

Regulatory Services News

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

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Actions of the 2007 NCIMS

The National Conference of Interstate Milk Shipments (NCIMS) meets biannually to review the dairy industries' guiding protocols for sanitary practices. The Pasteurized Milk Ordinance (PMO) and supporting documents are thoroughly examined during this meeting. Conference participants include state and federal regulators, processors, producers, allied dairy industry personnel and academia. The main thrust of the Conference is to deliberate proposals submitted to modify these guiding documents.

Over 300 registrants convened at the 31st NCIMS held May 5-10, 2007 in Salt Lake City, UT for review of 105 proposals to modify the PMO and/or supporting documents. Of these proposals, 56 were adopted either as submitted or as amended during the meeting.

What's next? Conference procedures provide the Food and Drug Administration (FDA) the opportunity to review Conference actions for up to 90 days. After this period, FDA meets with the NCIMS Executive Board in an effort to reach a mutual consensus regarding proposals of concern. Following the board meeting, an "IMS-a memo" is issued by FDA to outline the actions of the Conference. Generally, the FDA memo is issued in early October with actions outlined in the document becoming effective one year from its electronic publication.

There were a limited number of proposals adopted that will have an impact on milk hauling activities. Below is a brief summary of select proposals of interest to haulers and receiving station personnel.

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Actions of the 2007 NCIMS

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Proposal #	Brief Description	Explanation
223	Allows for the optional use of military time (24 hour clock) on select documents associated with bulk milk transportation.	This proposal clarifies the optional use of military time on records maintained and utilized by bulk milk hauler/samplers. Examples of records clarified by this proposal include: milk tickets, barn tickets, sample container info and tanker wash tags.
226	Allows for the use of a QMI® Aseptic Sampler on bulk milk tankers.	This proposal provides an alternative for obtaining bulk milk tanker samples for official testing purposes. <i>See photo description below.</i>
229	Alters the bulk milk hauler/sampler evaluation form 2399a by providing an evaluation procedure for alternative bulk milk sampling devices on farms.	This proposal provides evaluation alternatives for farm sampling procedures when traditional dipper sampling is not an alternative i.e. farm silo tank storage.

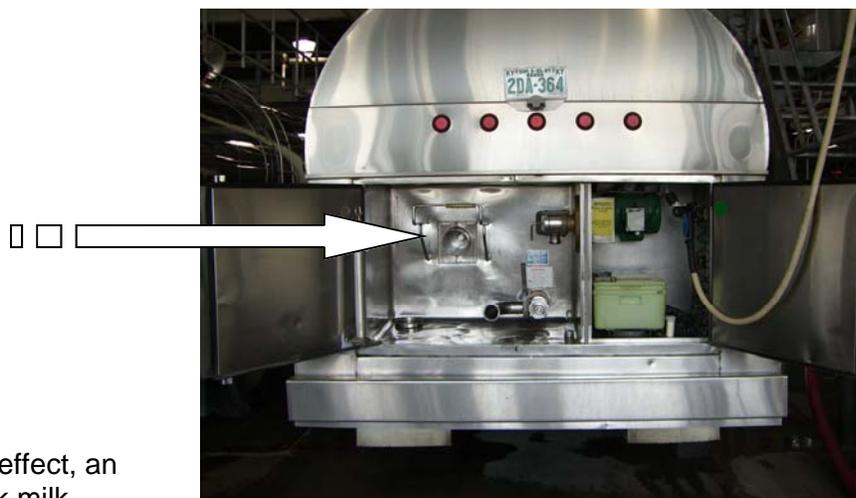
As customary, there were also several proposals passed impacting laboratory procedures. The forthcoming "IMS-a memo" will provide specific details regarding these all other proposals adopted at the Conference.

