

## Public Law 85-581

## AN ACT

August 1, 1958  
[S. 1939]

To amend the Federal Seed Act of August 9, 1939 (53 Stat. 1275), as amended.

Federal Seed  
Act, amendments.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 101 (a) (7) (A) of the Federal Seed Act of August 9, 1939 (53 Stat. 1275), as amended (7 U. S. C. 1561 (a) (7) (A)) is amended by deleting from the list of agricultural seeds the phrase "Beta vulgaris L.—Field beet, excluding sugar beet." and substituting therefor the phrase "Beta vulgaris L.—Field beet."

SEC. 2. Section 101 (a) of said Act (7 U. S. C. 1561 (a)) is further amended by adding at the end thereof a new paragraph (24) to read as follows:

"(24) The term 'treated' means given an application of a substance or subjected to a process designed to reduce, control, or repel disease organisms, insects or other pests which attack seeds or seedlings growing therefrom."

SEC. 3. Section 101 (a) of said Act (7 U. S. C. 1561 (a)) is further amended by adding at the end thereof, after new paragraph (24), a new paragraph (25) 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, or (B) an agency of a foreign country determined by the Secretary of Agriculture to adhere to procedure and standards for seed certification comparable to those adhered to generally by seed certifying agencies under (A)."

53 Stat. 1275.

SEC. 4. Title I of said Act (7 U. S. C. 1561) is amended by adding at the end thereof a new section 102 to read as follows:

Certified seed  
label.

"SEC. 102. Any labeling, advertisement, or other representation subject to this Act which represents that any seed is certified or registered seed shall be deemed to be false in this respect unless (a) it has been determined by a seed certifying agency that such seed was produced, processed, and packaged, and conformed to standards of purity as to kind or variety, 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 certified or registered."

53 Stat. 1279.

SEC. 5. Section 201 (a) (8) of said Act (7 U. S. C. 1571 (a) (8)) is amended to read as follows:

Interstate com-  
merce.  
Prohibitions.

"(8) For each agricultural seed, in excess of 5 per centum of the whole, stated in accordance with paragraph (a) (1) of this section, and each kind or variety or type of agricultural seed shown in the labeling to be present in a proportion of 5 per centum or less of the whole, (A) percentage of germination, exclusive of hard seed, (B) percentage of hard seed, if present, and (C) the calendar month and year the test was completed to determine such percentages;"

SEC. 6. Section 201 (b) (1) of said Act (7 U. S. C. 1571 (b) (1)) is amended to read as follows:

"(1) Name of each kind and variety of seed and if two or more kinds or varieties are present, the percentage of each;"

SEC. 7. That part of section 201 (b) (2) of said Act (7 U. S. C. 1571 (b) (2)) which precedes clause (i) is amended to read as follows:

"(2) For each variety of vegetable seed which germinates less than the standard last established by the Secretary of Agriculture, as provided under section 403 (c) of this Act—"

SEC. 8. Section 201 of said Act (7 U. S. C. 1571) is further amended by adding at the end thereof a new subsection (i) to read as follows:

“(i) Any agricultural seeds or any mixture thereof or any vegetable seeds or any mixture thereof, for seeding purposes, that have been treated, unless each container thereof bears a label giving the following information and statements in accordance with rules and regulations prescribed under section 402 of this Act:

Treated seed.

“(1) A word or statement indicating that the seeds have been treated;

“(2) The commonly accepted coined, chemical (generic), or abbreviated chemical name of any substance used in such treatment;

“(3) If the substance used in such treatment in the amount remaining with the seeds is harmful to humans or other vertebrate animals, an appropriate caution statement approved by the Secretary of Agriculture as adequate for the protection of the public, such as ‘Do not use for food or feed or oil purposes’: *Provided*, That the caution statement for mercurials and similarly toxic substances, as defined in said rules and regulations, shall be a representation of a skull and crossbones and a statement such as ‘This seed has been treated with POISON’, in red letters on a background of distinctly contrasting color; and

“(4) A description of any process used in such treatment, approved by the Secretary of Agriculture as adequate for the protection of the public.”

