure the genetic purity and identity of the seed certified. At present State certifying agencies need only be authorized under the laws of the State to certify seed. Foreign certifying agencies qualify under both existing law and the bill if they adhere to procedures comparable to those generally adhered to by State agencies. Since under the bill procedures used by State agencies would be fixed by the Secretary, foreign agencies would have to adhere to such standards to qualify.

Section 2.—This section amends section 102 of the Federal Seed Act to specify more particularly what must be certified if seed is to be described as certified. Instead of the label merely stating that the seed is certified, as is now required, the label would have to state that the seed is a class of certified seed. And instead of determining that the seed conformed to standards of purity as to kind or variety in compliance with the rules and regulations of the certifying agency (which might cover only such tests as can be made mechanically), the certifying agency would have to determine that the seed conformed to standards of genetic purity and identity as to kind and variety.

Departmental views.—The Department of Agriculture recommends enactment with minor amendments.

Suggested amendments.—On page 1, line 6, capitalize the word "territory" to make it conform to existing law.

(2) On page 2, line 7, strike "a class of certified" and insert "certified or registered". This would prevent evasion of the law by persons who represented seed to be certified or registered but did not represent it to be "a class of certified seed".

(3) On page 2, lines 13 and 14, strike out "stating that the seed is a class of certified seed" and insert "certifying that the seed is of a specified class and a specified kind or variety". This would spell out clearly what must be certified on the label for a seed to be represented as certified or registered.

SENATOR ALLEN. Mr. Stanley F. Rollin, Chief, Seed Branch, Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture is our first witness.

STATEMENT OF STANLEY F. ROLLIN, CHIEF, SEED BRANCH, GRAIN DIVISION, CONSUMER AND MARKETING SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. ROLLIN. Mr. Chairman, members of the committee, my name is Stanley F. Rollin, Chief of the Seed Branch, Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture.

I appreciate the opportunity to present to you the Department's views concerning S. 1836.

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 (sec. 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 pure 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 packing. 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 such 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.

Senator ALLEN. Mr. Rollin, thank you very much for your testimony. There is a question or two that I would like to ask. Is this a Department bill?

Mr. ROLLIN. No; it is not a Department bill. It was introduced by Senator Jordan, I believe, at the request of the Association of Official Seed Certifying Agencies.

Senator ALLEN. In other words, the certifying agencies would continue to be State agencies but the Department would set up uniform standards to which they would adhere in certifying seed as being certified seed, is that correct?

Mr. ROLLIN. Actually as I read the bill, the bill says that the Secretary shall approve the standards of each agency. I do not construe this as saying that the Secretary shall establish any standards. I read this as saying that he will review the standards of the State agency, and using the minimum standards of this association as a guide, he will then approve or disapprove the standards of the State agency.

Senator ALLEN. He would require, of course, that they come up to a certain common level, would he not?

Mr. ROLLIN. That is right.

Senator ALLEN. And in that sense he would be prescribing the rules that they would have to adhere to?

Mr. ROLLIN. I would say that he is going to use the standards of this association as a guide, and if they come above those minimums, then he would automatically approve the rules of each State association.

Senator ALLEN. Some then could exceed the regulations that he might set, but none could come below?

Mr. ROLLIN. That is right.

Senator ALLEN. None below that standard or criteria?

Mr. ROLLIN. In other words, one of these standards might have to do with isolation of the field, for instance, from another field of, say, alfalfa. Maybe the rules of the association say that they shall not be more than 10 rods or less than 10 rods apart, because of possible contamination of the two fields.

Now it is easily understood that if it was 100 rods or a thousand rods or a thousand miles, this would be better, and therefore there is no intent to say it must be 10 rods from the other field.

Senator ALLEN. Yes. Under the present setup then, you might have one set of standards in Alabama and an entirely different set in Iowa, each agency having its own standards?

Mr. ROLLIN. You could have a variation in the standards, but none of them below this minimum.

Senator ALLEN. I understand that. I am talking about at the present time.

Mr. ROLLIN. At the present time; yes.

Senator ALLEN. No uniformity at all?

Mr. ROLLIN. There is considerable uniformity, I would say that most of the States follow the minimum standards of this association, but there are instances where they do not, and this is merely an attempt to bring everyone in line.

Senator ALLEN. Does this bill have the approval of the certifying agencies of the various States?

Mr. ROLLIN. Well, I could not speak for them. I think that they would have to speak for themselves. I had heard opposition to the bill from at least one State, and there have been questions raised by two other States, but I think they should testify themselves with respect to this. They may have been asked questions which may have been answered satisfactorily and maybe they would no longer be opposed. I would hesitate to answer for them.

Senator ALLEN. The State agencies then do conform to the rules of the association of agencies, so to speak. They make a point of setting that forth, do they not, that they do comply with the present regulations?

Mr. ROLLIN. I do not know whether they do or not.

Senator ALLEN. I understood most of them did.

Mr. ROLLIN. I believe most of them do comply with these minimum rules.

Senator ALLEN. Just for my information, it has nothing to do with the bill itself, I was interested in your statement that, "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 a practical matter how is it that at the end of three generations a particular seed would lose its genetic purity?

Mr. ROLLIN. Well, there are many varieties of seed, particularly what are called the open pollinated varieties, which cross between plants, and they are made up of a conglomeration of characteristics. If you start out with a certain set of characteristics, and you continue to replant this seed and continue to let it cross, it will change over a period of years, so that at the end of a number of years, depending on the variety and the crop, it will gradually change so that it will not be what you started out with. Therefore, it is general practice, not only because of open pollination but because of contamination in the handling of the seed in the warehouse and where there may be physical admixtures, and it is good farming practice which is generally accepted, that you will go back to the certified seed or the original stock periodically and replenish your supply or you will find yourself with something different than you intended to plant—that which you started out with.

