

# **KSIA APPROVED SEED CONDITIONER REGULATIONS**

## **I. APPROVED CONDITIONING PLANT**

### **A. GENERAL**

The KSIA approved conditioner is responsible for maintaining genetic purity and identity of certified seed throughout all phases of seed storage, conditioning and labeling. All classes of Kentucky certified seed must be conditioned, sampled, tagged and sealed by a KSIA approved conditioner prior to marketing. Any certified seed conditioned by a non-approved conditioner is automatically ineligible for certification.

The approval of any plant to condition certified seed is made on an annual basis with the fiscal year running from April 1 to March 31. Usually an official of the Association will inspect each conditioner annually; however, more than one inspection may be made if necessary. Each year a signed certificate must be posted in a conspicuous place on the premises. Any expired certificates should be destroyed after the expiration date.

Approved conditioners may condition any class of certified seed at any time with very minimal supervision from KSIA. They may also sample, tag and seal all certified seed lots handled in the plant regardless of origin. To maintain approved status a conditioner must pass an annual inspection, have satisfactory conditioning records and minimal violations.

### **B. PROBATION OF APPROVED CONDITIONERS**

After reviewing each conditioner's performance record, the KSIA Executive Committee may place any approved conditioner on a Probationary Status. The following factors will be considered before placing an approved conditioner on probation:

1. Unsatisfactory annual inspections.
2. Excessive number of state and/or federal violations involving certified seed.
3. An excessive number of poor results from the KSIA registered seed grow-out tests.
4. A non-cooperative attitude or conduct materially detrimental to the Association.
5. Inadequate or inaccurate record keeping.
6. Refusal to attend seed conditioner's school.
7. The KSIA Manager may suspend tagging procedures at his discretion when one or more of these factors occur.

The conditions and length of the probation period are to be determined by the KSIA Executive Committee. Conditioners on probation will not be allowed to take official samples of certified seed. Other privileges that may be lost are tagging, sealing, bulk retailing, pre-tagging, and custom cleaning. The sampling of all certified seed lots cleaned by a conditioner on probation will be drawn by a KSIA official or a representative of the Division of Regulatory Services. When a lot is ready to be sampled, the responsible person will notify the KSIA office. A sampling fee will be charged for each trip to sample one or more lots.

Any conditioner on probation is required to notify the KSIA office at least 48 hours prior to conditioning each lot of certified seed as to the time they expect to start conditioning. This will allow adequate time for an inspection of the facilities if necessary. If an inspection of the facility is required, then an inspection charge will be made. Prior to this inspection, the following procedures must be followed: Unconditioned certified seed cannot be moved into the plant, unloaded from a truck, or taken from a storage bin before the time which was specified he would be ready to start conditioning. If the unconditioned seed is moved into the plant prior to the specified time, it will automatically become ineligible for certification. When the KSIA official is finished with the inspection, they will either allow the responsible person to begin conditioning the lot or they will indicate why the plant did not pass the inspection. If the plant does not pass the inspection, a second inspection will have to be arranged and an inspection charge will be made. If the KSIA official has not arrived at the prearranged time, the responsible person may start the conditioning of the certified lot.

If the inspector for some reason does not pass the plant, then another time must be arranged at the discretion of the inspector. If a reinspection is needed, a reinspection charge will be made.

### **C. RESPONSIBLE PERSON**

Each conditioner will designate one person who is responsible for performing such duties and following all rules and regulations concerning certified seed as established by KSIA.

This person will supervise all conditioning, tagging, and labeling of certified seed in the plant. Any time an approved conditioner changes responsible persons, or the responsible person leaves the plant, the KSIA office must be notified immediately. The plant cannot condition certified seed until permission has been received from the KSIA office and a new person is approved. An official of the Association may visit the plant before approval of such a person is granted.

## **D. CONDITIONER'S SCHOOL**

The responsible person of each approved conditioning plant will attend the KSIA seed conditioner's school at least one year out of every two years the school is offered. The school will be conducted by personnel from KSIA and the Department of Agronomy. It will include classroom instruction and practical experience into all phases of seed storage, conditioning, sampling, record keeping and labeling.

## **E. RECORDS**

Each responsible person will be responsible for keeping a complete set of records that can be used to trace the identity of each certified seed lot from the time of receipt until final disbursement from his plant. Records must be recorded on a KSIA "Conditioner Record" form, be readily available and kept up-to-date at all times. The information required of each lot is listed below.

