

LOUISIANA SEED DEALER INFORMATION GUIDE

A Guide to Seed Regulatory Compliance

- ✓ Detailed information on seed regulatory requirements as it applies to Agricultural, Grass, Vegetable and Flower seeds
- ✓ Working in cooperation with the Louisiana Department of Agriculture & Forestry's Seed Regulatory Officials



**Louisiana Department of Agriculture & Forestry
Office of Agricultural and Environmental Sciences
Seed Programs Division**

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Mike Strain, DVM Commissioner

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1. INTRODUCTION

There is no substitute for high quality seed. Seeds are living tissue that must be protected against harsh storage conditions which will reduce germination and lower the value of seed to the consumer. Even though the farmer and labeler may provide the highest quality seed products available, poor handling and storage of seed by the retailer can harm the seed and result in legal action by Louisiana Department of Agriculture & Forestry (LDAF) against the seed dealer.

This guide was developed by the LDAF Seed Programs Division to provide important information to seed dealers on the proper handling and storage of seed. Seed is a product that is highly regulated in Louisiana. This guide is designed to help Louisiana's seed dealers sell seed products and increase customer satisfaction while working with the LDAF Seed Control Officials to meet regulatory requirements.

Disclaimer and Limitation of Liability

This guide is intended solely as an educational tool and as general guidance. It is not intended as, and should not be construed as, legal advice or a substitute for a seed dealer's own individual understanding of applicable state and federal legal requirements. You may reference the Louisiana Seed Law and Louisiana Rules and Regulations via the Department website www.ldaf.state.la.us and directing your search to Seed Programs. Companies are advised to consult with their legal counsel and/or contact the LDAF Seed Programs Division to ensure compliance with applicable requirements.

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2. SEED REGULATORY REQUIREMENTS

Federal and state seed laws require that seed be properly labeled and meet the guarantees on the label. Initially, these requirements are the responsibility of the seed packager or labeler as the product enters into commerce. However, once in the store or warehouse, the responsibility for the seed generally shifts in-part to the seed dealer.

LDAF inspectors may enter retail businesses to inspect seed labels and collect samples to check for problem weed seeds, purity and percent germination. If the label does not comply with the Louisiana and federal seed laws, the seed inspector will issue a "stop-order" that prohibits the further sale, exchange, movement or distribution of the problem seed product. **The seed cannot be sold, exchanged, moved or distributed by the seed dealer until the label has been corrected and a written stop-order release has been issued by LDAF.**

The seed inspector may also review the seed label to determine when the seed was last tested to confirm that the seed has not exceeded the maximum period of time allowed by

state and federal laws between germination tests. **If the test date found on the label is older than the law permits, the test date has “expired,” and the seed lot can be placed under a “stop-order” until the seed is retested and relabeled.** An expired test date does not mean that the seed is dead or that it will not germinate or grow. An “expired test date” only means that the germination must be re-tested by the seed packager or dealer and be relabeled to show the current germination and new test date. Procedures for handling “stop-orders” are covered in more detail in the section of this guide entitled, “*Working with the LDAF Seed Regulatory Officials*”.

In order to prevent stop-orders, the retailer should know when the seed was last tested and make certain that it is sold before the test date expires. Therefore, a general understanding of the seed label is important in order to locate that information.

A. The Seed Label

The retailer should be aware of the required items of the label and where to find them on the package. Each item will be important later when we discuss retesting and relabeling of expired seed lots.

The basic parts of a seed label include:

1. Kind and variety of seed
2. % Purity
3. % Other Crop Seed, % Weed Seeds, % Inert Matter
4. % Germination
5. Origin of the seed
- 6. Lot number**
- 7. Germination Test dates or Year Packed For**
8. SELL BY dates
9. Seed labeler’s name and address

Items 6 and 7 in red identify the parts of the label that are most important for the seed dealer to be able to locate.