Senator ALLEN. Would that be 3 crop years? Is that what you mean?

Mr. ROLLIN. Well, it may vary with respect to different crops, depending on whether they are self-pollinated.

Senator ALLEN. Yes.

Mr. ROLLIN. Or open pollinated; but generally speaking the certifying agencies restrict their certifying to three generations.

Senator ALLEN. Thank you very much, Mr. Rollin. We appreciate your testimony.

Mr. Walter O. Scott, president of the Association of Official Seed Certifying Agencies, Urbana, Ill.

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

Mr. SCOTT. Mr. Chairman and members of the committee, I am Walter O. Scott, of Urbana, Ill., president of the Association of Official Seed Certifying Agencies.

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 seedgrowers produced certified seed on about 2¼ million acres. Many of the certification agencies have two classes of membership, active and associate. Active members are those that are certifying seed and associates 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 recordkeeping, 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 admixture and/or stray pollen or 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 and 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.

The 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 interagency 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 S. 1836. 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 act with respect to regulating interstate commerce in certified seed.

There has been some concern expressed among seedmen 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 be 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. 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.

Mr. Chairman, this is the conclusion of my formal statement. I overlooked one of the most important aspects of seed certification which I would like to add in the record if I may.

Senator ALLEN. Yes, sir; you will be given that opportunity.

Mr. SCOTT. The fact that seed certification is a voluntary program. I failed to mention that in the statement, that seed certification is a voluntary program.

Thank you for the opportunity to express the support of our association for the bill, S. 1836.

Senator ALLEN. You say the program is voluntary, but it will not be voluntary after the bill becomes law, will it?

Mr. SCOTT. Yes; it will still be voluntary, because a consumer does not have to purchase certified seed. Neither does a grower of seed need to certify. I mean it is voluntary in this respect.

Senator ALLEN. Yes; but I mean for a State agency to be able to issue a certification of seed, they would have to come up to the requirements, would they not?

Mr. SCOTT. This is true.

Senator ALLEN. It would cease to be voluntary then, would it not, getting certified seed?

Mr. SCOTT. Well, the voluntary aspect that I referred to is the fact that a producer of certified seed, I mean a producer of seed or a merchandiser of the seed or a consumer of seed has a voluntary source, whether he produces, deals in, or buys certified seed.

Senator ALLEN. True.

Mr. SCOTT. This is the aspect that I wanted to make clear.

Senator ALLEN. That would just be like a cattleman having registered cattle. He could either register them or not?

Mr. SCOTT. That is right.

Senator ALLEN. But if he registered them they would have to come up to certain standards, would they not?

Mr. SCOTT. This is true; yes.

Senator ALLEN. So actually it does not have too much of a voluntary nature if he has certified seed.

Mr. SCOTT. If he chooses to certify then it has to meet the standards.

Senator ALLEN. Yes.

Mr. SCOTT. This is very true.

Senator ALLEN. Now apparently then in the organization, since you expect the Secretary to take the standards that you have set for the official seed certifying agencies, and make them the minimum, apparently you have not been able to get all of the State agencies to come up to that minimum on a voluntary basis, is that right?

Mr. SCOTT. There have been a few instances where State agencies have not complied with the minimum standards as we now have them developed.

Senator ALLEN. You have what, about 47?

Mr. SCOTT. 43.

Senator ALLEN. 43 agencies. Does that mean 43 States?

Mr. SCOTT. Yes.

Senator ALLEN. And some seven States then do not participate at all?

Mr. SCOTT. Well, there are two State agencies that are not members of our association, and to my knowledge then these 45 are the extent of the certifying agencies in the United States.

Senator ALLEN. Would there be one for Alaska say?

Mr. SCOTT. Yes; there is, and they are a member of our organization.

Senator ALLEN. Alabama?

Mr. SCOTT. Yes; in good standing.

Senator ALLEN. Good. I guess that is at Auburn, is it not?

Mr. SCOTT. Yes.

Senator ALLEN. Auburn University. You say all but two or three do follow the minimum?

Mr. SCOTT. Yes.

Senator ALLEN. And the effect of this bill then would be to require these others, if they are to engage in seed certifying, to comply with the minimum requirements set by the Secretary?

Mr. SCOTT. This would be true of any certified seed moving in interstate commerce. They could still not comply.

Senator ALLEN. Yes.

Mr. SCOTT. If the seed was to be produced.

Senator ALLEN. I believe you testified about 60 percent of the seed though does move in interstate commerce?

Mr. SCOTT. This is our best estimate; yes.

Senator ALLEN. How much of this seed that is the subject of interstate commerce is exported? I see what you have here for alfalfa, but I am talking about the total of the 2½ billion pounds.

Mr. SCOTT. I attempted to get figures on the amount of seed, in addition to alfalfa that is exported, and I was unable to obtain this. The U.S. Department of Agriculture Statistical Service has the records on alfalfa, but they do not have it on the other crops.

Senator ALLEN. Is any of that seed purchased, or is it all donated?

Mr. SCOTT. Most of this is purchased. All the alfalfa I think probably all or at least a very high percent of alfalfa.

Senator ALLEN. Is it purchased by foreign interests, or is it purchased over here and then sent over there without consideration as part of the AID program?