1. Producer name and address
2. Variety-any proof of variety (FIR, etc.)
3. Contract producer
4. Kinds of Seed
5. Field inspection report number
6. Lot Number - who assigned and proof of this
7. Crop
8. Class of Seed - i.e. Foundation, Registered or Certified
9. Amount received - delivery ticket or some record
10. Date received - month/day/year
11. Previous lot conditioned - variety, crop, date of run
12. Date conditioned - month/day/year, what was done to lot i.e. blended, treated, etc.
13. Cleaned weight
14. Number of bags - type of bag & weight used
15. Laboratory analysis number
16. Laboratory name
17. Number of certification tags attached - how attached
18. Method of dispersal - wholesale, retail, company truck, farmer  
truck, inventory sheets, shipping records
19. No. Seed Per Lb. - optional
20. U.S. Plant Variety Protection
21. Old PVP - New 1994 PVP
22. Seed Treatment
23. Type of Treatment
24. Type of Bag or Bulk
25. File Sample #
26. Complete Analysis Information
27. Distribution Records

## **II. SEED SAMPLING**

### **A. GENERAL**

Each lot of certified seed must be sampled and tested before it can be sold or offered for sale. In order to obtain the most accurate test results, the sample must be representative of the entire lot of seed. There are several methods of sampling that can be used. The Association reserves the right to sample a certified seed lot at any time.

### **B. METHODS OF SAMPLING**

#### **1. Bag Sampling**

Seed may be sampled with a bag trier after the entire lot has been conditioned and bagged. There are several sizes and kinds of triers to use with different seeds. For clovers, grasses and other free-flowing seeds, use a 9-slot, 30-inch trier with 1/5 to 3/8-inch outside diameter or a trier with a single open-slot, 39-inch trier of 1-inch diameter or a single open-slot trier of similar size. The large open-slot trier is recommended for soybeans and other large seed. The seed trade commonly uses a 6- or 9-inch trier called the “thief trier”. While it is easy to use, this trier will not deliver a representative sample since it removes seed only from a place immediately inside the bag and above the point of insertion. A standard tube (stick) trier, that will reach at least the center of the bag, should be used. Grasses and other non free-flowing seed shall be sampled by thrusting the hand into the bag or bulk and withdrawing representative portions.

The best procedure for sampling from a closed bag is to place the bag in a horizontal position and insert the trier at one corner of the bag with the slots closed and facing downward. When the trier is fully inserted, turn the slots upward and open the slots. After the tube has filled with seed, close the slots and remove the trier. The number of bags to sample varies depending on the lot size. (See Table I)

#### **2. Hand Sampling**

Samples may be drawn while the seed is being conditioned or from the bags just prior to sewing. Such sampling can be done for all kinds of certified seed.

For sampling during conditioning, take a small sample at regular intervals from the stream of seed following the last cleaning operation. Sampling at bag-off is done by taking a small sample from the required number of bags just before these are sewn closed. When these small samples are taken, they should not come from the top of the seed in the bag because the closing gate on the bagger may damage a few seed as it shuts.

### 3. Bulk Sampling

Bin triers are used when samples are taken from trucks, bins, or railroad cars. These triers range up to 63 inches in length and 1 1/2 inches in diameter with 6 or 9 slots. The bulk seed should be sampled seven or more times at various locations in the truck or bin.

### 4. Automatic Sampling

Automatic samplers may be used to draw samples as the seed is being conditioned. Such sampling can be done on all kinds of seed and allows for very uniform sampling.

## **C. SAMPLE SIZE**

Regardless of the sampling method used, the small sub-samples obtained should be blended into one large composite sample, mixed thoroughly and subdivided into the proper sample size for testing. The minimum weights for samples of various crops certified by KSIA are listed below.

1. Five ounces (approximately 150 grams) of grass seed, white clover, or seeds not larger than these.
2. Five ounces (approximately 150 grams) of red clover, crownvetch, lespedeza or seeds of similar size.
3. Two pounds (approximately 900 grams) of barley, oats, rye, wheat, sorghum, soybeans, corn, or seeds similar or larger in size.
4. One-twelfth (2 grams) of tobacco seed.

## **D. NUMBER OF BAGS TO SAMPLE**

The number of bags to sample may be determined from the table below. This table applies to both hand and trier sampling methods.

1. For lots containing six bags or less, sample each bag.
2. For lots containing more than six bags, sample five bags plus 10 percent of the number of bags in the lot. It is not necessary to sample more than 30 bags, regardless of the number of bags in the lot. However, the more bags sampled, the greater the accuracy.

**Table I.**

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No. of Bags in Lot	Minimum No. Sampled	No. of Bags in Lot	Minimum No. Sampled
1 to 6	Each bag	135 to 144	19
7 to 14	6	145 to 154	20
15 to 24	7	155 to 164	21
25 to 34	8	165 to 174	22
35 to 44	9	175 to 184	23
45 to 54	10	185 to 194	24
55 to 64	11	195 to 204	25
65 to 74	12	205 to 214	26
75 to 84	13	215 to 224	27
85 to 94	14	225 to 234	28
95 to 104	15	235 to 244	29
105 to 114	16	245 to 254	30
115 to 124	17	255 or more	30
125 to 134	18		

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**E. RESAMPLING**

Resampling and a new analysis is required in the following cases:

1. After recleaning
2. After seed treatment
3. When the first sample is of insufficient size

**F. SEED LOT SIZE**

The maximum lot sizes allowed for certified seed are:

- 4,000 bushels for small grain, sorghum, soybeans and corn
- 20,000 lbs. for all chaffy grasses, red clover, lespedeza, bigflower vetch and other small seeded forage legumes.

