

Regulatory Services News

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Feed - Fertilizer - Milk - Seed - Seed Testing - Soil Testing

Spring 2007

Milk Program Dairy Industry Survey

Have you ever wanted to provide input to organizations charged with serving you and your industry? Very soon you will have that opportunity. The College of Agriculture's Department of Community and Leadership Development (CLD) will be assisting the Milk Program in 2007 in a significant effort to evaluate our program's current activities and to help us plan for the future. CLD has considerable experience in the field of program evaluation and they will be taking the lead in conducting a milk program specific-dairy industry survey as part of this project. CLD will be entirely responsible for all aspects of administration of the survey, including mailing, tracking, coding and analysis of the survey responses and they will ensure all responses to the survey remain completely confidential. After a thorough analysis of the survey results, a written report accompanied with an executive summary as well as a more detailed summary will be developed by CLD. The executive summary will be provided to all respondents and the more detailed summary and report will be presented to the Kentucky Milk Handler's Advisory Board.

If your work is impacted by milk program activities, you should receive your survey from CLD in late March. Targeted clientele for the survey include: dairy laboratory managers and technicians, milk haulers, marketing agency representatives, processor representatives and other allied and public service representatives.

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Industry Survey

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The information gained from this survey will be coupled with information obtained from a dairy producer survey conducted in cooperation with the Kentucky Department of Agriculture and the Kentucky Dairy Development Council. The feedback gained from these efforts will be valuable in guiding our milk program efforts during the next five years. Don't miss out on this opportunity to provide direct input to a program charged with serving the dairy industry. Be sure to take ten minutes or so to complete the survey and provide us your input!

*C. Thompson
Milk Program*

Fertilizer Regulatory Program Update

Annual Registration

Our registration for 2007 is progressing quite well. As of January 31, 2007 about 90% of our 2006 registrants/licensees had applied for renewals. We will shortly be sending out notices to those who have not responded. If you are one of the "procrastinators" then you will be getting a notice with a deadline after which Stop Sales will be issued on any unregistered products. If you need assistance please call 859/257-2668 or email: dterry@uky.edu.

Annual Bulletin Published

Our annual report of the analysis of official fertilizer samples has been published and mailed. If you have not received your copy go to: <http://www.rs.uky.edu/> click on "fertilizer" and then "annual bulletin". It is "REGULATORY BULLETIN NO. 300 ANNUAL REPORT ANALYSES OF OFFICIAL FERTILIZER SAMPLES July 2005-June 2006.

Tonnage Reports

We have recently refined our tonnage reporting procedures. Here are the steps:

1. Each company scheduled to report tonnage is sent a blank report form in the last month of the reporting quarter. It will have your company number and name and address pre-printed on the form.
2. If you are reporting FOR another company you must identify that company in the reporting FOR section of the report.
3. About 10 days before the "delinquent" date for a report, all non-reporters are always notified of their late report in time to beat the delinquent date. Your report must be postmarked on or before the delinquent date. As always, "ZERO" reports are required. The report form has the due dates and delinquent dates and with our notification of your late report, there is no excuse for a late report and the payment of the late fee of \$50.

THE FOURTH QUARTER (2007) TONNAGE REPORT IS DUE NOW. It will be delinquent of February 15, 2007.

Tonnage reports are published quarterly in hard copy and on our website at the address noted above. Click on "fertilizer" and "tonnage reports".

*D. Terry
Fertilizer Program*

Federal Seed Act Labeling and Record Requirements for Agricultural Seed in Interstate Commerce

The Federal Seed Act (FSA) regulates the interstate commerce of both agricultural and vegetable seeds. The FSA does not regulate flower, shrub, and tree seed in interstate commerce, nor does it regulate seed in international commerce. International commerce refers to imported seed that is shipped from a foreign country directly into a state as well as seed that is shipped through one or more states to a port to be exported. Federal requirements for agricultural seed focus on labeling and records and these two items will be the focus of this discussion.

Seed kinds defined as agricultural seeds are listed in section 201.2(h) of the regulations under the FSA. The seed kinds are named and the list includes over 200 different seed kinds. A seed kind is not regulated as agricultural seed under the FSA if it is not named on this listing. If a seed kind is listed, then all varieties of that seed kind are regulated by the FSA.

