

Public Law 89-686

AN ACT

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

October 15, 1966
[H. R. 15662]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 101(a)(1), 101(a)(8)(A)(ii), 101(a)(9)(A)(ii) and 101(a)(10) of the Federal Seed Act (53 Stat. 1275, 1277, 1278; 70 Stat. 908, 7 U.S.C. 1561(a)(1), 1561(a)(8)(A)(ii), 1561(a)(9)(A)(ii), and 1561(a)(10)) are hereby amended by deleting therefrom the words "Alaska" and "Hawaii" and the commas appearing after such words.

Federal Seed
Act, amendment.

SEC. 2. Section 101(a)(7)(A) of said Act (53 Stat. 1276; 72 Stat. 476, 7 U.S.C. 1561(a)(7)(A)) is amended to read as follows:

"(A) 'Agricultural seeds' shall mean grass, forage, and field crop seeds which the Secretary of Agriculture finds are used for seeding purposes in the United States and which he lists in the rules and regulations prescribed under section 402 of this Act."

"Agricultural
seeds."

7 USC 1592.

SEC. 3. Section 101(a)(11) of said Act (53 Stat. 1278; 7 U.S.C. 1561(a)(11)) is amended by substituting for the words "wheat", "oats", "vetch", and "sweetclover" the words "soybean", "flax", "carrot", and "radish."

SEC. 4. Section 201(a) of said Act (53 Stat. 1279; 7 U.S.C. 1571(a)) is amended by changing the introductory portion thereof to read as follows:

"(a) Any agricultural seeds or any mixture of agricultural seeds for seeding purposes, unless each container bears a label giving the following information, except as provided in paragraph (j) of this section for seed mixtures intended for lawn and turf purposes, in accordance with rules and regulations prescribed under section 402 of this Act:"

Labeling re-
quirements.

Post, p. 977.

SEC. 5. Section 201(a)(1) of said Act (53 Stat. 1279; 7 U.S.C. 1571(a)(1)) is amended to read as follows:

"(1) The name of the kind or kind and variety for each agricultural seed component present in excess of 5 per centum of the whole and the percentage by weight of each: *Provided*, That if any such component is one which the Secretary of Agriculture has determined, in rules and regulations prescribed under section 402 of this Act, is generally labeled as to variety, the label shall bear, in addition to the name of the kind, either the name of such variety or the statement 'Variety Not Stated': *And provided further*, That in the case of any such component which is a hybrid seed it shall, in addition to the above requirements, be designated as hybrid on the label;"

Name of kind,
etc.

SEC. 6. Section 201(a) of said Act (53 Stat. 1279; 7 U.S.C. 1571(a)) is amended by adding at the end thereof a new paragraph (10), to read as follows:

"(10) The year and month beyond which an inoculant, if shown in the labeling, is no longer claimed to be effective."

Inoculant.

SEC. 7. Section 201(b) of said Act (53 Stat. 1280, 72 Stat. 476; 7 U.S.C. 1571(b)) is amended to read as follows:

"(b) Any vegetable seeds, for seeding purposes, in containers, unless each container bears a label giving the following information in accordance with rules and regulations prescribed under section 402 of this Act:

Vegetable seeds.

"(1) For containers of one pound or less of seed that germinates equal to or above the standard last established by the Secretary of Agriculture, as provided under section 403(c) of this Act—

7 USC 1593.

"(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each, and

further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label; and

“(B) Name and address of—

“(i) the person who transports, or delivers for transportation, said seed in interstate commerce; or

“(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce;

“(2) For containers of one pound or less of seed that germinates less than the standard last established by the Secretary of Agriculture, as provided under section 403(c) of this Act—

“(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each, and further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label; and

“(B) For each named kind and variety of seed—

“(i) the percentage of germination, exclusive of hard seed;

“(ii) the percentage of hard seed, if present;

“(iii) the calendar month and year the test was completed to determine such percentages;

“(iv) the words ‘Below Standard’; and

“(C) Name and address of—

“(i) the person who transports, or delivers for transportation, said seed in interstate commerce; or

“(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce.