**III. SEED ANALYSIS**

**A. TESTING**

All seed shall be tested and analyzed in accordance with the procedures prescribed by the most recent edition of "Rules for Testing Seeds" issued by the Association of Official Seed Analysts (AOSA). Only official state laboratories or private seed laboratories having a registered seed technologist are approved for testing. If laboratories other than those listed in the Kentucky Certified Seed Directory are desired for testing, please contact the KSIA office

before submitting the samples. When submitting samples for testing, be sure and mark each sample with the following information: kind, variety, lot number and indicate that the seed is for certification. A complete test including a noxious weed exam must be performed on each lot of certified seed.

## **B. ANALYSIS INFORMATION**

Each bag of certified seed moving into retail channels shall carry a complete analysis tag containing the information required by the Kentucky Seed Law and Regulations thereunder. Certified seed moving in interstate channels must meet the labeling requirements outlined in the Federal Seed Act. The seller of the certified seed is responsible for attaching the analysis tag or other information.

The analysis information (tag) can be attached to the bag containing certified seed by one of the following methods:

1. Official Certified Tag
2. Official Kentucky Tag
3. Seedsmen's or growers' own tag

The Kentucky Seed Law does not require that the official Kentucky analysis tag be purchased and used on Kentucky Certified seed. If the seedsman does not have his own analysis tag, however, the official tag can be used. If the seedsman uses his own analysis tag for Kentucky Certified seed, he does not have to report the sale of such seed to the Division of Regulatory Services, University of Kentucky. This exemption applies only to Kentucky Certified seed that has met all KSIA requirements, and has the certification tag attached to the bag.

## **IV. LOT IDENTITY**

All bags of certified seed must have a lot number permanently affixed to each bag at the time of conditioning. This lot number may be stenciled or marked on the bag with numbers and letters that are clearly legible for identification purposes. Lot numbers may be sewn into the closing seam of each bag instead of being stamped or stenciled. If seed is bulk retailed, all bins and tote bags must be clearly identified with complete analysis information and lot numbers.

## **V. TAGS AND SEALS**

### **A. REQUEST FOR CERTIFICATION TAGS**

Certification tags can only be requested by the responsible person from a KSIA Approved Conditioning Plant. Growers cannot request tags unless they are also an approved conditioner. There are two options open to the KSIA responsible person for ordering tags:

1. Samples submitted and tested by the University of Kentucky Seed Laboratory: The responsible person may submit samples which are clearly identified as certified seed to the Kentucky Seed Laboratory, Division of Regulatory Services, University of Kentucky, Lexington, Kentucky. Upon completion of the necessary tests, the Laboratory will send reports to the grower and the KSIA office. Likewise, the Laboratory will hold that portion of the sample not used in testing as the official sample for KSIA. When the copy of the complete analysis report has been received and if the seed passes the KSIA seed standards for that crop, he may request tags from the KSIA office. This may be done by telephone, fax, mail or email. If it is done by telephone, the person ordering tags must be ready to supply the information called for on KSIA Fax Form. If by FAX, the KSIA FAX form must be used.

2. Samples submitted and tested at other laboratories: The responsible person may submit samples which are clearly identified as certified seed to any laboratory which has been approved by the Association (see list of Approved Laboratories in the most recent Kentucky Certified Seed Directory). When the laboratory report has been received and certification requirements have been met, a copy of such report and the remaining one-half of the representative sample drawn for analysis containing the minimum weight as set forth in Section II, Part C, and two copies of KSIA Form #4 (Official File Sample) cards shall be mailed to the Kentucky Seed Improvement Association by the responsible person. Results of this laboratory analysis may be phoned into the KSIA office prior to sending in a laboratory report and file sample. If the results indicate that the seed is eligible for certification, tags will be printed. However, the KSIA FILE SAMPLE AND A COPY OF THE COMPLETE LABORATORY ANALYSIS REPORT must be received in the KSIA office no later than seven (7) days after the request for tags. If this information is not received in the specified time, this privilege can be revoked.

## **B. REQUEST FOR ANALYSIS INFORMATION TO BE PRINTED ON CERTIFICATION TAGS**

If a grower wishes to have analysis information placed on the certification tag, then the approved conditioner who cleaned the lot must have signed and returned to the KSIA office a Memorandum of Understanding (KSIA Form #12). When ordering the certification analysis tag, KSIA Form #4 needs to be filled out or the information called into the KSIA office. The information on this form will be printed exactly as it is received.