Labeling Requirements for Agricultural Seed

The labeling requirements listed pertain to all shipments in interstate commerce. Shipments containing more than 20,000 pounds are not required to have complete labeling on each container, provided that shipping in this manner is with the knowledge and consent of the consignee. Each container in shipments of 20,000 pounds or more is required to be labeled with a lot designation, and the shipment has to be accompanied with either a master tag or a complete test that contains the information listed below for each lot shipped.

1. Contents of the label. The label shall contain the required information in any form and must be legible. The information may be on a securely attached label or printed on the side or top of the container. The label may contain additional information other than what is required but it cannot be misleading.
2. Kind. The name of each seed kind present in excess of 5%. When two or more kinds are present, the name of each kind shall be accompanied by the percentage of each. When only one kind is present in excess of 5% and no variety name is shown, the percentage of that kind may be shown as "pure seed".
3. Variety. Labeling by variety name or the statement "Variety Not Stated" (VNS) is required for 36 seed kinds. These are the kinds generally labeled as to variety. When shipping into another state, the shipper should be familiar with the variety labeling requirements of the state they are shipping to. State seed laws may be more restrictive in regard to variety labeling requirements than the FSA and the seed must meet the requirements of the state it is shipped into. A good example of this is that seed moved in commerce in Kentucky cannot use the variety statement "Variety Not Stated". Those seed kinds that require a variety statement (either the variety name or the VNS statement) under the FSA are as follows:

Alfalfa	Cotton	Rye
Bahiagrass	Cowpea	Safflower
Barley	Crambe	Sorghum
Bean, Field	Fescue, Tall	Sorghum-Sudangrass
Beet, Field	Flax	Soybean
Brome, Smooth	Lespedeza, Striate	Sudangrass
Broomcorn	Millet, Foxtail	Sunflower
Clover, Crimson	Millet, Pearl	Tobacco
Clover, Red	Oat	Trefoil, Birdsfoot
Clover, White	Pea, Field	Triticale
Corn, Field	Peanut	Wheat, Common
Corn, Pop	Rice	Wheat, Durum

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Federal Seed Act

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When two or more varieties of the same seed kind are present and are named on the label, the name of each variety shall be accompanied by the pure seed percentage of each.

4. Hybrids. The section on hybrids needs to be read carefully. To be labeled as a hybrid, the pure seed percentage of hybrid seed must be at least 95%. Any one seed kind that contains less than 95% hybrid seed but more than 75% hybrid seed as a result of incompletely controlled pollination in a cross shall be labeled to show the percentage of pure seed that is hybrid or a statement such as "Contains from 75% to 95% hybrid seed". No one seed kind or variety can be labeled "hybrid" if it contains less than 75% hybrid seed.
5. Lawn and Turf Seed Mixtures. Seed mixtures intended for lawn and turf purposes shall be designated as a mixture on the label and each pure seed component shall be listed in its order of predominance.
6. Lot number or designation. The lot number or designation shall be shown on the label and shall be the same as the one used in records pertaining to the same lot of seed.
7. Origin. The seed origin does not have to be on the label except for alfalfa, red clover, white clover, and non-hybrid field corn. The origin of these kinds has to be shown or if the origin is not known, the statement, "origin unknown". The regulation requires that reasonable precautions be taken to assure that the origin is known. The regulation does allow for more than one state to be listed as an origin, but requires the percentage from each state to be declared.
8. Weed Seeds. The percentage of seeds of plants considered to be weeds, including noxious weeds, in the state where the seed is shipped.
9. Noxious weeds. The regulation (201.16) lists 93 different weeds that are considered noxious in the United States and are not allowed to be present in any amount. In addition to these, the regulation requires the names and rate of occurrence of noxious weed seeds as defined by the state into which the seed is being shipped, be declared and the regulation also prohibits the state limits from being exceeded. You must meet the noxious weed labeling requirements of the state you ship into to not be in violation of the regulations under the FSA.
10. Crop Seeds. The percentage of agricultural seeds other than those named on the label as "Pure Seed" shall be collectively labeled as "Crop Seed".
11. Inert Matter. The label shall show the percentage of inert matter.
12. Germination. The label shall show the germination percentage of each pure seed kind listed on the label. This requirement is not applied to freshly harvested Kentucky Bluegrass or Sugar Beet seed transported during the months of July, August, or September for seeding during the year in which the seed is produced.
13. Hard Seed. The label shall show the percentage of hard seed, if any is present, for all pure seed kinds shown on the label. The hard seed percentage shall not be included in the germination percentage. Although the current labeling regulation does not mention dormant seed, the current testing regulations require the percentage of dormant seed, if present, to be determined for 18 kinds of seed. Therefore the percentage of dormant seed may be listed on the label.
14. Date of Test. The label shall show the month and year in which the germination test was completed. No more than 5 calendar months shall have elapsed from the last day of the month in which the germination test was completed and the date the seed was transported. In the case of mixtures, the test date stated shall be the date of the test conducted on the mixture or the oldest date among the tests conducted on the components of the mixture.