The "IMS-a memo" is a very detailed and technical document. Due to the complexity of many issues covered in the "IMS-a memo", FDA and states organize a series of regional training seminars to discuss these matters in detail with dairy industry representatives. Kentucky dairy representatives usually attend the Central Region Seminar. This fall's seminar promises to be informative for dairy professionals who work in field services, processing, transportation and laboratories. This event will occur October 30-November 1 in Indianapolis, IN. Details regarding the seminar as well as links to NCIMS information can be found on the milk program's website at www.rs.uky.edu.

C. Thompson, Milk Program



After the FDA "IMS-a memo" takes effect, an alternative method for sampling bulk milk tankers will be available. (Proposal #226)



Seed Variety Protection

This year's weather has been challenging for Kentucky's wheat crop. The early April freeze resulted in considerable damage to our wheat crop. Early reports indicated that as much as 70% of our wheat fields suffered from moderate to severe damage. Some fields were replanted to corn and soybeans, and the planted acres compared to harvested acres was down significantly. A common question that is coming to me now is can I save some of my wheat for planting. The answer is that it depends on whether or not the wheat has a protected status that would prohibit you from saving the seed

There are different kinds of protection for seed varieties, regardless of what the crop is. Some of these limit or prohibit saving seed for planting and some varieties have no protected status that would prohibit saving the seed for personal use or sale.

Seed that is available for public use can be divided into two categories, certified seed and uncertified seed. Neither category is automatically protected or not protected. Protection is provided by the Plant Variety Protection Act (PVPA) or a United States Patent. Some seed varieties have both. Both forms of protection have to be filed with the appropriate agency.

Seed varieties that are protected by a US Patent cannot be saved for planting. The US Patent applied to these varieties grants sole ownership of seed production to the owner of the Patent. The "Farmers right to save seed" is not applicable for seed that is protected by a US patent.

Seed varieties protected by the Plant Variety Protection Act are allowed to be saved for planting, but only enough can be saved for the growers own planting. The PVPA does recognize the "Farmers right to save seed" but it does not allow the grower to save the seed and sell it.

Protected status under the provisions of the PVPA is in two forms. One form requires the variety to be certified and one does not require certification. Protection granted under Title V of the Plant Variety Protection Act requires that the variety be sold only as a class of certified seed. Protected status that does not require certification is also granted under other provisions of the Plant Variety Protection Act.

Title V varieties are required to have this statement or one similar to it. "Unauthorized propagation prohibited. US protected variety. To be sold only as a class of certified seed." These varieties will also have certified tags attached to each container. Those varieties that are protected but do not require certification are required to have this statement or one similar, "US protected variety. Unauthorized propagation prohibited." These varieties are usually uncertified, but there are some that will be certified.

There are also a growing number of wheat varieties that do not have either PVPA or US patent protection. Some of these varieties come from University releases and some come from private sources. These varieties can be saved for planting and also can be sold. I can't resist my strong urge to say that if a public offer to sell is made, they do have to be tagged! Some of these varieties have produced excellent yields.

The seed analysis tag will tell you if a wheat variety has any form of protection. The statements I have provided in this article will identify the level of protection. Please make an informed decision about saving wheat seed for planting. It is best to purchase processed, labeled seed from a reliable source and there are a number of these in Kentucky. The outlook for wheat seed availability does look better now than it did in April.

*D. Buckingham
Seed Regulatory Program*

Dairy Industry Survey Update

The College of Agriculture's Department of Community and Leadership Development (CLD) mailed surveys to milk program clientele in late spring followed by a few "friendly reminders" going out a few weeks later. Early reports from CLD indicate a good response rate for the survey. CLD staff are compiling the responses and will be preparing a written report later this summer. Survey results will be presented at this fall's Kentucky Milk Handler's Advisory Board meeting and an executive summary will be provided to all respondents. Thanks to each of you who participated in our survey! We plan to use information obtained from the survey to help guide milk program activities in the coming years.