Mr. SCOTT. No; this is the outside, this is outside the AID program.

Senator ALLEN. Senator Bob Dole, of Kansas, was unable to be here. He has sent in a memorandum containing some brief comments as well as some suggested questions to propound to you, Mr. Scott. If you do not object I would like to read these comments. As I say, it is in memorandum form here. And then I will call on you to comment on his questions or suggestions. It says:

The ground rules under this program may be good for some areas, not for others. Each area may require a different certification program for crops such as alfalfa and red clover. Under these ground rules the needs of each territory would not be taken into consideration. Have you cleared this proposal with the state authorities in those areas?

Mr. SCOTT. Mr. Chairman, I am not quite sure who he means by State authorities. The ground rules, the procedures, and the standards that are developed have been developed by a committee within our organization. We call these commodity committees. They have membership from all sections of the country. We also have research people generally on the committees, and so the standards and the procedures as they are developed by the commodity committee have the thinking of the different sections of the country as well as scientific counsel and advice, and so we feel that we do do this.

Senator ALLEN. You have the same rules for all crops or would you have different rules for different crops?

Mr. SCOTT. We have different rules for different crops; yes, sir.

Senator ALLEN. So alfalfa and red clover might have one set of rules or requirements or standards, and wheat might have something else?

Mr. SCOTT. Yes; this is true.

Senator ALLEN. Would that be because of the more likelihood of one type of seed being contaminated by pollen in the air from another field?

Mr. SCOTT. Yes. As the previous witness pointed out, research in cross-pollinated crops such as alfalfa, which is a good example, has shown that this changes quite rapidly, particularly when it is produced as we say outside the area of adaptation. When we take it to a mild climate to increase seed, the chances for it changing becomes quite great.

In the case of a self-fertilized crop, like wheat, for instance, the chances of change are less, because this is a naturally self-pollinated crop. The chance about the only way that it can change genetically is their admixture.

Then I would point out that in today's modern agriculture, even a self-fertilized crop changes more rapidly than you might think, because we handle the crop on a mass production basis with large equipment. Very few farmers any more have a one variety farm, so these are subject really to mixtures.

There have been we call them seed surveys, quite a few of these run over the country. For instance, this is where a team of people go out and take samples of the seed that the farmers actually plant. We call them drill box surveys because they take them out of the drill box or out of the planter box, not actually out of the box, but out of the seed that he has planted.

For instance, one that was conducted in Illinois recently, soybeans are a self-fertilized crop, and in 1963 a disease resistant strain of Harasoy 63 beans was released. The survey was conducted in 1965, and surprisingly enough there was a fairly high percentage of the seed that was picked up that the farmer said was Harasoy 63 that was not.

When it was run through the disease test the plants were not resistant, so this is an illustration of how rapidly a self-pollinated crop can become contaminated.

Senator ALLEN. Have you cleared the matter of the bill with your various member agencies?

Mr. SCOTT. We have in a board meeting, in an association meeting in Dallas last February discussed the bill, and as was pointed out by the previous witness, there is at least one dissenter, but by far the majority are in favor of the bill and see the advantages of the bill.

Senator ALLEN. Do you recall specifically the attitude of the Kansas agency?

Mr. SCOTT. I do not recall; no. I do not remember what their attitude was. I am sorry.

Senator ALLEN. But you do have different requirements for the different crops?

Mr. SCOTT. Oh, yes, yes; isolation requirements I think we could best illustrate with this, in a cross-pollinated crop such as alfalfa. I do not recall the specific standard, but these should be separated by 30 rods or some such distance. A self-fertilized crop or a self-pollinated crop such as a small grain, wheat, for instance, the isolation need be only wide enough to prevent admixtures at the time of planting and during the time of harvesting, so that you do not unconsciously get the combine over into the other variety.

Senator ALLEN. Have you advised the various member agencies of the pendency of the bill?

Mr. SCOTT. Yes, sir.

Senator ALLEN. You have had no protests from Kansas then?

Mr. SCOTT. No.

Senator ALLEN. Actually then, I am trying to identify the bill; actually this is your bill, is it not?

Mr. SCOTT. Yes; this is our bill. Yes, sir.

Senator ALLEN. Senator Dole also wanted this question asked:

How do you propose to set up safeguards that will insure that all production areas of an item have equal chance to set up their needed standards?

Mr. SCOTT. This we propose to do through the commodity committee that I mentioned. We will adjust the membership to this. This is done at the present time really.

Senator ALLEN. As it could occur, a board that is set up by the Secretary of Agriculture might be biased toward certain areas in the seed certification procedure such as the size of the field, and so forth.

Mr. SCOTT. Well, I think as the previous witness testified, we feel that the bill says that the Secretary will approve standards. We hope that the association will be the organization that develops the standards, and, if it is, then I do not think there is any question but that we will have all areas of the country and all interested parties participating in the establishment.

Senator ALLEN. It is not going to require any long, lengthy, or expensive survey on the part of the department, is it, as to what type of regulation should be set up?

Mr. SCOTT. No; I am sure it would not.

Senator ALLEN. The chances are they will accept your minimum standards.

Mr. SCOTT. We hope so.

Senator ALLEN. Continuing with Senator Dole's suggestions:

In one territory a size requirement for seed certification might be satisfactory while in another area, a different area requirement might be necessary.

Those things would be taken into consideration by your committee?

Mr. SCOTT. Yes.

Senator ALLEN. Also he suggests that "safeguards would be needed so that all areas that produce are represented."

Mr. SCOTT. This is true.

Senator ALLEN. That would be the case?