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Federal Seed Act

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The 5 month requirement applies to all agricultural seed kinds except that a 15 month test date requirement applies to the following seed kinds:

Colonial Bentgrass	Red Fescue
Creeping Bentgrass	Tall Fescue
Kentucky Bluegrass	Annual Ryegrass
Chewings Fescue	Perennial Ryegrass
Hard Fescue	

15. Name of Shipper. The full name and address of either the shipper or the consignee shall appear on the label. If the name and address of the consignee is used on the label, the AMS code designation of the interstate shipper must also be on the label to identify the shipper. USDA's Agricultural Marketing Service assigns this code designation.
16. Inoculated Seed. Inoculated seed shall state the expiration date of the inoculant.
17. Labeling Seed Treatments. Treated seed must be labeled to show the name of the treatment. If the seed is treated with a compound assigned to Toxicity Category I by the EPA in any amount, the label must contain a skull and crossbones and "treated with Poison" or similar statement in red letters. If the treatment is a non-Category I compound and the amount on the seed is harmful to humans or other vertebrate animals, the label is required to include the statement "do not use for food, feed, or oil purposes".

A section of the FSA regulation relating to the labeling of seed type was not included in the listing provided. This section was omitted because its use on a seed analysis label is rarely used.

Records required to be maintained for seed shipped in interstate commerce

The regulation requires that a complete record be maintained for a period of 3 years for each lot shipped in interstate commerce. The term "complete record" is defined to mean information that relates to the origin, treatment, germination, purity, purchase, cleaning, bulking, labeling, and sale of each lot of agricultural seed transported or delivered for transportation in interstate commerce. Even though the regulation does not specifically say that a complete test is required, the regulation does specifically require records that contain information that is contained in the complete test.

A file sample is also required to be maintained for a period of 1 year after the entire lot has been disposed of by the shipper. The file sample must contain enough seed by weight to allow for a noxious weed examination. None of the seed kinds listed in the regulation requires more than 500 grams be tested for a noxious weed exam. Many of the seed kinds listed require less than 500 grams.

The record is required to be accessible for inspection by authorized agents of the Secretary at any time during normal business hours. An authorized agent of the Secretary does include a states seed inspection staff as the USDA maintains a cooperative agreement with states to conduct inspections and do sampling for purposes of the administration of the FSA.

These are the labeling and record keeping requirements for agricultural seed to be shipped in interstate commerce. In many ways, these requirements are similar to state seed laws. Most states will have a different test date requirement. The 5 month or 15 month test date requirement must be adhered to when shipping in interstate commerce. Variety labeling requirements are usually more stringent under state law. Seed shipped must conform to the noxious weed seed labeling requirements of the state the seed is being shipped into. It is also important to keep in mind that the FSA only regulates seed kinds that are specifically named to be agricultural seeds. A complete copy of the FSA and the Regulations under the act can be accessed at the USDA web site

<http://www.ams.usda.gov/lsg/seed.htm>.

D. Buckingham, Seed Regulatory Program

Cathy Buckingham Receives the 2007 Poundstone Award

Cathy Buckingham was presented with the Regulatory Services' Poundstone Award in December of 2006. She has been a dedicated employee of Regulatory Services since 1987. Cathy is the Staff Assistant for the Milk and Inspection Programs and has worked in the Fertilizer Program in the past.

