

Regulatory Services News

Vol. 55, No. 1

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

Spring 2011

Director's Digest

Two recent happenings on the federal level are of interest to the Division and may be to several businesses and producers. They include deregulation of Roundup Ready alfalfa by APHIS/USDA, and passage of the Food Safety Modernization Act (FSMA) by the US Congress.

More detailed information on the deregulation is available in *KY Seed Issues* printed monthly by our Seed Program. This will be of interest to both seed dealers and producers purchasing and planting the seed. More information should be forth coming from the Monsanto company related to technology agreements for managing the crop when purchasing the seed.

Many articles have already been written on expectations of the FSMA and what it directs the Food & Drug Administration (FDA) to do. What I know is that FDA will be very busy over the next 12 to 18 months writing regulations and rules to implement the new law. That is the one clear fact in this law is that FDA is on a time line to get this new law implemented. Congress has high expectations for food safety in this law. Feed is now part of "food" and I expect several factors of feed production particularly with feeds going to food chain animals to be covered with the new rules.

Vacancies and retirements in the Division are being replaced with people who you will hear more from in the future as they learn about us and establish contacts with firms and people that we work with. The future is bright as we are able to employ people who are interested in working with our clientele.

*Bill Thom
Director*

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COMMERCIAL FERTILIZER VALUES FOR 2011

Commercial fertilizer values are determined and published each year. A state-wide survey was conducted in December 2010 to determine the averages for 2011. Under the provisions of Chapter 250.401 of the Kentucky Fertilizer Law, the following unit values are announced for use in determining and assessing penalties of deficient fertilizer. They represent the average of responses from throughout the state for retail value of bulk mixed fertilizers. The value of most nutrients has increased since the survey conducted last year, the current values are listed at right.

If you have any questions, please call me at (859) 257-2785; or, email: smcmurry@uky.edu.

S. McMurry
Fertilizer Program

NUTRIENT	DOLLARS/UNIT (20 LBS.)
Total Nitrogen (N)	\$11.21
Avail. Phosphate (P ₂ O ₅)	\$11.29
Soluble Potash (K ₂ O)	
*Tobacco (low Cl)	\$14.02
*Non-Tobacco	\$9.13
Calcium (Ca)	\$12.43
Magnesium (Mg)	\$20.11
Sulfur (S)	\$7.44
Boron (B)	\$77.85
Copper (Cu)	\$75.27
Iron (Fe)	\$13.00
Manganese (Mn)	\$31.66
Molybdenum (Mo)	\$20.20
Zinc (Zn)	\$40.23

Calculation Note:

- (1) The N value for DAP & MAP was assigned from anhydrous ammonia (AA).
- (2) The value of P from DAP and MAP was calculated using the assigned value of N from AA.
- (3) The final values for N and P are weighted averages based on FY 10 (distributed) tonnage for ammonium nitrate, Urea, DAP, TSP, MAP, and ammonium sulfate.

2010 Inspector Activity Summary

Feed: The inspectors made 1095 visits to feed facilities during 2010 and collected a total of 2387 samples. The inspectors also assisted in helping feed mills make 87 labels. This includes livestock feed and samples from the pet food industry. The Division of Regulatory Services has a contract with FDA to do the FDA/BSE Feed Mill Inspections. To date the inspectors have completed 76 of these with 3 more to be completed this spring.

Fertilizer: The spring fertilizer was fast and furious. When the perfect spring weather for field work the inspectors collected samples at record pace. During the year the inspectors made 1371 fertilizer visits and collected a total of 2353 samples. This includes samples from bulk bins, custom mix samples, and bagged fertilizer including small package products from lawn and garden centers.

Seed: For the seed program the inspectors made a total of 1187 visits to retail stores, distribution warehouses, and retail lawn and garden centers. They took a total of 1638 seed samples including field crops, grass and legume seed, and garden seeds.

The inspectors continue to work hard to ensure that the products that you sell to your customers meet the standards set by the laws and regulations of the state of Kentucky.

J. True
Inspection Program

Enhancing and Building the Capability of Feed Safety in Kentucky

The Food and Drug Administration recently awarded twelve states cooperative agreements beginning in federal fiscal year 2011 to further enhance the infrastructure of state bovine spongiform encephalopathy (BSE) and animal feed safety programs. The purpose of this opportunity is for the FDA to get sufficient data in order to develop a risk assessment model for feed safety in order to better use resources to sample feed and feed ingredients for contaminants while at the same time strengthen states feed regulatory programs to better fulfill their role as a consumer protector.