Notice of Stop Sales and Satisfactory Release from Same Involving Official Fertilizer Samples

The Fertilizer Regulatory Program has developed a procedure to implement the orderly handling of stop sales issued under provisions of KRS 250.436 involving deficiencies in any guaranteed nutrient in an official fertilizer sample. A notice of STOP SALE is an administrative procedure used by the Division of Regulatory Services to correct apparent violations of the Kentucky Fertilizer Law. It may be issued when any part of the Law has been violated including misbranding, mislabeling or other misrepresentations. The procedure discussed here is associated with stop sales issued for deficiencies in official fertilizer samples.

We are proud of the cooperation of our registrants, licensees, and dealers in the satisfactory resolution of STOP SALES. We feel the procedure protects not only the consumer but also reputable manufacturers and dealers.

A list of "ACTIONS" that are acceptable for registrants and licensees to satisfactorily correct violations noted on STOP SALES are shown in Table 1. These are listed according to specific situations regarding the disposition of the fertilizer under STOP SALE. Any situation or combination of one or more may be applicable.

It is recommended that you save this article for reference in case a STOP SALE is received.

The procedure for release of a STOP SALE is as follows:

- A. The responsible person determines the disposition of the lot of fertilizer under STOP SALE and then decides what action or combination of actions should be taken.
- B. If the action is listed in Table 1, the person may proceed. If the situation is not covered or if there is a question, the Fertilizer Coordinator should be contacted for advice and/or approval by telephone (Phone: 859.257.2668, Fax: 859.257.9478, or e-mail: dterry@email.uky.edu).
- C. Upon receipt of appropriate documentation (Table 2) the STOP SALE will be released in writing by the Fertilizer Coordinator.
- D. A STOP SALE must be resolved within 90 days from date of issue.

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Fertilizer Stop Sale and Release

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Where the lot sampled has been sold to a consumer (farmer), a copy of the laboratory report is sent to the registrant/licensee and in 14 working days, a copy is sent to the consumer. This is done not only because the consumer has a right to know what the analysis is, but also because any possible damages sustained would normally be less the sooner the customer knows of the deficiency. Situation B (Table 1) would be applicable and the associated actions and documentation appropriate for resolution of a deficiency in a sample of fertilizer purchased by a farmer.

Table 1. USUAL ACTIONS FOR SATISFACTORY RESOLUTION OF STOP SALES ON DEFICIENT LOTS OF FERTILIZERS

VIOLATION	ACTION*	DOCUMENTATION**
<u>SITUATION A: FERTILIZER STILL ON HAND WHEN "STOP SALE" RECEIVED</u>		
Deficient in: <u>Any Guaranteed Nutrient or Relative Value</u>	1. Re-label according to laboratory findings, reduce price by penalty amount	Copy of re-label and credit memo to dealer showing tonnage involved
	2. Return to registrant for reprocessing	Copy of credit memo showing tonnage returned and reformulation sheet
Deficient in: <u>Relative Value Only</u>	3. Adjust price by penalty amount	Copy of credit memo from registrant to dealer showing tonnage involved
	4. Return to registrant for reprocessing	Copy of credit memo showing tonnage returned and reformulation sheet
<u>SITUATION B: FERTILIZER SOLD BEFORE RECEIVING "STOP SALE" AND PURCHASERS CAN BE IDENTIFIED; OR, FERTILIZER PURCHASED BY FARMERS</u>		
Deficient in: <u>Any Guaranteed Nutrient or Relative Value</u>	5. Notify purchasers of correct analysis and pay penalty to purchaser	Copy of receipt from each purchaser for penalty payment
Deficient in: <u>Relative Value Only</u>	6. Give credit in the amount of the penalty	Copy of receipt from each purchaser for penalty payment
<u>SITUATION C: FERTILIZER SOLD BEFORE RECEIVING "STOP SALE" AND PURCHASERS CAN NOT BE IDENTIFIED</u>		
Deficient in: <u>Any Guaranteed Nutrient or Relative Value Only</u>	7. Pay penalty amount to Division of Regulatory Services	Your canceled check is your receipt
*Actions to resolve STOP SALES must be completed and documentation sent to the Division of Regulatory Services within 3 months from the date of STOP SALE. **See Table 2 for what constitutes acceptable documentation.		