## **C. LABELING REQUIREMENTS**

Labeling requirements will depend upon the crop and methods of handling, but in all cases labels shall be securely attached to containers. The approved conditioner is responsible for attaching the certification tags on all seed lots. Certified seed must not leave the approved

conditioner's premises without the certification tags being attached. If certified seed is moved before certification tags are attached, permission must be obtained from the KSIA office.

#### 1. Bags Machine Sewn

When the bags are sewn by machine, the tags should be attached in the following manner: the certification tag may be securely stapled to the end of the bag. When this is done, care should be used to make sure tags are securely attached to the bags with the proper stapler and staple size (one that is long enough to go completely through the wall of the bag and clinch).

#### 2. Val Pak Bags

The certification tag must be securely stapled to the end of the bag. When stapling it to the bag, care should be used to make sure the tag is securely attached with proper-sized staples. If pressure sensitive labels are used, care should be taken to ensure proper adhesion is obtained to securely affix the label to the bag.

#### 3. Jumbo Bags/Containers

The oversize certification tag must be securely fastened to the bag/container within the sheet protector provided with the tag. A dual tag system will be used for this bag type (see VI.B.) Staples, nylon cable ties or tape may be used to attach the tag to the container, provided that no information on the tag is covered.

#### 4. Pre-tagged Seed

When the certification tag is attached to the bags prior to the seed meeting minimum certification standards, the tag is sewn into the closing seam of the bag. No seal is required.

#### 5. Tobacco Seed

- a. Raw tobacco seed - Each package of raw certified seed offered for sale must bear the official blue seal of certification pre-printed or stamped on the package in a conspicuous place.
- b. Pelleted tobacco seed offered for sale must have a certified pressure-sensitive label attached to the container clearly stating all traditional information plus seed count.

c. NOTE: Raw tobacco seed sales reports are due October 15 each year, as well as refund requests for pelleted seed assessments and royalties.

**D. PRE-TAGGING CERTIFIED SMALL GRAIN AND SOYBEAN SEED  
(Including Preprinted Tags on Bags)**

Approved conditioners may be given special permission to sew the certification tags into the closing seam of each bag as the seed is cleaned. The responsible person indicating a full understanding of the pre-tagging requirements must sign KSIA Form #9. This form is to be returned to the KSIA office prior to requesting tags. Specific requirements for pre-tagging certified small grain and soybean seed are listed below:

1. Provide Kentucky Seed Improvement Association with the crop name, variety, field number, lot number, grower of seed, estimated pounds or bushels, number of tags needed and the desired analysis if requesting tags with analysis.
2. When the entire lot of seed has been cleaned, an official sample shall be submitted to any KSIA approved seed testing laboratory for analysis. This sample must clearly show that it represents a pre-tagged lot of seed. At the same time, Kentucky Seed Improvement Association shall be notified of the actual number of pounds in the lot. No pre-tagged seed may be moved from the conditioning plant until complete laboratory test results are obtained and file sample requirements have been met, except as specified in Section VIII. When testing seed at laboratories other than the Kentucky Agricultural Experiment Station Seed Laboratory, an appropriate amount of seed (See Section II, Part C) of the official sample must be sent directly to Kentucky Seed Improvement Association at the same time the sample is sent for testing. This sample shall be properly labeled indicating that it is a file sample of pre-tagged seed.
3. All unused tags shall be returned to KSIA within seven (7) days after completion of conditioning. In the event additional tags are needed, they will be sent after KSIA has received the official laboratory report and the lot of seed has met all certification standards. There will be no credit due on returned tags with the exception of royalties charged.
4. Each stack of pre-tagged seed waiting for official laboratory analysis reports shall be clearly labeled "Pre-tagged" as well as the date that official samples were submitted for analysis. Pre-tagged seed will be stacked in such a manner as to facilitate sampling or tag removal in the event seed does not meet certification standards.

5. All requirements for certification must be met before seed is moved.
6. Pre-tagged seed not meeting certification standards: All lots that have been pre-tagged and the laboratory analysis report shows that the lot of seed does not meet minimum certification standards will be handled as follows:
  - a. A rejection notice will be sent to the grower stating why the seed was not accepted for certification.
  - b. The responsible person will be required to remove the certification tags and return them to the Association within seven (7) days from date of test. Tag costs on lots of seed that have been pre-tagged and failed to meet minimum certification standards will be the regular price of the tag.
  - c. Pre-tagged seed bagged in the certified seed bag that fails to meet minimum certification standards cannot be marketed in this bag. See Section VI, Part A.
  - d. In order to insure that the seed is properly represented, a copy of the rejection notice will be sent to the Director of Seed Program, Division of Regulatory Services, University of Kentucky.

#### **E. SAMPLING OF UNCONDITIONED SEED FOR PRE-TAGGING PURPOSES**

Approved Seed Conditioners which are approved to pre-tag certified seed may request to sample unconditioned seed of small grain, corn and soybean seed. The seed shall be from harvested fields that have passed all field inspection requirements for certification.