Mr. SCOTT. Yes.

Senator ALLEN. I believe that is all, Mr. Scott. Thank you very much.

Mr. SCOTT. Thank you.

Senator ALLEN. Mr. Reuben L. Johnson has not come in, has he? (No response.)

Senator ALLEN. Mr. Albert R. Russell, executive vice president, National Cotton Council, Memphis, Tenn., has sent word that he wishes to file a statement, and that will be filed and made a part of the record.

(The statement is as follows:)

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

My name is Albert R. Russell. I am executive vice president of the National Cotton Council of America, with headquarters in Memphis, Tenn. The council is the central organization of the raw cotton industry, representing producers, ginners, crushers, merchants, warehousemen, cooperatives, and manufacturers.

The council supports S. 1836 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 longstanding battle against manmade 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 S. 1836 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 S. 1836, and appreciate the opportunity to present the council's views on this matter.

Senator ALLEN. I might state to the witnesses and to others interested that a record is being built up on the bill, even though we have a small attendance of the subcommittee this morning, and copies of the record will be available, I assume, in possibly 2 weeks.

Mr. Richard McKenna and Mr. Sutherland, of the American Seed Trade Association, please.

Mr. McKenna, I believe you are going to testify and then defer to Mr. Sutherland. Do you both intend to testify? All right, Mr. McKenna go ahead, please.

STATEMENTS OF RICHARD MCKENNA, PRESIDENT, AND JOHN I. SUTHERLAND, EXECUTIVE VICE PRESIDENT, AMERICAN SEED TRADE ASSOCIATION

Mr. MCKENNA. Mr. Chairman and members of the committee, my name is Richard McKenna, vice president of Ferry-Morse Seed Co., Mountain View, Calif., and I am appearing here today as 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 amendments in Senate bill 1836.

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 and identity for all classes of certified seed; and

Whereas S. 1836 provides for the establishment of uniform minimum standards by redefining "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 S. 1836 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 appraise 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 seedmen (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 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.

At this point, Mr. Chairman, I have some other comments that are not included in the prepared text.

Senator ALLEN. Yes, sir; go right ahead.

Mr. McKENNA. I direct this to your opening statement, Mr. Chairman.

Mr. Chairman, in your opening remarks you referred to the three classes of certified seed—foundation, registered, and certified.

In the Department of Agriculture's statement, it refers to three generations. It is possible it seems, dependent on the crop, within each of the certified classes of seed to produce more than one generation when under the control of an experienced seedman, so there may be some further clarification necessary at that point.

The association appreciates very much the opportunity of appearing before you, Mr. Chairman, and this subcommittee, to present its views on S. 1836.

I thank you.

Senator ALLEN. Thank you, Mr. McKenna. In general then you approve the purposes of the bill?

Mr. McKENNA. Yes; we do.

Senator ALLEN. I believe you heard the testimony of Mr. Scott, and I believe also Mr. Rollin's testimony to the effect that in all likelihood, the Department would use the procedure of the requirements, the standards of this association of official certifying agencies,

and apparently you would like for the users of the seed as well as the certifiers of the seed to be considered while standards are being set.

Mr. MCKENNA. Yes; we do. I think its equally as important to the producer of the seed—

Senator ALLEN. Yes, sir.

Mr. MCKENNA. That they be given consideration in formulating the standards.

Senator ALLEN. Yes. Now that is not provided in the bill. I mean that would be something that you would have to work out with the Secretary.

Mr. MCKENNA. Yes.

Senator ALLEN. And with the association.

Mr. MCKENNA. Yes, sir.

Senator ALLEN. And you would feel then that this would be worked out. You more or less served notice that you do want to be considered when standards are set.

Mr. MCKENNA. Exactly.

Senator ALLEN. Do you feel that you will be able to work out a satisfactory procedure, where your voice, the voice of the producers and the users of the seed, will be heard and given consideration? Do you feel that you will be able to work that out?

Mr. MCKENNA. At this point, in discussion with those that are involved that are currently responsible, I would say "Yes." Our concern is down the road, that we be given some protection that we will have a voice in establishing these standards that vitally affect how we do business.

Senator ALLEN. Yes. Well, from a practical point of view, it would seem that the Secretary would want to take your views into account.

Mr. MCKENNA. Yes; we sincerely hope the Secretary will.

Senator ALLEN. Would he not?

Mr. MCKENNA. We certainly would want to be assured that this would be the case.

Senator ALLEN. I do not believe that it would be a wise procedure to try to tie the Secretary down to how he reaches his conclusions. I think he would have to be given latitude in reaching conclusions as to setting standards. I do not believe it could be pinpointed in the bill, so it would just be something you would have to work out.

Mr. MCKENNA. Yes; on a cooperative basis.

Senator ALLEN. With the interested parties.

Mr. MCKENNA. We understand.

Mr. SUTHERLAND. Mr. Chairman—

Senator ALLEN. Yes, Mr. Sutherland.

Mr. SUTHERLAND. In the recognition of the standards of the seed certifying agencies as presented in the Department's statement, does this mean that the public hearing process which is conducted on changes in regulations within the Department would not be held?

Senator ALLEN. No, sir; it does not mean that as I would understand it. He could determine it in whichever way he thought advisable.

Mr. Rollin, would you care to comment on that for the Department?

Mr. ROLLIN. The Department under the Federal Seed Act, Senator, is required to hold a public hearing.

Senator ALLEN. Yes, sir.

Mr. ROLLINS. Before adopting any regulations.

Senator ALLEN. There is not anything in this that would change any existing law as to the public hearing.