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In Memoriam Paul Roy Caudill



CAUDILL Paul Roy, 74, husband of Wilma Parsons Caudill, died Sat., Feb. 10, 2007 at his residence in Wilmore, KY. Dr. Caudill was born in Carr Creek, KY, the son of the late Ira T. and Iva Pearl DeHart Caudill. Dr. Caudill retired as the State Chemist for the Maryland Dept. of Agriculture, following positions with the Mississippi Chemical Laboratory and the University of Kentucky Division of Regulatory Services. He was Assistant Director of the Division of Regulatory Services 1967-1971. He served on the Executive Committee of ASFFPCO from 1966-1968.

He attended Pikeville College, received his B.S. degree from Morehead State University and his Ph.D. in Chemistry from the University of Kentucky. He was a lifelong church member, including participation in choirs, Stephen ministries and other ministries of the church. He was a member of Southern Hills United Methodist Church, the Starkville, MS Lions Club, a Kentucky Colonel, a former Boy Scout Master, and loved gardening and photography.

Surviving besides his wife are two daughters, Iva Grace Caudill, Lexington, Leigh [James] Carpenter, Jr. Huntsville, AL, two sons, Paul R. [Geneva] Caudill II, Starkville, MS and Willard "Bill" [Kathleen] Caudill, Cameron Mills, N.Y.

Portions reprinted from the Lexington Herald-Leader (2/12/2007)

Soybean Variety/Brand Database

The Kentucky Seed Law requires that soybeans, with the exception of black hay soybeans, be sold by variety name. A number of soybean varieties are offered for sale in Kentucky each year. Many of these are labeled with a brand name but the variety is also required to be declared. In many cases, the brand name is the most prominent feature on the seed analysis tag and a common misconception is that the brand name is the variety.

A listing of official soybean samples taken in 2005 and 2006 that identifies the soybean variety, brand name, and seedsman has been compiled and is posted on the Regulatory Services website at www.rs.uky.edu. This information can be accessed by going to the website, clicking on "seed" at the top of the page, going to the sidebar menu on the seed page and clicking on "Soybean Variety-Brand Database".

This listing is lengthy (590 entries) as all samples were entered. Every effort has been made to correctly enter the data. The information for each listing was compiled from the seed analysis tag for each official sample.

D. Buckingham, Seed Regulatory Program

Fertilizer Stop Sale and Release

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Table 2. Acceptable Documentation for Resolution of Stop Sales and/or Payment of Penalties

I. PENALTY PAYMENT TO FARMERS

All receipts must be dated and signed by the farmer. Acceptable receipts may be any one of the following:

1. Standard cash receipts, or
2. Copy of front and back of canceled check, or
3. Copy of credit memo/invoice signed by farmer, or
4. Copy of statement from farmer.

II. RETURN OF FERTILIZER UNDER STOP SALE TO REGISTRANT

All documents must be signed by the dealer. Acceptable vouchers may be either one of the following:

1. Copy of credit memo showing credit to dealer for amount and grade of fertilizer returned, or
2. Copy of shipping document showing amount and grade of fertilizer returned with credit.

III. CREDIT TO DEALER FOR PRICE ADJUSTMENT OF FERTILIZER UNDER STOP SALE

All documents must be signed by the dealer. Acceptable vouchers may be either one of the following:

1. Copy of credit memo in the amount of the penalty, or
2. Standard cash receipt for cash transmittals.

Please note that all documents require the signature of the recipient.

Please contact the Coordinator of the Fertilizer Regulatory Program for any exceptions to the above.

*D. Terry
Fertilizer Regulatory Program*

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RETURN SERVICE REQUESTED