1. Approved Seed Conditioners requesting approval to sample bulk unconditioned seed must attend a training course conducted by KSIA personnel on bulk bin sampling procedures.
2. Bulk bins containing 4,000 bushels or less of unconditioned seed may be sampled by probing the bin and accumulating a representative composite sample. Seed to be stored in bins containing more than 4,000 bushels must be sampled from incoming trucks as the seed is being transported to the bulk bin after harvest.
3. Samples shall be drawn to accurately represent a maximum quantity of 4,000 bushels (maximum lot size). A sample of unconditioned seed containing at least 2 pounds of seed representing no more than 4,000 bushels of seed shall be submitted as in the bin, with no hand screening or contaminating

material removed. Samples must be clearly marked as unconditioned seed for pre-tagging. Samples will be examined by KSIA personnel for obvious problems and submitted to the Kentucky Agricultural Experiment Station Seed Testing Laboratory for analysis. The KSIA office reserves the right to reject unconditioned samples if obvious problems are present and require a complete test (germination and purity) of conditioned seed before pre-tagged seed could be moved.

4. Unconditioned samples of seed must meet the following requirements for standard germination:

<u>Crop</u>	<u>Minimum Germination</u>
Soybeans	87.0%
Corn	92.0%
Small Grain	90.0%

5. A two-pound sample of conditioned seed must be submitted to the Kentucky Agricultural Experiment Station Seed Testing Laboratory after conditioning of the seed lot has been completed for complete analysis (germination and purity).

6. If the pre-tagged seed meets minimum requirements for:

a. Germination of unconditioned seed; and

b. Mechanical and genetic purity of certified seed after conditioning; then the seed may be moved, offered for sale, or sold before results of the germination test on conditioned seed are known. The pre-tagged seed cannot be moved before purity test results on the conditioned seed are known.

7. If unconditioned samples do not meet minimum germination requirements for unconditioned seed, the pre-tagged seed cannot be moved before both germination and purity test results on the pre-tagged seed are known on the conditioned seed.

## **VI. BAGS**

### **A. SMALL (60 POUNDS OR LESS):**

All certified seed shall be packaged in new bags. These bags may be either the certified bags (ones with the certification name and seal) or any other new bags. However,

only certified seed can be placed in the certified bag. If seed is bagged in certified bags but fails certification, then it must be dumped and/or rebagged before it can be moved from the premises of the approved conditioner. All bags of any class of certified seed shall have a lot number permanently affixed to each bag. (See Section IV)

### **B. Jumbo or Mini Bulk**

Jumbo bags or containers may be reused provided that they have been thoroughly cleaned inside and out. A dual tag system will be used to identify seed in jumbo containers. The Certified tag shall have the lot number printed on the tag with all analysis information and the official KSIA seal. On the opposite side of the jumbo container there will be another tag with a minimum of the lot number, and preferably all other analysis information that is not blue in color and without the official seal. If jumbo bags are reused, tags previously attached to the container must be removed prior to refilling the bag.

## **VII. RE-PACKAGING OF CERTIFIED SEED**

Seed firms who wish to re-package certified seed should apply to the Kentucky Seed Improvement Association for approval using the same application as an approved conditioner. The annual cost for this service is \$200.00 due with the application. A KSIA representative must be present for the repackaging of certified seed lots. The initial inspection of the plant is free of charge, but subsequent visits requested for repackaging will be charged mileage plus expenses. Approval is on an annual basis and application must be made annually. Firms that are approved to re-package certified seed may purchase certified tags and seals from the association.

## **VIII. BULK TRANSFER OF CONDITIONED AND UNCONDITIONED SEED**

The request to transfer certified seed in the bulk must be made before the seed is moved. When the request is made, the following information must be given to the KSIA office on a Transfer of Seed Pending Certification certificate provided by KSIA.

1. Field inspection report numbers
2. Variety and class
3. Pounds or bushels to be transferred
4. When the transfer will be carried out
5. To whom the seed is being transferred
6. Name of conditioner who will complete certification (if applicable)

After the KSIA office receives the above certificate, it will be forwarded to the applicant and the purchaser. One copy of this certificate must accompany the seed in transit and the other is to remain with the applicant. For the bulk transfer of conditioned seed, to KSIA Approved Bulk Retailers, a Certificate of Bulk Transfer of Conditioned Seed (Form #20) must be completed for each load of seed.

For the bulk transfer of conditioned seed to another conditioner for bagging or re-cleaning a Transfer of Seed Pending Certification certificate must be used.