Mr. SUTHERLAND. We were confused. We were not sure whether or not the hearings would still be held.

Senator ALLEN. There is nothing that says that he shall not hold them, and since the present law says that he shall, there will be nothing to change it as I would read it.

Mr. SUTHERLAND. Thank you.

Senator ALLEN. Thank you, Mr. McKenna.

Mr. MCKENNA. Thank you, sir.

(Supplemental statement filed by Mr. Sutherland is as follows:)

WASHINGTON, D.C., July 22, 1969.

HON. B. EVERETT JORDAN,
Senate Agriculture and Forestry Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR JORDAN: The American Seed Trade Association would like to request the following additional comments be inserted in the subcommittee hearing records on S. 1836.

At the hearing on July 17 before the Agriculture and Forestry Committee, dealing with bill No. S. 1836 to amend the Federal Seed Act, 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 45 State associations there would be 43 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 is 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 45 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. Bill No. S. 1836 is designed to correct the situation.

Very truly yours,

JOHN I. SUTHERLAND,
Executive Vice President,
American Seed Trade Association.

Senator ALLEN. Now Mr. Richard Carlton, please, secretary of the Louisiana Seed Commission.

Have a seat, Mr. Carlton.

STATEMENT OF RICHARD CARLTON, SECRETARY, LOUISIANA SEED COMMISSION, BATON ROUGE, LA.

Mr. CARLTON. Mr. Chairman and members of the subcommittee, 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 regard to Senate bill 1836.

Mr. Chairman, at this time I would like to if I may leave my prepared statement and comment on one thing. I think there is a little misunderstanding in previous testimony.

Senator ALLEN. All right.

Mr. CARLTON. You mentioned several times that the gentlemen just preceding me were representing the seed producers and consumers. Actually I believe they are representing the producers and dealers. I just wanted to clarify that.

Senator ALLEN. All right, sir.

Mr. CARLTON. Our State 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 or a similar type of government board exists in all the 50 States and Canada.

Senate bill 1836 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 grassroots 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 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 moneys. 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, 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 13 years with the Louisiana certifying agency, better than 95 percent 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 redtape 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 USDA. 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 made up of competing States 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 seeds, 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 subcommittee 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.

Senator ALLEN. Thank you, Mr. Carlton. We appreciate your testimony very much. You feel then that the legislation is not necessary?

Mr. CARLTON. No, sir; I do not feel it is necessary at all.

Senator ALLEN. It is not in the best interests of the farmer?

Mr. CARLTON. I do not think it is. I think it would make certified seed more costly to produce and unnecessarily more costly to the

person who is going to be the consumer, and it will slow down the procedures to make sometimes necessary changes in seed under local conditions.

Senator ALLEN. In other words, conditions in one State, on account of its location and climatic conditions and so on might have different needs or requirements?

Mr. CARLTON. Yes.

Senator ALLEN. From other States?

Mr. CARLTON. Yes.

Senator ALLEN. And the tenor of your testimony seems to me that you are in competition with the people who would be the judges of the changes?

Mr. CARLTON. True. Any one individual State requesting a change would be only one member on a commodity committee, and if he happened to have a particular market and the other members of the committee thought that this might affect his advantage on maintaining this advantage, they would be foolish not to refuse to agree with this change.

Senator ALLEN. You think then the steps calling for a change in the regulations or standards would be a long time coming about in an emergency situation.

Mr. CARLTON. Yes, sir.

Senator ALLEN. Is your certifying agency presently a member of the organization?

Mr. CARLTON. Yes, sir.

Senator ALLEN. I asked Mr. Scott, I believe, how many of the local agencies were coming up to the minimum standards set by the association, and he said that all but just a few.

Mr. CARLTON. Senator, I would like to answer that this way. We have done this in Louisiana with our neighboring States. We have taken random samples of certified seed, and actually done some plant back in comparing our seed with our neighboring States, and we have seen no significant difference in the quality of the seed genetically. In some cases, perhaps in mechanical standards, there have been some differences, but our big problem that we have run up on has not been with genetic purity.

I do not think that there are very many States that are so far out of line right now that there is going to be any realistic difference in their seed over the seed that is produced in other States.

Senator ALLEN. Does your certifying agency comply with all of the requirements, standards, and regulations of the association of certifying agencies?

Mr. CARLTON. We just recently—I guess we are the most recent member of the International Crop Improvement Association. It is now the Association of Official Seed Certifying Agencies. In order for us to become a member we were required to come within their standards, and we were accepted for membership.

Senator ALLEN. You are still complying with their requirements?

Mr. CARLTON. We have not gone backward. In fact, in our efforts to bring our regulations in line with those of the organization, we created an atmosphere in our State to go on further. In many cases we have many of our regulations that are even more stringent than theirs.

Senator ALLEN. If the law is passed, if you are now complying with their requirements, and the law is passed, and the requirements of the association are made the standards of the secretary, how would you be any worse off, other than possible amendment of the regulations in future years?

Mr. CARLTON. As far as the quality of the seed is concerned we would not be a bit worse off than we are right now, but as far as the availability of the certified seeds to our farmers, and the procedures of getting this seed produced in quantities enough to supply the demands of our farmers and the producers that want to export, this would be another story.

Senator ALLEN. If they all are complying with it but three or four, I believe the testimony was, how would putting it into law cut down on the production of seed?