Our Division was a recipient of a cooperative agreement and plans to use the funding to further enhance our feed safety efforts in Kentucky. To assess and reduce the risk of prohibited animal proteins entering the animal food supply, real-time polymerase chain reaction (PCR) instrumentation will be purchased and an analyst hired and extensively trained in this technology to provide accurate and reliable analyses on feed ingredients and complete feeds. The analyst will receive extensive training in the FDA rt-PCR methodology for the detection of animal proteins. Emphasis in the first year will be on purchasing equipment, hiring, and training an analyst, with only 50 samples analyzed. In year two, 100 or more official ingredient and/or complete feed samples will be taken by inspectors and analyzed. Samples from firms considered “high risk” facilities will be analyzed in the third and subsequent years to tally to 150 samples.

Safety efforts will also be focused on identifying levels of non-nutritive and some low levels of nutritive elements in animal feeds. This

will be accomplished by purchasing some additional equipment for our ICP-OES instrumentation, developing and validating methods of digestion and analysis, and by procuring further training for analysts. In year one, 50 samples will be analyzed and will be increased to 200 samples in year 2, and in year 3 and subsequent years up to 500 samples will be analyzed.

The Division will increase its capacity and accuracy for mycotoxin analysis in ingredients and complete feeds by utilizing existing LC/MS instrumentation to develop and validate methodology for aflatoxin, fumonisin, vomitoxin, zearolenone, and ochratoxin in ingredients and complete feeds. The first year will be used to obtain training for the analyst, method development and validation in collaboration with FDA and state regulatory laboratories. Samples analyzed during the first year will consist of only grains and single feed ingredients. During years 2 and 3 methodology will be expanded to include 75 grain and 200 ingredient samples after screening with existing ELISA technology. The third year complete feeds will be included in the samples analyzed with LC/MS and will incorporate the analyses of zearolenone and ochratoxin.

This project has been planned so that little to no additional strains are placed onto other regulatory programs and laboratory personnel. The Division’s goals are to enhance our ability to assess the safety of feed ingredients, communicate findings to FDA, state regulatory programs, and industry members, and to be proactive in our approach to contaminants possibly entering the animal feed chain, and ultimately the human food chain.

W. Thom, PI
S. Webb, Co-PI

Seeds of Enthusiasm

With the spring season already upon us, I have found my new role in the Seed Program to be both challenging and exciting. During the last few months I have had the opportunity to meet and communicate with a number of leaders in the seed industry and I appreciate the warm welcome and supportive comments I have encountered with each conversation. As I settle into my new role, I am appreciative of the support I have received from my colleagues here at Regulatory Services and others within the College of Agriculture. During this short period it has become apparent that our entire team is committed to providing quality service to the seed industry. Our administrative, field and laboratory staff collaborate to provide you the information you need to perform your work and to more easily maintain compliance with Kentucky's Seed Law requirements. I feel fortunate to be part of this dedicated group and I look forward to building upon our regulatory program's strong foundation established by David Buckingham, his predecessors and our team members.

The Seed Regulatory Program's mission is to amicably administer provisions of the Kentucky Seed Law to provide producer, consumer and agribusiness protection by monitoring seed products distributed and offered for sale in our state. We use a variety of strategies to accomplish our mission which includes seed sampling and testing as well as

outreach activities. While these strategies have been effective for us in the past and will most certainly be foundations for future strategies, we understand that changing times require a continual review of strategies to ensure the long-term effectiveness of operations. As is the case with other aspects of agriculture, the landscape of the seed industry is constantly changing. While change often presents us with challenges, it equally presents us with a number of opportunities. Our future strategies will certainly consider changes occurring in seed technology and supply chain management as well as working within the parameters of our resources. At the Seed Regulatory Program, we view change positively and as an aspect of our job that keeps our work interesting. We are committed to working with each of you to ensure our program is prepared to meet the challenges of our industry and to provide quality service for all of our stakeholders.

A foundation of each strategy is effective communication. I can assure you that one of our priorities is to ensure our program is highly accessible to stakeholders. Please feel free to contact me regarding any matters associated with the Seed Regulatory Program. I am thrilled to have the opportunity serve the seed industry and I look forward to building new relationships and to working with each of you in the future.

*C. Thompson,
Seed Regulatory Program*

Regulatory Services is Going Green

UK is embarking on a large energy savings project. Sixty-one buildings on campus (including the Poundstone Regulatory Services Building) have been selected for energy savings upgrades. These upgrades will save energy, reduce costs and help maintain a more sustainable campus.

Contractors are working on our building upgrades outside of regular work hours to ensure minimal disruption to our normal work activities.