“(3) For containers of more than one pound of seed—

“(A) The name of each kind and variety of seed, and if two or more kinds or varieties are present, the percentage of each and, further, that in the case of any such component which is a hybrid seed, it shall be designated as hybrid on the label;

“(B) Lot number or other lot identification;

“(C) For each named kind and variety of seed—

“(i) the percentage of germination, exclusive of hard seed;

“(ii) the percentage of hard seed, if present;

“(iii) the calendar month and year the test was completed to determine such percentages; and

“(D) Name and address of—

“(i) the person who transports, or delivers for transportation, said seed in interstate commerce; or

“(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secretary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce.”

53 Stat. 1285.
7 USC 1592.

7 USC 1593.

SEC. 8. Clause (b) of section 201(c) of said Act (53 Stat. 1280; 7 U.S.C. 1571(c)) is amended to read as follows:

“(b) a longer period for any kind of agricultural or vegetable seed which is packaged in such container materials and under such other conditions prescribed by the Secretary of Agriculture as he finds will, during such longer period, maintain the viability of said seed under ordinary conditions of handling.”

SEC. 9. Section 201(i)(4) of said Act (72 Stat. 477; 7 U.S.C. 1571(i)(4)) is amended to read as follows:

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

SEC. 10. Section 201 of said Act (53 Stat. 1279; 7 U.S.C. 1571) is amended by adding at the end thereof a new subsection (j) to read as follows:

“(j) Any agricultural seed mixtures intended for lawn and turf seed purposes, in containers of fifty pounds or less, 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:

Lawn and turf
seed mixtures.

7 USC 1592.

“(1) The headings ‘Fine-textured Grasses’ and ‘Coarse Kinds’, and specified in tabular form thereunder in type no larger than the headings, for each lawn and turf seed component present in excess of 5 per centum of the whole or named on the label:

“(i) the name of the kind, or kind and variety,

“(ii) the percentage by weight of each, in order of its predominance under the appropriate heading required above,

“(iii) the percentage of germination of each, exclusive of hard seed,

“(iv) the percentage of hard seed, if present, and

“(v) the calendar month and year the test was completed to determine such percentages.

“(2) The heading ‘Other Ingredients’, and specified thereunder in type no larger than the heading the following information:

“(A) Percentage by weight of weed seeds, including noxious-weed seeds;

“(B) Percentage by weight of agricultural seeds other than those included under paragraph (1) of this subsection;

“(C) Percentage by weight of inert matter.

“(3) The following additional information:

“(A) Lot number or other identification;

“(B) Kinds of noxious-weed seeds and the rate of occurrence of each, which rate shall be expressed in accordance with and shall not exceed the rate allowed for shipment, movement, or sale of such noxious-weed seeds by the law and regulations of the State into which the seed is offered for transportation or transported, or in accordance with the rules and regulations of the Secretary of Agriculture, when under the provisions of section 101(a)

(9) (A) (iii) he shall determine that weeds other than those designated by State requirements are noxious;

7 USC 1561.

“(C) Name and address of—

“(i) the person who transports, or delivers for transportation, said seed in interstate commerce, or

“(ii) the person to whom the seed is sold or shipped for resale, together with a code designation approved by the Secre-

7 USC 1592.

tary of Agriculture under rules and regulations prescribed under section 402 of this Act, indicating the person who transports or delivers for transportation said seed in interstate commerce."

SEC. 11. Section 202 of said Act (53 Stat. 1281, 72 Stat. 477; 7 U.S.C. 1572) is amended by inserting the word "treatment" followed by a comma immediately preceding the word "germination" wherever said word appears in said section.

SEC. 12. (a) Section 203(d) of said Act (53 Stat. 1282; 7 U.S.C. 1573(d)) is amended to read as follows:

Unidentified
seeds.
Ante, p. 975.

"(d) The provisions of sections 201 (a) and (b) relative to the labeling of agricultural and vegetable seeds with the percentages of the kind or kind and variety of seeds shall not be deemed violated if there are seeds in the container or bulk which could not be, or were not, identified because of their indistinguishability in appearance from the seeds intended to be transported or delivered for transportation in interstate commerce: *Provided*, That the records of the person charged with the duty under said section of labeling or invoicing the seeds, kept in accordance with the rules and regulations of the Secretary of Agriculture, together with other pertinent facts, disclose that said person has taken reasonable precautions to insure the identity of the seeds to be that stated.