Cathy's office proximity in the front of the building puts her in the position to often have contact with a wide variety of our Regulatory Services' clientele. She is known for greeting our clients in a warm, friendly manner and she always puts forth a tremendous effort to ensure their needs are met. Cathy is well known for her great customer service. She is quite knowledgeable of the milk and inspection program areas and she is known for being able to answer questions and solve problems quickly. Another trait exemplified by Cathy is her willingness to help out others in the office with just about anything imaginable. When it comes to shipping and receiving, duplicating services or accounts receivable, her knowledge, experience and helpful demeanor can't be beat!



Frank Sikora, Selection Committee Chair, Cathy Buckingham, and Bill Thom, Interim Director, Division of Regulatory Services

Cathy is a valuable colleague and truly deserving of being recognized as a 2006 outstanding employee recipient of the Poundstone Award.

Congratulations, Cathy!

History of the Poundstone Award

The Poundstone Award was created to honor an outstanding employee in the Division of Regulatory Services. The award is named in honor of Bruce Poundstone, who was Director of Regulatory Services for many years. He was nationally renowned for his leadership and innovations in the feed, fertilizer and seed regulatory arena. He was founder of the Feed Microscopy Association, started the AAFCO Feed Control Seminar, and was a participant in the development of the GMP concept for feed manufacturing. Mr. Poundstone was a distinguished leader in the Association of American Feed Control Officials, the Association of American Plant Food Control Officials and the Association of Southern Feed, Fertilizer and Pesticide Control Officials. The Regulatory Services building is named in his honor.

Previous Poundstone Award Winners:

Sue Stone - 2000
Ellen Marshall - 2001
Ed Hill - 2002
Beth Nichol - 2003
Debie Sipe - 2004
Connie Williams - 2005

Fertilizer Labeling

The fertilizer law defines “labeling” as: “all written, printed, or graphic matter upon or accompanying any fertilizer or verbal statements, advertisement, brochures, posters, television or radio announcements used in promoting the sale of such fertilizer.” Our inspectors are diligent in collecting fertilizer brochures, signs, etc. where fertilizer is sold so if you have a brochure or other promotional material be sure it complies with the fertilizer law. If you would like a review before printing such, please send it to the fertilizer office. On occasions we have ask registrants to withdraw brochures from Kentucky because of conflicts with the law. Examples of claims or statement in labeling that violate the fertilizer law are:

- (1) “My fertilizer is 5 times better than your fertilizer of the same grade”,
- (2) “*This* fertilizer is more available than *that* fertilizer” when they both have the same chemical components.
- (3) Recommending very low rates of application of a common grade of fertilizer. For example, recommending one pint per acre of 10-10-10 with no further explanation is misleading.

*D. Terry
Fertilizer Program*

Spring Fertilizer Season-A Word to the Wise

Several industry sources are stating that there may be a shortage of basic fertilizer materials this spring. There have also been reports of record prices for certain N and P materials. The predicted increase in corn acreage which usually calls for more N fertilizers is a large contributor. So, conditions are lining up for the “perfect storm”-High prices and shortage of product.

Jennifer Dawn Edwards

New Staff Support Associate for Fertilizer Regulatory Program

When you call the fertilizer regulatory program the friendly voice is that of Jennifer Edwards. Jennifer (Jen) comes to us from the University of the Cumberlands where she earned two degrees: BS in Office Administration and a BS in Public Health. Prior to accepting this position with the Division, she held positions at the University of the Cumberlands in the Office of Development, Office of the President, Department of Sports Information, and Department of Business/Office Administration. Some of her activities were alumni fundraising, designing sports media guides, maintaining the athletic website, photography at athletic events, and for a short time a substitute faculty member in the Department of Business.

We welcome Jen to the Division, the College of Agriculture, and to the University of Kentucky.



2007 Kentucky Quality Dairy Producer Award

The Dairy Products Association of Kentucky (DPAK) will be presenting the Kentucky Quality Dairy Producer Award at the Kentucky State Fair's Dairy Recognition Dinner in August. Last year's dinner was the highest attended dairy dinner on record and the awards ceremony was a great success. The purpose of the award is to recognize the Kentucky dairy producer who best portrays the production of high quality milk.

The 2007 award's criteria are to be based on producer data derived from April 1, 2006 through March 30, 2007. All nominees are required to possess valid permits from the Cabinet for Health Services, Milk Safety Branch throughout this period. Nomination forms should be postmarked or delivered to DPAK no later than June 8, 2007.