Mr. CARLTON. Well, in setting the standards, the procedures that we have now as I mentioned in my testimony, I do not believe that the Secretary can legally maintain this procedure of using our social standards. I do not have a great deal of concern today, but we have got to think about our children and our children's children all down the line, and traditionally when procedures are formulated for a particular thing, well, it gets more and more complicated as you go on.

Redtape is something we do not need with the production that we are going to have to have in say the year 2000 when our population will have doubled from what it is now. We do not need to slow down our production. If we have got high quality seed now, maybe we do not have the ideal. I think Mr. Scott mentioned we would like to have, if you want realistically you might want to go 20 miles out to produce your seed, but right now we have seed of extremely high quality, and we have been selling our people on using certified seed, and by the way we have sold them on using certified seed more on the mechanical standards than on genetic standards, such things as noxious weeds, germination, and this type of thing.

We have got our people using this type of seed, demanding it and needing it and we have got to be able to produce the quantity to supply them with it.

Senator ALLEN. It is your recommendation then that the bill not be approved?

Mr. CARLTON. Yes, sir. I might mention one other thing. That the vote on the idea, at the board, it was not a unanimous vote. There were not many. It was a voice vote. There were not many dissenters. I know there was more than one, but there were several people I know of that did not vote because they did not feel they were knowledgeable enough on the subject to represent their State by voting for it.

Senator ALLEN. Thank you, sir.

Mr. CARLTON. Thank you.

Senator ALLEN. Mr. Foil W. McLaughlin, please, director of the North Carolina Crop Improvement Association.

We are delighted to have you, Mr. McLaughlin.

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

Mr. McLAUGHLIN. Thank you, sir.

Senator ALLEN. I am sorry Senator Jordan is not able to be here.

Mr. McLAUGHLIN. I am disappointed that he is not, but we are pleased to be with you today, Mr. Chairman.

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

Mr. Chairman, I appreciate the opportunity to appear before this committee in support of S. 1836 which amends the Federal Seed Act to change the definition of "seed certifying agency" and "certified seed." Representing the North Carolina Improvement Association, the official seed certifying agency in North Carolina, I think that this bill is necessary for the continued improvement in seed certification services provided to users of certified seed.

Permit me to touch briefly on the purpose of seed certification. 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 seedmen 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 membership 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 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 North Carolina certified seed but all of it is not planted in North Carolina.

We receive certified seed then from many States and seedmen 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 S. 1836 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 trade.

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.

Therefore, Mr. Chairman and members of the committee, I urge you to give favorable consideration to S. 1836.

Senator ALLEN. Thank you, Mr. McLaughlin.

You heard Mr. Richard Carlton's testimony as to how it might possibly affect the situation in a State, and then the procedure that would be required to get an amendment to that requirement or regulation. Do you feel that that would be burdensome on the State agency, and on the farmers and producers of seed?

Mr. McLAUGHLIN. No, sir. To answer completely, we feel—we are talking about genetics now, variety, purity—we feel generally that the area in which it is grown does not drastically affect the genetic purity standards as such, and as far as weed seed, weeds in one area are different from North Carolina and so forth. Weed seeds are different for specific areas.

But for genetic variety purity standards first of all these are basic and these are not changing everyday. In other words, the bees fly the same distance every day, the same bees are flying everyday, so genetic purity standards are not going to be changed with a new insertion of a new weed coming into the picture or a new type of compound or something like this.

What I am saying is that genetic purity standards are not changed every day, and the record in our own association will show that most of our changes over the years and your national certification program has been in existence for 50-plus years, that most of the changes are concerned with mechanical purity, the germination and the weed seed content, so that we are not talking about changes we are going to be doing everyday, for one thing.

Second, as far as affecting the volume of seed, I cannot see how this could occur in any way. We are talking about the associations now, the State associations by and large meeting the present standards, minimum standards, so in putting it into a legal law, to me I just cannot see how it would affect the volume of seed nor can I see how it would affect the cost to the consumer, because we are not changing what the individual local State seed certifying agency has to do. Most

of them are already meeting the minimum, so, in my own humble judgment, I cannot see how it would affect the volume nor can I see how it would affect the price that the consumer would have to pay.

We are just as much interested in the consumer as anyone. He has to be satisfied.

Senator ALLEN. Being the head, then, of a State certifying agency, you have the right to certify seed. If this bill is passed, you then would hand over to the Secretary of Agriculture the right to set these standards, and you would have to comply with them or you would be unable to certify seed for movement in interstate commerce. That is correct as you understand the bill, is it not?

Mr. McLAUGHLIN. It is my understanding that we would have to meet minimum standards, and if the North Carolina Crop Improvement Association wishes to establish standards for genetic purity above this, this would be our prerogative.

Senator ALLEN. Yes.

Mr. McLAUGHLIN. So that we would have to meet minimum genetic purity standards if we were going to move seed in interstate commerce. We feel that we are presently meeting what nationwide is the best judgment for minimum certification standards now in North Carolina. We are presently meeting those, and if there are better standards that would do a better job, I am sure our people would be receptive to this. If it will do a better job for the consumer, I am sure they would be receptive.

Senator ALLEN. You would not fear the possibility of unreasonable or arbitrary standards being set?

Mr. McLAUGHLIN. I have more faith, I guess I would say, in the democratic process, of our having an opportunity to express our opinion as well as in other areas. I think that we do not run dictator-wise, and I have confidence in people myself.

Senator ALLEN. As it is now, a State agency can comply or not comply with the minimum requirements recommended by the association of certifying agencies, and can still move their certified seed in interstate commerce?

Mr. McLAUGHLIN. Yes, sir.

Senator ALLEN. Merely certifying it as their own certification.