(b) Section 203 of said Act is amended by adding at the end thereof a new subsection (e) reading as follows:

Treatment sub-
stance.
7 USC 1571.

"(e) The provisions of section 201(i) relative to the labeling of agricultural and vegetable seeds with the name of any substance used in the treatment of seeds shall not be deemed violated if the substance or substances used in such treatment could not be or were not identified because of their indistinguishability from the substance or substances intended to be used in the treatment of the seeds: *Provided*, That the records of the person charged with the duty under said section of labeling or invoicing the seeds, kept in accordance with the rules and regulations of the Secretary of Agriculture, together with other pertinent facts, disclosed that said person has taken reasonable precautions to insure the identity of the substance or substances to be as stated."

Importation pro-
hibitions.

SEC. 13. Section 301(a)(4) of said Act (72 Stat. 478; 7 U.S.C. 1581(a)(4)) is amended to read as follows:

"(4) any seed containing 10 per centum or more of any agricultural or vegetable seeds, unless the invoice pertaining to such seed and any other labeling of such seed bear a lot identification and the name of each kind and variety of vegetable seed present in any amount and each kind or kind and variety of agricultural seed present in excess of 5 per centum of the whole, and unless in the case of hybrid seed present in excess of 5 per centum of the whole it is designated as hybrid."

SEC. 14. Section 301(a) of said Act (53 Stat. 1282; 7 U.S.C. 1581(a)) is further amended by adding at the end thereof a new paragraph (5) to read as follows:

"(5) 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:

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

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

"(C) 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

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

SEC. 15. Section 302(a) of said Act (53 Stat. 1283, 72 Stat. 478; 7 U.S.C. 1582(a)) is amended by inserting after the first sentence thereof the following sentence:

Importation
procedures.

"The Secretary of Agriculture may apply statistical sampling and inspection techniques to said samples and screenings to determine whether the pure-live seed requirement of any kind of seed is being met, in which case, he shall advise the importer of each lot of seed not examined for pure-live seed percentage."

SEC. 16. Section 302(d) of the Act (72 Stat. 479; 7 U.S.C. 1582(d)) is amended by adding at the end thereof a new paragraph (3) reading as follows:

"(3) when seed not meeting the pure-live seed requirements of section 304 of this title will not be sold within the United States and will be used for seed production only by or for the importer or consignee: *Provided*, That the importer of record or consignee files a statement in accordance with the rules and regulations prescribed under section 402 of this Act certifying that such seed will be used only for seed production by or for the importer or consignee."

7 USC 1592.

SEC. 17. Section 302 of said Act (53 Stat. 1283, 72 Stat. 479, 7 U.S.C. 1582) is further amended by adding at the end thereof a new paragraph (e) reading as follows:

"(e) The provisions of this title requiring certain seeds to be stained shall not apply when such seed will not be sold within the United States and will be used for seed production only by or for the importer or consignee: *Provided*, That the importer of record or consignee files a statement in accordance with the rules and regulations prescribed under section 402 of this Act certifying that such seed will be used only for seed production by or for the importer or consignee."

SEC. 18. Section 304 of said Act (53 Stat. 1284, 7 U.S.C. 1584) is amended to read as follows:

Seed unfit for
seeding purposes.
7 USC 1581.

"SEC. 304. Seed subject to the provisions of section 301 is unfit for seeding purposes: (a) if any such seed contains noxious-weed seeds, or (b) if any such seed contains more than 2 per centum by weight of weed seeds, or (c) if any such seed contains less than 75 per centum of pure-live seed, or if any component of such seed present to the extent of 10 per centum or more contains less than 75 per centum of live seed: *Provided*, That when the Secretary of Agriculture shall find that any such seed or any kind of seed present to the extent of 10 per centum or more cannot be produced to contain 75 per centum of pure-live seed, he may set up such standards from time to time for pure-live seed as he finds can be produced and seed conforming to such standards shall not be deemed to be unfit for seeding purposes."

SEC. 19. Section 101(a)(4) of said Act (53 Stat. 1275, 7 U.S.C. 1561(a)(4)) is amended by inserting the word "treatment," before the word "variety".

Approved October 15, 1966.