Note: Louisiana does not require or acknowledge a “SELL BY” date on seed labels.

Please note that the above list does not contain all of the state and federal label requirements. For the sake of simplicity, only those parts that a seed dealer should be able to identify and locate on a label are listed.

The basic parts of a seed label can be found on the seed analysis panels in Example 1 of the Appendix at the end of this guide. Each basic part is identified by the corresponding number in the above list.

B. Lot Number and Test Date

Of all the required parts found on a seed label, the most important for the retailer to recognize are the “**lot number**” and the “**test date**”.

1. Lot Number

Every container of seed is identified by a unique lot number that is assigned to a specific amount of seed (lot) that is packaged, labeled and shipped by the seed company. This lot number helps seed control officials trace the seed in the package back to the fields where they were grown.

2. Test Date

Each lot of seed is tested for purity, inert matter, weed seeds, other crop seeds, noxious weed seeds and germination. The test date on the label identifies the month and year that the germination test was completed (i.e. Jan. 2008).

C. Label Location

The basic parts of the seed label are found in a section of the label known as the “**seed analysis panel**”. The analysis panel is normally found on the side or back of the package and may be printed directly on the package or pre-printed on an adhesive-backed label and applied to the container. On large bags, the analysis panel may also be found on an “ear tag” or “sleeve” attached to the container. Example 1 of the Appendix demonstrates a typical analysis panel used when labeling seed. Each basic label part listed in “*Section 2-A: The Seed Label*” under this portion of the guide is identified by the above corresponding number for each example.

D. Relabeling of Expired Seed (Over-stickering, Over-labeling and Supplemental Labeling)

IMPORTANT: Relabeling of seed by a business other than the original seed packager or labeler requires that business’ name to be stated on the new label and shifts the regulatory responsibility to them.

1. Louisiana law allows seed to be sold for a fixed number of months following the initial test date (Nine months exclusive of the month of test). After this period, the seed must be retested to be sure that the germination percentage meets the label guarantee. When the test date expires, the seed dealer has three relabeling options; 1) place a small replacement label or “**over-sticker**” on the label; 2) place a “**supplemental label**” attached to or immediately adjacent to the original label, or 3) place a new label or “**over-label**” over the entire original label. **In Louisiana, the seed dealer is responsible to make certain that the seed is properly retested and relabeled.**
2. Follow the steps listed below to make the relabeling process easier.
 - a. Once you determine that you have expired seed lots, remove the seed from the sales floor and post a sign where the seed is being held that reads “NOT FOR SALE.”
 - b. Contact the seed labeler or the seed representative to have the seed retested and the germination percentages determined. **LDAF Seed**

Testing Laboratory can provide these testing services if the seed owner chooses to have the seed tested.

- c. If the seed continues to meet germination label guarantees, an “over-sticker” or “supplemental label” containing the original lot number and new test date should be placed on the containers. Any supplemental labeling shall be attached to or immediately adjacent to the original label. Refer to *Example 2* of the Appendix to see how over-stickers should be applied to the original analysis panel.

Important Note: If the seed lot does not meet original germination label guarantees, the “over-sticker” or “supplemental label” must state the new germination percentage.

- d. The seed labeler or seed dealer may also choose to provide a completely new seed analysis panel or over-label. Completely cover the old seed analysis panel with the new “over-label”. See *Example 3* of the Appendix at the back of this guide.
- e. Ensure that the lot number of the new over-sticker, supplemental label or over-label to be applied is identical to the lot number on the original label.
- f. Carefully apply the new test date/lot number sticker over the original test date and lot number on the analysis panel. **Do not cover over any other labeling information with the new over-sticker.**
- g. Do not use extra over-stickers or over-labels from one lot of seed to relabel other seed lots. **This is a serious violation of STATE and FEDERAL law.**
- h. Louisiana law allows over-sticking, supplemental labeling and over-labeling of seed lots multiple times so long as the seed continues to meet label guarantees and/or minimum germination standards. *Examples 2 and 3* of the Appendix demonstrate where over-stickers/over-labels should be applied.