SEC. 9. Section 202 of said Act (7 U. S. C. 1572) is amended to read as follows:

7 USC 1572.

“SEC. 202. All persons transporting, or delivering for transportation, in interstate commerce, agricultural seeds shall keep for a period of three years a complete record of origin, germination, and purity of each lot of such agricultural seeds, and all persons transporting, or delivering for transportation, in interstate commerce, vegetable seeds shall keep for a period of three years a complete record of germination and variety of such vegetable seeds. The Secretary of Agriculture, or his duly authorized agents, shall have the right to inspect such records for the purpose of the effective administration of this Act.”

Records.

SEC. 10. (a) That part of section 203 (b) of said Act (7 U. S. C. 1573 (b)) which precedes clause (1) is amended to read as follows:

53 Stat. 1281.  
Exemptions.

“(b) The provisions of section 201 (a), (b), or (i) shall not apply—”

(b) Clause (2) of such section 203 (b) is amended to read as follows:

“(2) to seed intended for seeding purposes when transported or offered for transportation in interstate commerce—

“(A) if in bulk, in which case, however, the invoice or other records accompanying and pertaining to such seed shall bear the various statements required for the respective seeds under sections 201 (a), (b), and (i); or

“(B) if in containers and in quantities of twenty thousand pounds or more: *Provided*, That (i) the omission from each container of the information required under sections 201 (a), (b), and (i) is with the knowledge and consent of the consignee prior to the transportation or delivery for transportation of such seed in interstate commerce, (ii) each container shall have stenciled upon it or bear a label containing a lot designation, and (iii) the invoice or other records accompanying and pertaining to such seed shall bear the various statements required for the respective seeds under sections 201 (a), (b), and (i); or

“(C) if consigned to a seed cleaning or processing establishment, to be cleaned or processed for seeding purposes: *Provided*, That (i) this fact is so stated in the invoice or other records accompanying and pertaining to such seed if the seed is in bulk or if the seed is in containers and in quantities of twenty thousand pounds or more, (ii) this fact is so stated on attached labels if the seed is in containers and in quantities less than twenty thousand pounds, and (iii) any such seed later to be labeled as to origin and/or variety shall be labeled as to origin and/or variety in accordance with rules and regulations prescribed under section 402 of this Act.”

53 Stat. 1282.  
Disclaimers,  
nonwarranties,  
etc.

SEC. 11. Section 204 of said Act (7 U. S. C. 1574) is amended to read: “SEC. 204. The use of a disclaimer, limited warranty, or nonwarranty clause in any invoice, advertising, labeling, or written, printed, or graphic matter, pertaining to any seed shall not constitute a defense, or be used as a defense in any way, in any prosecution or other proceeding brought under the provisions of this Act, or the rules and regulations made and promulgated thereunder. Nothing in this section is intended to preclude the use of a disclaimer, limited warranty, or nonwarranty clause as a defense in any proceeding not brought under this Act.”

53 Stat. 1282.

Importation.  
Prohibition.

SEC. 12. Section 301 (a) of said Act (7 U. S. C. 1581 (a)) is amended by adding at the end thereof a new paragraph (4) to read as follows:

“(4) any seed containing 10 per centum or more of any vegetable seeds unless the invoice pertaining to such seed and any other labeling of such seed bear the name of each kind and variety of vegetable seed present.”

53 Stat. 1283.  
Procedure.

Bond.