A schedule of the work planned for our building in 2011 is shown at right. For more information, visit these websites:

<http://uknow.uky.edu/content/uk-reduces-carbon-footprint-25-million-retrofit>

<http://energysavings.facilities.uky.edu/>

Energy Conservation Measure	Start Date	End Date
Lighting	Feb 07	Feb 08
Water	May 26	May 27
Solar Heating	Jan 17	Mar 11
Utility Monitoring	May 23	Jun 03
AHU VFDs	May 12	Jun 01
Insulation	Mar 28	Apr 01
Boiler Turbulators	Jan 14	Feb 24

2011 Seed School

Record Keeping Requirements and Strategies for the Kentucky Seed Industry

A one-day seminar will be offered by the College of Agriculture's Division of Regulatory Services and the Kentucky Seed Improvement Association covering record keeping requirements for the seed industry.

Thursday, March 10

8:30 am – 4:00 pm

Christian Co. Extension Office

2850 Pembroke Road

Hopkinsville, KY 42240

<http://ces.ca.uky.edu/christian/Directions>

Who can benefit from this Seed School?

Seed Industry Personnel – including producers, conditioners, labelers, dealers, seed analysts, quality assurance staff

Educators – including County Extension Agents, Specialists, FFA teachers or others advising those who may be interested in entering the seed trade

Anyone – retail sites, garden center employees, students or any others interested or involved in the seed trade

Morning sessions will address details of the Kentucky Seed Law and Regulations, the Federal Seed Act, Certified seed production and records inspections. Afternoon sessions will cover seed treatments and record keeping requirements for pesticide certification in Kentucky. The day will end with a Q&A session with featured speakers.

Please pre-register by mail, fax, phone or email
General credits and specific credits (Cat. 4) have been applied for with KDA

Support was also provided through the UK College of Agriculture Charles E. Barnhart Fund for Excellence

There is no registration fee for the Seed School, but we must limit enrollment due to room size. Register soon to reserve your seat.

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Lexington, KY 40546-0275

Questions? Call: 859-257-2785

Phone: (859) 257-2785

FAX: (859) 257-7351

Email: Cindy.Finneseth@uky.edu

Website: <http://www.rs.uky.edu/regulatory/seed/2011SeedSchool.php>

2011 Seed School
Record Keeping Requirements and Strategies for the Kentucky Seed Industry
Christian Co. Extension Office, Hopkinsville, KY
March 10, 2011 - Tentative Agenda

- 8:30 am – 9:00 am Registration and Packet Distribution
- 9:00 am – 9:15 am Welcome
- 9:15 am – 9:45 am Kentucky Seed Law and Record Keeping
Chris Thompson, UK Reg. Services
- 9:45 am – 10:15 am Certified Seed Production, Conditioning and Record Keeping
Kenny Hunter, KY Seed Improvement Association/KY Foundation Seed Project
- 10:15 am – 10:30 am Coffee Break
- 10:30 am – 11:00 am Federal Seed Act and Record Keeping/OECD Record Requirements
Dr. Richard Payne, USDA Seed Regulatory and Testing Branch
- 11:00 am – 11:30 am What to expect during a Records Inspection/Audit
John Flood, UK Reg. Services
- 11:30 am – 1:00 pm Lunch Break
- 1:00 pm – 1:30 pm Patented Seed, PVPA and Public Varieties
TBA
- 1:30 pm – 1:50 pm New Application Methods and Calibrating Rates Based on Seed Counts
Lewis Bradley, Syngenta
- 1:50 pm – 2:10 pm Biological Seed Treatments
TBA
- 2:10 pm – 2:30 pm Seed Treatment Update
David Case, Bayer
- 2:30 pm – 3:00 pm Seed Treatments and Record Keeping Requirements
TBA, KY Dept. of Agriculture
- 3:00 pm – 3:15 pm Afternoon Break
- 3:15 pm – 3:45 pm Record Keeping to Maximize Profits
Kentucky Farm Management Program
- 3:45 pm – 4:00 pm Questions/Wrap up Session

C. Finneseth
Seed Testing Program
C. Thompson
Seed Regulatory Program

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Seed Service Testing Fee Increase

The fee schedule currently used by the seed testing program was last updated in 1994. In 2011, we will be working toward updating service testing fees. The process to change fees is a bit cumbersome as fees are stated in the Kentucky Administrative Regulations (KAR) associated with the Kentucky Seed Law (Kentucky Revised Statutes, KRS). Any changes made to the fee structure must therefore be approved by the appropriate Kentucky legislative committees.