A Bulk Transfer Certificate must be obtained from the KSIA office if:

1. Seed is transferred in bulk that has been conditioned but not bagged.
2. Transfer of bagged and conditioned certified seed that has not been properly identified and tagged (see Section V, Part C).
3. Seed moving interstate at any time prior to completion of all certification requirements.
4. Transfer of certified seed from a contract grower, grower or KSIA approved conditioner to any other conditioner not presently approved by KSIA for conditioning seed.

The two cases where a Bulk Transfer Certificate is not required is when the transfer is made from a grower to a KSIA approved conditioner or from a contract grower to the conditioner.

## **IX. REGULATIONS OF APPROVED BULK RETAILING OF SMALL GRAIN AND SOYBEANS**

### **A. GENERAL**

The purpose for bulk retailing standards is to establish procedures by which certified seed can be sold in the bulk (not bagged) for use when seeding is done with spreaders, trucks, buggies, airplanes, etc.

Bulk retailing of certified seed is permitted for certain crops by individuals or firms who have been approved as Bulk Retailers by the Kentucky Seed Improvement Association. This approval is made on an annual basis and may be withdrawn at any time by KSIA (see

Section IX, Part E). Applications for approved bulk retailing are available upon request from the KSIA office.

## **B. ELIGIBILITY OF SEED**

Only the Certified class of certified wheat, barley, oats and soybeans are eligible to be bulk retailed in Kentucky. Seed moving in bulk retail channels may only be sold twice: (1) from an approved conditioner or grower to the approved bulk retailer, and (2) from an approved bulk retailer to the consumer who will plant the seed. If more than two sales are made, the seed is automatically ineligible for certification and bulk retailing as Certified seed. For seed from other states, see Section IX, Part H.

## **C. APPLICATION AND INSPECTION**

To insure inspection of the facilities before planting time the application for bulk retailing must be received by the KSIA office prior to April 1 for soybeans and July 15 for small grains. An official of KSIA will arrange to inspect the facilities after the application has been received. All procedures for transporting, storing, dispensing and record keeping will be reviewed during this inspection. The applicant must demonstrate a satisfactory means of maintaining genetic purity and identity of bulk Certified seed from conditioning or time received to final dispersal. Any Certified seed received prior to inspection and approval will be ineligible for bulk retailing as Certified seed and for further certification. One individual at each approved bulk retail outlet will be approved by KSIA as the person responsible for bulk retailing of Certified seed.

The approval period extends from September 1 to August 31 of the next year.

## **D. REQUIREMENTS FOR APPROVED BULK RETAILERS**

### **1. Equipment**

Each retailer must demonstrate acceptable procedures for handling bulk Certified seed to assure that genetic purity and identity are maintained throughout all seed movement from receiving and storage to final dispersal. Approved methods of handling bulk seed:

#### **a. Hopper-Bottom Storage Bins**

A separate storage bin (hopper-bottom) must be available for each variety that will be sold in bulk. These bins must be easily cleaned and must be constructed to allow complete

inspection. These bins must be cleaned and emptied prior to inspection and before any bulk certified seed is received. All augurs, conveyors, blenders, trucks, buggies and any other equipment must be cleaned before they are used to handle bulk Certified seed.

All bins containing Certified seed will be clearly and conspicuously identified as to the crop, variety, lot number and complete analysis information and seed treatment information.

b. Flat Storage Bins

Only one flat storage bin will be approved for each bulk retailer to use for bulk seed. These bins must be constructed so they can be easily cleaned to prevent contamination. Flat storage bins must be cleaned and emptied prior to inspection and before any bulk Certified seed is received. All augurs, conveyors, blenders, trucks, buggies and other equipment must be cleaned before they are used to handle bulk Certified seed.

c. Jumbo or Tote Bags

Tote bags may be used to handle bulk seed provided the bags are clean and in good condition. Only KSIA approved conditioners are authorized to fill tote bags with bulk Certified seed. Each individual bag must be labeled as to the crop, variety, lot number and complete analysis information before it leaves the conditioner's premises.

## **2. Records**

A current set of records must be maintained by each Approved Bulk Retailer for all movement of certified seed into and from their facilities for each variety sold.

A Certificate of Bulk Transfer of Conditioned Seed (KSIA Form #20) must accompany each load of bulk Certified seed as it is received at the bulk retailer. This certificate must be kept with the retailer's records and the amount received must be recorded on the inventory sheet (KSIA Form #22).

A Bulk Retail Sale Certificate for Certified Seed (KSIA Form #21) must be issued by the retailer with each load of seed sold. The original of this certificate

accompanies each load and is given to the buyer. The copy remains in the records of the retailer.

The retailer must maintain a current inventory of the amount of seed on hand for each variety. This inventory must be up-to-date at all times. An inventory sheet (KSIA Form #22) will be provided by the KSIA office. Each incoming and outgoing shipment must be recorded on this sheet.

Before December 31 of each year a report must be sent to the KSIA office regarding all sales of bulk Certified seed. This report will include the number of bushels and lot numbers on all shipments of bulk seed received. It will also include total number of bushels (of each variety) sold and the number of Bulk Sale Certificates used. The total number of unused certificates, as well as the serial numbers of each, must be included in this report.