3. SEED STORAGE AND HANDLING

It is the responsibility of the seed dealer or distributor to store and handle seed in a warehouse and on the sales floor in a manner that will maintain label germination rates. Improper storage and handling can kill the seed and cause the LDAF to take legal action against the seed dealer. Always remember that a seed is living tissue that must be protected for extended periods of time. **Improper storage of seed can result in a poor quality seed product that cannot be relabeled or sold and must be destroyed.**

A. Seed Storage Conditions

1. Environmental Conditions

Seed is best stored under low temperature and low humidity.

HIGH TEMPERATURES COMBINED WITH HIGH RELATIVE HUMIDITY CAN KILL SEED!

- a. Store seed away from direct sunlight.
 - b. Store seed inside whenever possible
 - c. Never store seed where it may be exposed to rain.
 - d. Whenever possible, store seed inside where air-conditioning reduces both temperature and humidity.
2. Avoid storing seed outside during the summer where high temperatures and high humidity may damage the seed.

3. Pest Control

Avoid situations where pests such as rodents and birds can damage the seed and package.

4. Pesticides

Avoid storing seed near pesticides to prevent possible contamination.

B. Seed Inventory Management

Proper handling of seed product inventories will reduce the chance that the seed will expire. Failure to sell the oldest seed will result in a stop-order being issued when found by LDAF inspectors.

1. **Determine the test dates of all seed inventories at the beginning of the planting season, once a month and upon arrival of new inventory.**
2. Use the **“First In-First Out”** principle for inventory control. Sell all older seed before adding new seed to the display area.
3. Remove **expired** products from display area and place a sign marked **“NOT FOR SALE”** near the expired seed. **If expired seed is removed from sale, there is no violation of the Louisiana Seed Law and Louisiana Rules and Regulations.**

4. Contact your seed supplier for testing and new stickers or have the seed tested by an approved seed testing laboratory. When you become aware that you have expired seed lots, follow the procedures outlined in “Section 2-D: Over-sticking/Over-labeling Expired Seed”.

C. Handling Seed in Bulk or Bins

Federal and state seed laws apply to bulk and bin containers. All seed containers must be properly labeled. Care must be taken to prevent cross-contamination from other seed products and containers. The following recommendations are provided to retailers that practice bulk seed sales:

1. Make sure bin/bulk containers are thoroughly cleaned before dumping seed into the bin/bulk containers.
2. Make sure each bin/bulk container has a label attached that matches the seed lot from the original container and that copies of that label are available upon customer request.
3. Take precautions to avoid mixing of seed when dispensing or dumping seed.
4. When the bin/bulk container is emptied, thoroughly clean the bin/bulk container, and ensure that the labeling on the bin/bulk container is changed to reflect the labeling of the seed lot used to refill the bin/bulk container.
5. Avoid returning any unused seed left over at the end of the planting season into original container.
6. Ensure that the seed lots in bin/bulk containers have a current germination test date where applicable.

4. WORKING WITH THE LDAF SEED REGULATORY OFFICIALS

LDAF seed control inspectors are granted the authority by state law to:

- Enter a seed dealer’s property during normal working hours.
- Inspect all seed inventories and required seed licenses and records.
- Sample the seed to insure that the seed products meet the label guarantees.
- Place a stop-order on any product that does not meet with the requirements of the Louisiana Seed Law and Regulations.

However, seed dealers are strongly encouraged to contact the LDAF Seed Programs Division any time you have questions regarding the seed law and proper handling and storage of seed. LDAF Seed Programs Division is very willing to answer questions and help seed dealers comply with the state law before problems develop.

You may contact LDAF Seed Programs Division by telephone at (225) 925-4733, by email at seed@ldaf.state.la.us or visit the following LDAF website <http://www.ldaf.state.la.us>.