To determine appropriate fees, an analysis of actual test costs was conducted as well as a comparison of pricing at other regional and national public and private seed testing laboratories. The proposed fee structure was developed to recover actual test costs and to remain affordable to the Kentucky seed

industry and producers. Many of the proposed modifications are listed below and a copy of the complete tentative proposal can be found on our Division's website (<http://www.rs.uky.edu/regulatory/seed/>).

As this process moves forward, potential changes will be communicated to the Kentucky seed industry and customers of the Seed Testing Laboratory through Kentucky Seed Issues monthly newsletter, Regulatory Services News quarterly newsletter, email distribution, direct mailing and posting on our website.

Questions and comments regarding the potential fee increase can be directed to Cindy Finneseth (859-257-2785, Cindy.Finneseth@uky.edu).

12 KAR 1:155. Schedule of charges for samples submitted for testing.

RELATES TO: KRS 250.081(1)(c)6

NECESSITY, FUNCTION, AND CONFORMITY: To establish a schedule of charges for service tests, analysis, and examination of seed samples in the Kentucky Agricultural Experiment Station Seed Laboratory.

The following service charges shall be assessed for samples submitted to the Kentucky Agricultural Experiment Station Seed Laboratory:

Kind of Seed	Complete Test*	Purity /Noxious Weed Test	Germination Only
Group 1—Corn and soybeans	15	8	10
Group 2—Small grains	12	6	8
Group 3—Tobacco	20	14	10
Group 4—Clovers, alfalfas and lespedezas	15	8	10
Group 5—Lawn and forage grasses	20	14	12
Group 6—Native grasses, flowers, forbs	50	30	30
Group 7—Vegetables	16	10	12
Group 8—Ornamentals (trees, shrubs and flowers) and herbs	20	14	10

*A complete test includes a purity exam, KY noxious weed exam and a germination analysis.

In ryegrass samples, a complete test is twenty (25) dollars and includes a fluorescence test which distinguishes perennial ryegrass seed and annual ryegrass seed.

Mixtures may be charged a fifteen (15) dollar separation fee. Each component over five (5) percent of the total in mixtures shall be charged individually for germination testing.

Extremely difficult, or dirty samples may be charged an additional forty (40) dollars per hour for extra separation time.

Samples of coated, encrusted, pelleted, film-coated or treated seed may be charged an additional ten (10) dollars for hand washing and disposal of toxic substances.

Schedule of charges for special tests:

Noxious weed seed examinations:

Kentucky only: ten (10) dollars.

Other states: fifteen (15) dollars per state

All states: fifty (50) dollars

Moisture test: ten (10) dollars.

Seed count per pound: five (5) dollars.

Varietal identification:

Soybean hypocotyl color test: twenty (20) dollars

Phenol test of wheat: twenty (20) dollars

Peroxidase test of soybean: twenty (20) dollars

Trait identification

Single trait bioassay: twenty-five (25) dollars

Single trait immunoassay (strip test): twenty (20) dollars

Screen (strip tests): forty (40) dollars

Tetrazolium tests:

Groups 1 and 2: fifteen (15) dollars

Groups 4, 5 and 7: twenty-five (25) dollars

Groups 3, 6 and 8: fifty (50) dollars

Seed or plant tall fescue endophyte:

One (1) to 100 specimens of same seed lot or uniquely identified group of plants: sixty (60) dollars.

Reexamination of a sample to secure information not requested initially, or any analysis or test to obtain information not specifically required by the Kentucky Seed Law may be assessed forty (40) dollars per hour for analytical time.

Other services:

Additional reports: five (5) dollars

Fax service: two (2) dollars per report

Email service: complimentary

Web service: complimentary

Rush service: fifty (50) dollars per sample in addition to test fee

ISTA Rules: twenty-five (25) dollars in addition to test fee

Canadian M&P Rules: twenty-five (25) dollars in addition to test fee

C. Finneseth
Seed Testing Program

Announcements

Nining Sutardjo Receives the 2010 Poundstone Award

Nining Sutardjo, Purity Analyst in the Seed Testing Laboratory, is the recipient of the 2010 Regulatory Services' Poundstone Award. Nining has worked for the Division for more than 20 years.

Nining conducts evaluations of seed samples for pure seed, inert matter, weed seed, crop seed and noxious weeds as well as many TZ evaluations. She completes these duties with a positive attitude in a timely, efficient manner and the quality of her work is excellent.

Nining holds a bachelor's degree in Forestry from Indonesia and a master's degree in Horticulture from the University of Kentucky. She was hired as an analyst in the germination laboratory and moved to the purity laboratory after a few years. She is a Certified Seed Analyst in germination and purity. We are lucky that Nining is always eager to improve her skills with new techniques and to learn new technologies.