SEC. 13. Section 302 (a) of said Act (7 U. S. C. 1582 (a)) is amended by inserting the words “owner or” before the word “consignee” wherever the latter appears except in the two provisos therein; and by deleting said provisos and substituting therefor, respectively, the following: “*Provided*, That the Secretary of the Treasury may authorize the delivery of seed or screenings which are being imported or offered for import to the owner or consignee thereof, pending decision as to the admission of such seed or screenings and for staining, cleaning, labeling, or other reconditioning if required to bring such seed or screenings into compliance with the provisions of this Act, upon the execution by such owner or consignee of a good and sufficient bond conditioned upon redelivery of the seed or screenings upon demand unless redelivery is waived because the seed is reconditioned to bring it into compliance with this Act or is destroyed under Government supervision under this Act, and providing for the payment of such liquidated damages in the event of default as may be required pursuant to regulations of the Secretary of the Treasury: *And provided further*, That all expenses incurred by the United States (including travel, per diem or subsistence, and salaries of officers or employees of the United States) in connection with the supervision of staining, cleaning, labeling, other reconditioning, or destruction, of seed or screenings under this title shall be reimbursed to the United States by the owner or consignee of the seed or screenings, and such reimbursements shall be recredited to the appropriation from which the expenses were paid, the amount of such expenses to be determined in accordance with joint regulations under section 402 of this Act, and all expenses in connection with the storage, cartage, and labor on the seed or screenings which are refused admission or delivery, shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against future importations made by such owner or consignee.”

Expenses.

SEC. 14. Section 302 of said Act (7 U. S. C. 1582) is further amended by adding at the end thereof a new subsection (d) to read as follows:

53 Stat. 1283.

“(d) The provisions of this title prohibiting the importation of seed that is adulterated or unfit for seeding purposes shall not apply—

Nonapplicability.

“(1) when seed grown in the United States is returned from a foreign country without having been admitted into the commerce of any foreign country: *Provided*, That there is satisfactory proof as provided for in the joint rules and regulations prescribed under section 402 of this Act, that the seed was grown in the United States and was not admitted into the commerce of a foreign country and was not commingled with other seed, or

“(2) when seed is imported for sowing for experimental or breeding purposes and not for sale: *Provided*, That declarations are filed, and importations are limited in quantity, as provided for in the rules and regulations prescribed under section 402 of this Act, to assure that the importations are for experimental or breeding purposes.”

SEC. 15. Section 306 of said Act (7 U. S. C. 1586) is amended by adding at the end thereof a new subsection (c) to read as follows:

53 Stat. 1285.

“(c) To make any false or misleading representation with respect to any seed subject to this title being imported into the United States or offered for import: *Provided*, That this subsection shall not be deemed violated by any person if the false or misleading representation is the name of a variety indistinguishable in appearance from the seed being imported or offered for import and the records and other pertinent facts reveal that such person relied in good faith upon representations with respect to the name of the indistinguishable variety made by the shipper of the seed.”

Unlawful act.

SEC. 16. This Act, and the amendments made hereby, shall take effect upon the date of enactment.

Effective date.

Approved August 1, 1958.

## Public Law 85-582

### AN ACT

August 1, 1958  
[S. 2447]

To authorize and direct the Secretary of the Interior to undertake continuing studies of the effects of insecticides, herbicides, fungicides and other pesticides, upon fish and wildlife for the purpose of preventing losses of those invaluable natural resources following application of these materials and to provide basic data on the various chemical controls so that forests, croplands, wetlands, rangelands and other lands can be sprayed with minimum losses of fish and wildlife.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior is authorized and directed to undertake comprehensive continuing studies on the effects of insecticides, herbicides, fungicides and pesticides, upon the fish and wildlife resources of the United States, for the purpose of determining the amounts, percentages, and formulations of such chemicals that are lethal to or injurious to fish and wildlife and the amounts, percentages, mixtures, or formulations that can be used safely, and thereby prevent losses of fish and wildlife from such spraying, dusting, or other treatment.

Fish and wildlife.  
Insecticides, etc., studies.

SEC. 2. The sum of \$280,000 per annum is hereby authorized to be appropriated to carry out the objectives of this Act.

Appropriation.

Approved August 1, 1958.