A. Responding to Stop-Orders

A ‘Stop-Order’ is a legal document that requires your immediate attention.

If the seed has expired or is improperly labeled, the LDAF seed inspector may issue a “**Stop-Order**”. A stop-order may also be issued by the LDAF Seed Programs Division at a later date if the test results of a sample taken show that the quality does not meet the guarantees on the label.

1. Carefully read and follow all the instructions contained in the order.
2. Remove the affected seed from the sales floor or shelf.
3. Place the seed in question in an area away from the public and display a sign that reads “NOT FOR SALE” on the seed.
4. Contact the seed company to determine if the seed can be relabeled with a new sticker or seed analysis panel or if applicable, have the seed tested by an approved seed testing laboratory.
5. If germination test results show that the seed meets germination guarantees, the seed labeler will supply, or the dealer may print, either a new seed analysis panel, small over-sticker or supplemental label with the new test date and the original lot number.
6. Apply the new sticker or over-label as demonstrated in “*Section 2-D: Over-sticking/Over-labeling Expired Seed*”.
7. Contact the LDAF inspector that issued the stop-order and ask that the product be inspected again and released. **Do not attempt to move the seed until a written stop-order release has been issued by the LDAF. To do so will result in a serious violation of the Louisiana Seed Law and subsequently result in adjudicatory action and possible penalty fee.**
8. If the seed cannot be relabeled, it may have to be returned to the seed packager or destroyed. Contact the LDAF inspector that issued the stop-order for permission to return or destroy the seed. **Note: If the seed has been found to be out of tolerance due to excessive Noxious Weed Seed content, the seed must be disposed of in a manner approved by LDAF; or be returned to the seed distributor for proper disposal.**
9. Maintain records of all inspections, stop-order notices, releases, disposals, test dates, over-labels or over-stickers and all other actions taken to bring seed back into compliance with state requirements in a convenient location accessible to all employees.

Note: All seed that has been placed under stop-order must be brought into compliance within 30 days of the issuance of the stop-order. If seed is not brought into compliance, or if a stop order has been violated, dealers may be subject to adjudicatory action which may result in a penalty fee.

B. Employee Training

1. Make this document available to all employees that handle seed and make certain they are familiar with its contents.
2. Post an additional copy in a convenient location for all to read.
3. Training can be provided by LDAF field staff upon request.

5. LOUISIANA COATED SEED LABELING REQUIREMENTS

The second most common issue that state inspectors will stop order seed on site is due to improper labeling of “*coated seed*”; the first being expired “test date”.

Louisiana seed regulations require that each package of coated seed shall have the following additional information on the front of the package which shall be set forth in a clear and conspicuous manner so that the ultimate purchaser is able to read the information easily and without strain:

- The words “coated seed”;
- A statement giving the maximum amount of coating material contained within the package;
- A statement referring purchaser to the product label for additional information.

If coated seed products are found to be out-of-compliance with the above stated regulations, you should proceed with the following steps:

1. Remove the seed from the sales floor and post a sign where the seed is being held that reads “NOT FOR SALE.”
2. Contact the seed company so that the seed can be properly labeled in compliance with Louisiana Seed Law and Rules and Regulations.
3. The seed company will supply the seed dealer with an additional sticker containing the required information to be applied to the front of the package. See *Example 4* of the Appendix at the back of this guide.
4. Contact the LDAF inspector that issued the stop-order and request that the product be inspected again and released. Do not attempt to move the seed until a written stop-order release has been issued by the LDAF.

5. Maintain records of all inspections, stop-order notices, releases, disposals, test dates, over-labels or over-stickers and all other actions taken to bring seed back into compliance with state requirements in a convenient location for all employees.