Mr. McLAUGHLIN. Yes.

Senator ALLEN. Now that right would be taken away from the State certifying agencies, would it not, under the legislation?

Mr. McLAUGHLIN. As I understand it, only if they did not comply with the minimum.

Senator ALLEN. Yes. Well now, the question I pose is those who do not now comply with the minimum, they are still free to move their seed?

Mr. McLAUGHLIN. Right.

Senator ALLEN. In interstate commerce?

Mr. McLAUGHLIN. If I might add, and with your permission on that very point, we have discussed this program with our consumers at home, the farmer organizations and the local seed trade, the North Carolina Seed Association, and their concern for the bill was to be sure that the burden for choosing between North Carolina certified seed and South Carolina certified seed, that they would not have to know what South Carolina certified seed stood for and what North

Carolina certified seed stood for and what Illinois certified seed stood for. They would know that when that seed was put in that store, and it is in North Carolina from many States, that they could go in and buy what we call the blue tag certified seed with assurance from this State, this State, and this State that it is meeting the genetic purity.

The variety is important and we keep saying "genetic," but this is important. Most technicians cannot look at two varieties of wheat and say this is one variety and this is the other.

Now germination—anyone can run a germination test, checking the weed seed, check the crop mixtures, just take a bag of seeds and you can do this, but genetic purity you cannot.

So your farmers, and I have talked with, as I say, our farm organizations and farmers, some of them were surprised frankly that seed moving in from another State did not have to meet the same minimum requirements as North Carolina, that genetic purity is important, and for seed to come in and, say, there is a farmer going in and buying a bag of seed, to be familiar with every State's genetic purity standards, and you say: "Well, now, this one I am not so sure about, is that 99 percent purity or is it not?"

Senator ALLEN. You still have the possibility though each State would say: "We are so much over minimum standards."

Mr. McLAUGHLIN. That is the competition. Of course, this is true. But to put a floor under it helps enormously.

Senator ALLEN. Thank you, Mr. McLaughlin. I wish I had another Senator to turn you over to, but that is all I care to inquire about at this time.

Mr. McLAUGHLIN. Thank you.

Senator ALLEN. Did Mr. Reuben L. Johnson come in? Do we have a letter from him?

(The statement is as follows:)

WASHINGTON, D.C., July 22, 1969.

HON. B. EVERETT JORDAN,

Chairman, Subcommittee on Agricultural Research and General Legislation, Senate Agriculture and Forestry Committee, Old Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Farmers Union fully supports S. 1836 which would make possible the establishment of minimum standards and procedures for certified seeds moving in interstate commerce.

As the report of the U.S. Department of Agriculture points out, we believe that the involvement of the Department of Agriculture would result in ending misuse of the term "certified seed". We are also of the opinion that export of seed would be facilitated if each State were required to follow a Federal standard in the certification of seed under the Federal Seed Act.

We hope that your subcommittee and the full Senate Agriculture Committee will report the legislation to the Senate for action.

Sincerely,

REUBEN L. JOHNSON,
*Director of Legislative Services,
National Farmers Union.*

Senator ALLEN. For the information of those who are present, I would like to read into the record at this time a letter from the American Farm Bureau Federation, Mr. Marvin L. McLain, legislative director, addressed to Senator Jordan dated July 14:

DEAR SENATOR JORDAN: The board of directors of the American Farm Bureau Federation recently gave consideration to S. 1836, a bill to amend the Federal Seed Act.

Among other things, S. 1836 would define a "seed certifying agency" as "an agency, authorized under the laws of a State, territory, or possession, to officilly certify seed and which has standards and procedures approved by the Secretary to assure the genetic purity and identity of the seed certified * * *."

The AFBF 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 insure 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 S. 1836.

Sincerely yours,

MARVIN L. McLAIN,
Legislative Director.

We have also a statement that we have been asked to put into the record and I will read this for the benefit of those who have testified and others who are interested.

This is from the Honorable James A. Graham, commissioner, North Carolina Department of Agriculture:

The certification of seeds to insure genetic purity has served a most useful purpose in North Carolina and the Nation.

Within each State the standards of genetic purity have been set for their respective certification agencies. The differences in standards have sometimes led to a lack of confidence in genetic purity of seeds that are transported from one State to another.

The passage of this bill will have no effect on seeds certified by a State agency if those seeds are sold and planted within that State. However, it will give added confidence to the buyer of certified seeds that have been moved in Interstate Commerce that such seeds were produced under uniform standards of genetic purity.

Mr. Chairman, I respectfully support this proposal and urge its favorable consideration for the advantages that will accrue to the farmers who purchase certified seeds.

Now I think it only fair that anyone else present who would like to testify with respect to the bill be given an opportunity, and any witness who has testified and who would like to add to his testimony at this time may do so orally.

Mr. McLAUGHLIN. Mr. Chairman, may I make one further statement?

Senator ALLEN. Yes, sir, Mr. McLaughlin.

Mr. McLAUGHLIN. I just wanted to indicate, if I may, procedures or representation on procedures for developing our local certification. You read comments concerning the surety of getting the local understanding.

Well, in North Carolina the North Carolina Crop Improvement Association is the seed trades service organization, and we have members of the trade on our board of directors. We have farmer growers on our board of directors, and I would say that probably 90 percent of our seed certified are grown under contract with the seed trade representative being the member of our association.

We feel that we have representation in the trade up from the local level to provide me as an additional representative from North Carolina to express our thoughts at the association level.