Applications may be submitted by producers themselves or by professionals who serve the dairy industry such as dairy field representatives, veterinarians, extension personnel, milk haulers and others. These individuals should work closely with producers to help ensure the accuracy of the information reported on the nomination form. Copies of the nomination form can be obtained at Regulatory Services Milk Program web-site at www.rs.uky.edu or by contacting David Klee, Executive Director of DPAK at (502) 867-7843.

Now is the time to start thinking about who you feel will be a good candidate for this prestigious dairy producer award. Be sure to nominate the Kentucky dairy producer who you feel best exemplifies the production of high quality, wholesome milk!

*C. Thompson
Milk Program*

Seed Testing Laboratory Overview

The Seed Testing Laboratory at the University of Kentucky has two separate but related functions. We test regulatory or official samples obtained by an inspection staff at retail and wholesale locations across the state. These samples are tested for comparison to the seed tag to ensure the seed is labeled properly. This is about 25% of our work. The remaining three-quarters of our work relates to our other function as a fee-based service lab where we receive samples from seedsmen, farmers, homeowners, researchers and others interested in seed lot characteristics. To prevent potential conflicts of interest, the regulatory program is treated as a customer of the lab and has no access to service sample information. The laboratory maintains status as an Association of Official Seed Analysts (AOSA)-approved lab and all analysts are certified seed analysts (CSA) in purity and/or germination.

We will test any crop kind, but those tested most frequently include tobacco, grasses, small grains, vegetables, clovers, alfalfa, soybeans and corn as well as mixtures of these and other seed kinds. A current trend in our lab is increased testing of native species; we have at least four companies in the state that specialize in these seed kinds. The most routine test in our lab is a complete test, in which the seed lot is examined for pure seed, inert matter, common weed seed and other crop seed. These components are reported as percentages based on weight and the report includes identification of weed and other crop seeds that were found. A complete test also includes an exam for noxious weeds and a germination evaluation.

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Laboratory Overview

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In 2006, the seed lab conducted tests on more than 5000 service samples and 2700 official samples. We receive samples year-round, but the majority of samples are received in spring (February – April) and fall (September – November). Kentucky firms submitted 99% of the service samples received. More than 15,000 different individual tests were conducted last year, the most common tests being germination (9321), purity (5097) and seed count (262) as well as numerous endophyte, TZ, herbicide tolerance, moisture and vigor tests. Head scab (*Fusarium*) infection was not severe this year, but more than 40 samples were hand-treated to provide information about fungicide efficacy. Other services offered by the lab include rush service, email, fax and online reporting.

Certified seed kinds most frequently tested in the laboratory included tobacco, timothy, orchardgrass and wheat. In 2006, 1400 certified samples (18%) were submitted for service testing and 193 certified samples (2%) were collected by the inspection staff for regulatory testing. Many of these seed lots were not of a Kentucky origin and certified by an agency other than KSIA.

Future activities will include offering seed schools on topics of interest to the seed industry and an update of regulations, which will include a fee increase. The lab is committed to supporting the state seed industry from production to end use and we seek to assist in expanding the industry's economic opportunities by sharing knowledge, expertise and responding to industry needs. For more information about our services or to schedule a visit, please contact the seed testing laboratory at 859-257-2785.

*C. Finneseth
Seed Testing Laboratory*

Dr. Sharon F. Webb New Regulatory Specialist

Dr. Sharon F. Webb is a native of Montgomery County Kentucky. She received her B.S. degree in the area of Chemistry with a minor in Mathematics from Harding University in Arkansas. While at Harding, she worked at the National Center for Toxicological Research in Jefferson, Arkansas. While there she performed analysis of regulatory samples and assisted in methodology development. She then received her Ph.D. in Chemistry at Auburn University in Auburn, Alabama. She left Auburn University and joined the Chemistry Department at the University of Alabama in Tuscaloosa. There, she was the Manager of the Mass Spectrometry Facilities which provided services and support to the university and businesses in the area. She returned to Kentucky to join the Chemistry Division as a faculty member at Morehead State University last year. She joined the Regulatory Service Laboratory as a Regulatory Specialist in January.



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