6. KEY TRAINING POINTS TO REMEMBER

- A. Louisiana law limits the amount of time seed can be sold before it expires and must be retested for germination and relabeled.
 1. The test period for all agricultural seed is nine months exclusive of the month of test (i.e. Test Date Jan 2018; expires Oct 30, 2018).
 2. For all vegetable seed packaged in “hermetically” sealed containers, the period is extended to 24 months. If seeds in hermetically-sealed containers are offered for sale more than 24 months after the original test date, or if the sealed container has been opened for more than 9 months, you must have the seed retested. Once the seed is retested, a 9-month test period applies.
 3. For all vegetable seed packaged in one pound containers or less and labeled with “packed for year”, that period is valid for the entire calendar year in which the seed was packed.
- B. To avoid LDAF issued stop-orders, check the test date of all seed lots at the beginning of the planting season, monthly and upon arrival of new seed inventory to insure that seed has not “expired” or exceeded the maximum time allowed for sale. Additionally, check all “coated seed” for proper labeling.
- C. Sell seed products using the “**FIRST IN-FIRST OUT**” principle.
- D. Store all seed under conditions of low temperature and low humidity.

HIGH TEMPERATURES AND HIGH HUMIDITY CAN KILL SEED!

7. IMPORTANT LDAF CONTACT INFORMATION

Louisiana State Seed Testing Laboratory
5825 Florida Blvd, Suite 3004
Baton Rouge, LA 70806

Phone: (225) 925-4733
Facsimile: (225) 925-4124
Email: seed@ldaf.state.la.us

Louisiana Department of Agriculture & Forestry <http://www.ldaf.state.la.us>
Seed Programs/Seed Regulatory and Testing/Seed Law and Seed, Rules & Regulations, State Register, Title 7, Part XIII

Lester Cannon – Seed Programs Director
David Johnston – Seed Programs Coordinator
Tina Ficklin – Seed Programs Administrative Program Specialist

APPENDIX

Example 1: Seed Analysis Panel

Brand X Seed Mixture

Pure Seed	Kind Variety	Origin	Germ
40.00%	ABC perennial ryegrass	Oregon	90%
30.00%	DEF Kentucky bluegrass	Wash.	80%
27.00%	GHI red fescue	Canada	75%

Other ingredients

1.00%	Other crop seeds
1.50%	Inert matter
0.50%	Weed Seeds

No noxious weed seeds

Lot No. 12345
Test Date Jan. 2008

SELL BY Oct. 31, 2008
In FL: Sell by Aug. 31, 2008
In CO, IL, MT, NE, SD, WI and WY: SELL BY Feb. 28, 2009
In AK, CA, MN, NH, NV, NY, OH, PA, UT and DC: SELL BY April 30, 2009

Ajax Seed Company Net Wt.: 2.2 Lbs. (1.0 kg)
123 Green St
Anywhere, USA 98765

Callouts: 1 (Title), 2 (Table Header), 3 (Other ingredients), 4 (Germ column), 5 (Table Header), 6 (Lot No.), 7 (Test Date), 8 (SELL BY), 9 (Company Name)

Example 2: Over-Sticker Placement

Brand X Lawn Seed Mixture			
<u>Pure Seed</u>	<u>Kind/Variety</u>	<u>Origin</u>	<u>Germ</u>
40.00%	ABC perennial ryegrass	Oregon	90%
30.00%	DEF kentucky bluegrass	Washington	80%
27.00%	GHI red fescue	Canada	75%
<u>Other ingredients</u>			
1.00% Other crops seeds			
1.50% Inert matter			
0.50% Weed seeds			
No noxious weed seeds			
<div style="border: 1px dashed red; padding: 5px;"> Lot No. 12345 Test date: Jan. 2008 SELL BY Oct. 31, 2008 In FL: SELL BY Aug. 31, 2008 In CO, IL, MT, NE, SD, WI and WY: SELL BY Feb. 28, 2009 In AK, CA, MN, NH, NV, NY, OH, PA, UT and DC: SELL BY April 30, 2009 </div>			
Ajax Seed Company 123 Green St Anywhere, USA 98765		Net Wt: 2.2 Lbs. (1.0 kg)	