All records and bins are subject to inspection and audit at any time by KSIA officials or officials of the Division of Regulatory Services.

### **3. Responsible Person**

One person at each Approved Bulk Retailer will be responsible for the bulk retailing procedure. This person is responsible for all record keeping and shall be responsible to see that genetic purity and identity are maintained at all times. This person must notify the KSIA office five days prior to changing varieties from those originally covered on the application for approval.

If this person leaves the retailer or is transferred from the above duties, approval must be obtained from the KSIA office before any Certified seed can be received or dispersed by the retailer.

## **E. WITHDRAWAL OF APPROVED BULK RETAILER STATUS**

The approved status may be withdrawn for any of the following reasons:

1. If at any inspection the records are found to be out of order.
2. If seed identity is lost or questionable.
3. Failure to notify the KSIA office of changes in varieties being handled.
4. Failure to notify the KSIA office if the person designated as the responsible person leaves or is transferred from that position.

5. Failure to issue certificates with all retail sales.
6. Failure to report sales by December 31 of each year.
7. A non-cooperative attitude by the firm or the person designated as being responsible for the bulk retailing.
8. Violations of KSIA certification standards and/or bylaws and conduct materially detrimental to the Association.

If the approved status is removed, the unused Bulk Retail Sale Certificates must be surrendered to the KSIA office, or a KSIA or Division of Regulatory Services official. The Certified bulk seed remaining in the bins will be disposed of in a manner approved by KSIA and the Division of Regulatory Services. Withdrawal of approved bulk retailer status may be appealed to the KSIA Executive Committee.

#### **F. REQUIREMENTS FOR KSIA APPROVED CONDITIONERS WHO CONDITION BULK CERTIFIED SEED FOR BULK RETAIL SALES**

To be eligible to condition and store Certified seed in the bulk, the conditioner must be approved by KSIA.

Sampling must be done by the responsible person as outlined in Section II of the Approved Conditioner's Regulations. Samples will be submitted to an approved seed laboratory (see the most recent Kentucky Certified Seed Directory). Lot size will be limited to no more than 4,000 bushels which means a new analysis and lot number must be assigned for anything more than 4,000 bushels.

Up to four lots of seed of the same variety may be binned together in one bin. However, samples for testing must be drawn for each lot after the seed is cleaned but before being placed in the bin. Identification of the four lots must be approved by KSIA in advance. All seed in the bin up to 16,000 bushels will be sold under one final lot number specified by KSIA and would be labeled off of the lowest test of the four lots.

Each load of bulk certified seed dispersed to an Approved Bulk Retailer must be accompanied by a Certificate of Bulk Transfer of Conditioned Seed (KSIA Form #20). This form will be filled out in triplicate by the Approved Conditioner. The original will accompany the seed and one copy will be sent to the KSIA office. The third copy remains with the KSIA Approved Conditioner.

Before bulk seed is sold to a person or firm, the conditioner should check with the KSIA office to see if the buyer is on the approved list. Any Certified seed delivered to a retailer not approved will automatically become ineligible for resale as Certified seed. Conditioners that retail bulk seed to the public must comply with the same requirements as those for Approved Bulk Retailers.

The results of the laboratory analysis report must be forwarded or called to the KSIA office before the first shipment is made of each lot. If analysis results are called to the KSIA

office, a laboratory report must accompany the first Certificate of Bulk Transfer of Conditioned Seed form sent to the KSIA office on that lot.

The normal tag fees for small grain and soybeans will be levied against each bushel of seed moving in bulk retail channels. This fee will be charged to the KSIA grower producing the seed unless other arrangements are made with the KSIA office. For bulk certified seed from other states, see Section IX, Part H.

For bulk certified seed that is custom conditioned, the same certificate (KSIA Form #20) will be filled out and copies sent in the same manner as in the preceding paragraph. The only exception is that the original will become the property of the KSIA grower.

#### **G. SELLING OF BULK CERTIFIED SEED BY A KSIA GROWER**

A KSIA grower may have certified seed custom cleaned by an approved conditioner and stored in the grower's own storage facilities if approved by Kentucky Seed Improvement Association. The seed can then be sold to an approved bulk retailer by the KSIA grower. The grower must fill out the Certificate of Bulk Transfer of Conditioned Seed (see Form #20) and send a laboratory analysis report as outlined in Section IX, Part F.

If the grower has any doubt as to whether the person or firm to whom they are selling the seed to is approved as a bulk retailer, they should contact the KSIA office. Seed which has been moved to a retailer who is not approved will automatically become ineligible for sale as certified seed.