Nining was recognized at a departmental gathering in December and was presented with a plaque. Her name will also appear on the perpetual plaque in our building which notes previous Poundstone Award recipients including:

Sue Stone (2000), Ellen Bishop (2001), Ed Hill (2002), Beth Nichol (2003), Debie Sipe (2004), Connie Williams (2005), Cathy Buckingham (2006), Kay Phillips (2007) Diane Hunter (2008), and Karen Nichol (2009).



Nining and Dr. Bill Thom, Director, Regulatory Services

History of the Poundstone Award

The Poundstone Award was created in 2000 by former Division Director, Dr. Wilbur Frye, to honor a Regulatory Services staff member who has shown outstanding performance in their job. Bruce Poundstone was the Director of Regulatory Services from 1946 – 1971. He was nationally recognized for his leadership and the contributions he made to advancements in the feed, seed, and fertilizer arenas. He founded the Feed Microscopy Association, began the Association of American Feed Control Officials (AAFCO) Feed Control Seminar, and was an active participant in developing the Good Manufacturing Practices (GMP) concept for feed manufacturing. He was a distinguished leader in AAFCO, the Association of American Plant Food Control Officials, and the Association of Southern Feed, Fertilizer, and Pesticide Control Officials. Because of Mr. Poundstone's contributions to the advancement of agriculture, locally, regionally, and nationally, it is befitting to name this award recognizing outstanding Regulatory Services staff members after him. The Regulatory Services building is also named in his honor.

Emily Jean Hicks Joins the Seed Program

Emily Jean Hicks recently accepted the position of Staff Assistant for the Seed Program. Her position supports both the Regulatory and Service Testing Programs. She is working in the office and is responsible for program correspondence and data entry.

Emily Jean is a graduate of Eastern Kentucky University, with an M.S. in Biology and a B.S. in Biology. Her graduate work focused on the generic relationships of the flowering plant family Sarraceniaceae. Most recently, Emily Jean worked in the Plant Pathology department at UK under the direction of Dr. Chris Schardl. She was born in Hopkinsville and raised in Corbin, Kentucky.



Announcements

Upcoming Events

2011 Seed School—Mar. 10

Christian Co. Extension Office, Hopkinsville, KY
<http://www.rs.uky.edu/regulatory/seed/2011SeedSchool.php>

Kentucky Grazing School—Apr 13-14

U.K. Research & Education Ctr., Princeton, KY
<http://www.uky.edu/Ag/Forage/>

UK Wheat Field Day — May 17

UKREC Farm - Princeton, Ky

UK All Commodity Field Day — July 21

U.K. Research & Education Ctr.
Princeton, KY

Service Awards—The following employees were recognized at a departmental gathering in December 2010 for service to UK.

Yrs Service to UK—Employee	Yrs Service to UK—Employee
2008	2009
5 — Jesse Whitehouse, Paul Wilson	5 — Mark Barrow, Gary Coleman, Carol Filbin
10 — Bob Hickerson, Steve McMurry, Frank Sikora	15 — Rajna Tosheva-Tounova
15 — Keith Erny, Beth Nichol	25 — Kent Von Lanken
20 — Nining Sutardjo, Kellye Gaither	35 — Bob Kiser, Henry Spencer
30 — David Harover, Kay Phillips, Tina Tillery	40 — Ellen Bishop
35 — David Tompkins	

Kentucky Seed Issues

The Seed Regulatory and Testing Programs publish a monthly newsletter of interest to individuals and firms using, buying or selling seed in Kentucky and the surrounding region.

Anyone is welcome to subscribe. To add yourself, send an email to ListServ@lsv.uky.edu with no subject. In the body of the message include the following line of text:

Subscribe KY-SEED-ISSUES

If you have a signature line, please remove this before sending the email.

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To reduce printing, paper and postage costs, Regulatory Services News is available for electronic delivery to your email address.

To receive the quarterly newsletter in electronic format, please visit the Division's website at www.rs.uky.edu, navigate to the Newsletter page and submit your contact information.

Newsletter editions dating to 2001 are available online.

Regulatory Services News is published quarterly for the feed, fertilizer, milk and seed regulatory programs and the seed and soil service testing programs of the Division of Regulatory Services. It is provided free to persons interested in these programs. For subscriptions or address changes, contact Cindy Finneseth, Editor, either by email at Cindy.Finneseth@uky.edu or by telephone at (859) 257-2785. You can also request electronic delivery and access past issues of Regulatory Services News on the Internet at <http://www.rs.uky.edu>.

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