Over-sticker

Lot No. 12345
 Test date: Jan. 2009
 SELL BY Oct. 31, 2009
 In FL: SELL BY Aug. 31, 2009
 In CO, IL, MT, NE, SD, WI and WY: SELL BY Feb. 28, 2010
 In AK, CA, MN, NH, NV, NY, OH, PA, UT and DC: SELL BY April 30, 2010

Example 3: Over-Label Placement

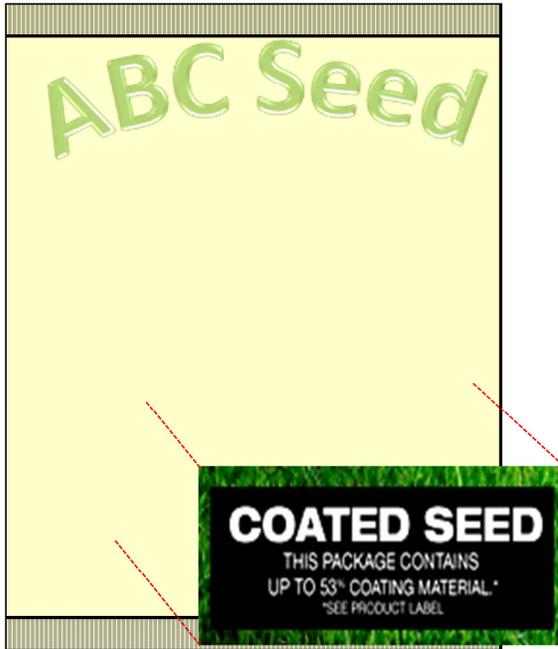
Original Seed Analysis Panel

BRAND X LAWN SEED MIXTURE			
PURE SEED	KIND/VARIETY	GERMINATION	ORIGIN
40.00%	ABC PERENNIAL RYEGRASS	90%	OREGON
30.00%	DEF KENTUCKY BLUEGRASS	80%	WASHINGTON
27.00%	GHI RED FESCUE	75%	CANADA
1.00%	OTHER CROPS SEED		
1.50%	INERT MATTER		
0.50%	WEED SEED		
NOXIOUS WEED SEEDS PER POUND: NONE FOUND			
TEST DATE 1/08		LOT: 12345	
SELL BY Oct. 31, 2008			
SELL BY Aug. 31, 2008 in FL			
SELL BY Feb. 28, 2009 in CO, IL, MT, MI and WY			
SELL BY April 30, 2009 in AK, CA, NY, OH, PA, UT and DC			
AJAX SEED CO. 123 GREEN ST. ANYWHERE, USA 98765			

New Stick-on Over-label

BRAND X LAWN SEED MIXTURE			
PURE SEED	KIND/VARIETY	GERMINATION	ORIGIN
40.00%	ABC PERENNIAL RYEGRASS	90%	OREGON
30.00%	DEF KENTUCKY BLUEGRASS	80%	WASHINGTON
27.00%	GHI RED FESCUE	75%	CANADA
1.00%	OTHER CROPS SEED		
1.50%	INERT MATTER		
0.50%	WEED SEED		
NOXIOUS WEED SEEDS PER POUND: NONE FOUND			
TEST DATE 1/09		LOT: 12345	
SELL BY Oct. 31, 2009			
SELL BY Aug. 31, 2009 in FL			
SELL BY Feb. 28, 2010 in CO, IL, MT, MI and WY			
SELL BY April 30, 2010 in AK, CA, NY, OH, PA, UT and DC			
AJAX SEED CO. 123 GREEN ST. ANYWHERE, USA 98765			

Example 4: Coated Seed Labeling



All coated seed products must display a label **on the front** of the bag that references "coated seed", the maximum amount of coating material contained in the package AND refer the consumer to read the product label.