#### **H. CERTIFIED BULK SEED FROM OTHER STATES**

Certified bulk small grain and soybean seed produced in other states is eligible for sale in Kentucky provided the certification agencies in the states involved have prior agreement on the procedures to be followed. All Certified small grain and soybean seed moving to Kentucky Approved Bulk Retailers must have met the following provisions prior to or at the time of the first bulk sale unless other arrangements are made with the cooperating state agency:

1. Copies of Field Inspection Report submitted to KSIA office.
2. Laboratory Analysis submitted to KSIA office.
3. File Sample submitted to KSIA office.
4. Copies of Bulk Transfer submitted to approved bulk retailer and KSIA office.
5. Meet KSIA requirements.
6. Payment of fees to KSIA.
7. Abide by all other rules for bulk retailing.
8. Ship only to approved bulk retailers.

#### **X. SEED SOURCE CERTIFICATE**

Permission may be granted by Kentucky Seed Improvement Assn. for growers to utilize seed from fields planted with Foundation seed as a source of Registered seed the following year. This would apply to fields that were fully inspected and had met all the KSIA genetic requirements. Furthermore, this certificate would be valid only if the seed is to be replanted by the original grower and would be invalid if sold.

This certificate may be issued for:

1. Fields which were fully inspected but not accepted for certification for factors which did not involve genetic identity and purity of germplasm.
2. Lots of Registered seed that did not meet the mechanical seed standards for certification.
3. Lots of Registered seed that have met all KSIA certification requirements and are to be replanted by the grower himself for the production of Certified (blue tag) seed.

Growers desiring to use the seed source certificate as a source for the Registered class will notify the KSIA office prior to applying for certification and provide the following information:

1. Field inspection report.
2. Bushels or pounds in the lot.
3. Laboratory report.
4. Bushels or pounds to be planted.

A Certificate of Seed Source will be issued for the number of pounds or bushels to be planted. Fees will be equivalent to tags for the variety. This certificate must be attached to the Application for Membership and Inspection form (KSIA #1) and sent to the KSIA office when applying for field inspection.

## **XI. SUBSTANDARD SEED**

The Association shall ordinarily recognize only seed that has met or exceeded the regular certification standards. However, Certified or Registered tags bearing the designation "SUBSTANDARD" may be issued for seed which has failed to meet the KSIA mechanical\* SEED STANDARDS as set forth in the specific requirements for each crop (see exception

below). Such tags will be issued only at the grower's request and for seed that has met the following:

1. All KSIA Genetic Requirements.
2. All KSIA Field Requirements.
3. The minimum requirements set forth in the Kentucky Seed Law and Regulations thereof.

The Substandard designation will be used for both the Registered and Certified classes of seed and for all varieties and crops. The substandard tag will be a regular certification tag over-printed in red letters with the word "SUBSTANDARD" and the reason why as follows:

1. Low germination
2. Excess crop
3. Excess inert matter
4. Excess weed

**EXCEPTION:** Substandard tags will not be issued for barley seed which fails to meet the loose smut requirement in the Small Grain Seed Standards, Kentucky Seed Certification Requirements.

**\*\*NOTE\*\*:** Substandard tags will not be issued for seed that is substandard for more than one mechanical factor.

\* In this sense, mechanical means all requirements in the SEED STANDARDS other than genetic (designated other varieties).

## **XII. RE-CERTIFICATION**

When the valid time of the germination test as required by the Federal Seed Act and the Kentucky Seed Law expires, seed may be recertified if a new test (of the lot of seed in question) meets certification requirements. Seed may be recertified in such cases by replacing the expired analysis tag with the new one carrying the new date and percent of germination with the original purity data.

## **XIII. INTERSTATE CERTIFICATION**

Interagency certification is the participation of two or more official certifying agencies in performing the services required to certify the same lot or lots of seed. The methods and standards employed in each step of the interagency certification process are those used when certification is completed by a single agency, with the following exceptions:

- A. The agency issuing the labels shall require the seed to meet standards at least equal to the minimum standards of AOSCA for the seed in question.

B. Seed to be recognized for interagency certification must be received in containers carrying official certification labels or evidence of its eligibility from another official certifying agency together with the following information:

1. Variety and kind
2. Quantity of seed (pounds or bushels)
3. Class of seed
4. Inspection or lot number traceable to the previous certifying agency's records

C. Each label used in interagency certification shall be serially numbered or carry the certification identity number and clearly identify the certifying agencies involved, the variety, kind and class of seed.

Although detailed arrangements may be made between two agencies for the interagency certification of a specific lot, it is not necessary to obtain prior approval from the other agency. The agency last having jurisdiction of the seed must keep on file complete information indicating the quantity of seed finally certified, nature of service rendered (recleaning, rebagging or relabeling) and the certification and lot numbers of the seed involved. FOR A LIST OF APPROVED SEED TESTING LABORATORIES IN KENTUCKY, PLEASE REFER TO THE CURRENT KSIA CERTIFIED SEED DIRECTORY.