I did want to indicate that we at the local level do have participation with the seed industry and the farmers who grow seed, and they do

participate all the way through this program, and I as a representative of the association have to go back home, and I must represent them directly. I did want to state that.

Senator ALLEN. Thank you very much.

Anyone else?

Yes, sir, Mr. Carlton?

Mr. CARLTON. Mr. Rollin who is responsible for the Federal portion of the act—

Senator ALLEN. You wish to ask him a question?

Mr. CARLTON. Yes, sir.

Senator ALLEN. All right, go ahead.

Mr. CARLTON. Mr. Rollins—

Senator ALLEN. If you have no objection, Mr. Rollin.

Mr. CARLTON. If the Secretary of Agriculture receives overwhelming evidence against the procedure which is now in our certifying seeds, the association of official certifying agencies at a public hearing, will he still have to stick to the standards that are outlined in our minimum genetic standards?

Mr. ROLLIN. This would probably be better answered by a lawyer, but it would be my feeling that he would not have his hands tied.

As the Senator indicated previously, he would use these standards as a guide. If the public interest would have to be served by changing these standards I would think that he would go back to the association and present this evidence to them, and say: "Look, your association had better consider this evidence and change your standards, and then I will be able to go along with your association, and if you do not, then I may have to deviate from your recommendations."

In that way he can accomplish the same thing without having a controversy between the association and some other representation that had strong evidence that the standards should be changed.

Of course, I cannot predict precisely what the Secretary may do, but this would be my best guess as to how it would be handled.

Senator ALLEN. Thank you, sir.

Yes, sir, Mr. Sutherland.

Mr. SUTHERLAND. Mr. Chairman, you asked a question regarding the export of the seed, as to whether or not AID funds are used I believe?

Senator ALLEN. Yes, sir.

Mr. SUTHERLAND. We export approximately \$40 million worth of seed for dollars, and there are no seeds in government surplus where government funds are used to store seed, and in some countries which are developing their agriculture, where there are some emergency funds for AID available, there is a small amount of seed purchased, but it is very small. Most of this \$40 million sale is for dollars.

Senator ALLEN. Thank you.

All right, gentlemen. We will keep the record open until Tuesday of next week at noon, and anyone desiring to add to the record may do so by filing additional testimony, statement or letter with the staff here.

If there is no further business to come before the subcommittee, we stand adjourned.

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

(Additional statements filed for the record are as follows:)

RALEIGH, N.C., April 8, 1969.

HON. B. EVERETT JORDAN,
U.S. Senate, Washington, D.C.

DEAR EVERETT: I am informed that you have been contacted regarding legislation to amend the Federal Seed Act which would establish minimum standards and procedures to assure the genetic purity and identity of certified seed.

It would seem to me that the proposed legislation would be in the best interest of farmers in North Carolina and in the Nation. Farmers, today more than ever before, are variety conscious. When a farmer decides which variety of seed to plant, he has made a decision that this particular variety is what will sell best at the marketplace and make him the most money. Consequently trueness of variety or genetic purity is of utmost importance. With approximately 50 percent to 60 percent of certified seed moving across State lines, farmers should have the assurance that the certified seed they buy meets minimum standards of genetic purity and identity regardless of the State from which they are purchased.

I hope you will give this proposed legislation your most careful consideration and give it your support.

Sincerely yours,

B. C. MANGUM,
President, North Carolina Farm Bureau Federation.

RALEIGH, N.C., July 17, 1969.

HON. B. EVERETT JORDAN,
U.S. Senate, Washington, D.C.

DEAR MR. JORDAN: I am writing in regards to S. 1836 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 Senate Agriculture Committee hearing records on S. 1836.

Sincerely,

ROBERT B. DAVIS,
President, North Carolina Seedsmen's Association.

URBANA, ILL., July 22, 1969.

HON. B. EVERETT JORDAN,
U.S. Senate, Washington, D.C.

DEAR SENATOR JORDAN: The board of directors of the Illinois Crop Improvement Association has studied S. 1836, a bill to amend the Federal Seed Act. The bill deals with the definition of a "certifying agency" and "certified seed." We support this legislation and recommend its enactment. Would appreciate it if you would include this letter in the record of the hearings of S. 1836.

Sincerely yours,

GEORGE KEITH,
Manager, Illinois Crop Improvement Association.

WASHINGTON, D.C., July 18, 1969.

HON. B. EVERETT JORDAN,
Senate Agriculture and Forestry Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR JORDAN: The board of directors of the National Council of Commercial Plant Breeders at their annual meeting on June 17, 1969, gave consideration to S. 1836 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 S. 1836 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, National Council of Commercial Plant Breeders.

LAFAYETTE, IND., July 22, 1969.

Senator B. EVERETT JORDAN,
U.S. Senate, Washington, D.C.

DEAR SENATOR JORDAN: The board of directors of the Indiana Crop Improvement Association have studied S. 1836, a bill to amend the Federal Seed Act. The bill deals with the definition of a "certifying agency" and "certified seed."

We support this legislation and recommend its enactment.

We would appreciate it if you would include this letter in the record of the hearing on S. 1836.

Very truly yours,

JOHN GERARD,
Manager, Indiana Crop Improvement Association.

AMES, IOWA, July 21, 1969.

Senator B. EVERETT JORDAN,
Washington, D.C.:

The Iowa Crop Improvement Association wishes to go on record as supporting S. 1836, defining certified seed and seed certifying agencies in the Federal Seed Act. We would be pleased to have this statement in the record of the hearing on S. 1836.

With best regards,

C. E. WILMARTH,
President, Iowa Crop Improvement Association.



