

WEST VIRGINIA SEED LAW

Al Allison, West Virginia

Chapter 19, Article 16, as amended March 4, 19 67, Code of West Virginia.

House Bill No. 1065 was introduced in the West Virginia Legislature on February 21, 1967, and referred to the Committee on Agriculture and Natural Resources . In official language, it was described as a "Bill to amend and reenact sections one, two, three, four, six and eight, article sixteen, Chapter nineteen of the Code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to agricultural and forest seeds". The purpose of this bill was stated as: "to include forest seeds as seeds regulated under this article, and to change the mode of collecting revenue on field seeds from that of fee stamps to that of making sworn statements as to the amount of seeds sold, and making payments as to the rate herein prescribed."

West Virginia Chapter members of the Allegheny Section, Society of American Foresters Tree Improvement Committee, representatives of the West Virginia Department of Agriculture and a representative of the West Virginia Christmas Tree Growers Association and the West Virginia Nurserymens Association helped develop provisions of House Bill 10 65 at a February 15, 1967, meeting.

The West Virginia Seed Law, as amended and reenacted on March 4, 19 67, (refer to your copy of the West Virginia Seed Law) accomplished the above purpose with a minimum amount of "word changing". The major forest seed "insertions" might be summarized as follows: The Title of Article 16 was expanded to include Forest Seeds . "Forest Seed" highlights in each of Article 16's nine sections might be outlined as follows:

Section 19 - 16 - 1

(Page 1 of West Virginia Seed Law leaflet) Definitions (c)  
Forest Seeds spelled out to include all deciduous and coniferous trees and shrubs and ornamentals . Various other essential terms used later are defined in detail.

Section 19 - 16-2

(Page 2 of West Virginia Seed Law leaflet) - Label Requirements Ten label requirements listed as follows:

1. a & b - Common Name and variety mixture identification of components in excess of 5% of the whole.
2. Lot Number
3. Origin
4. Percentage by weight of all weed seeds
5. a & b - Name and approximate number of each kind of noxious weed seed
6. Agricultural "crop seed" requirement
- 7 Percentage by weight of inert matter
8. a - Percentage of germination exclusive of hard seed  
b - Percentage of hard seed (explained to me as being firm - ungerminated seed)
9. Name and address of seller (top of page 3 of West Virginia Seed Law leaflet)
10. a - "Germination below standard" requirement

Section 19 - 16-3

(Middle of page 3 of West Virginia Seed Law leaflet) Certificate of Registration; Seed Fees

Every producer or distributor of forest seeds includes each of our two nurseries because they each sell stratified Black Walnut, and Red Oak seeds and some limited amounts of pine seed and Tulip Poplar seed. An "Application for Registration of Seedsman" is submitted for each nursery for a calendar year. It lists the seeds to be offered for sale and requires a registration fee of one dollar (this is the one page yellow West Virginia Department of Agriculture Form that you have) . Note consent of applicant for inspection and auditing.

Section 19 - 16-3- (a)

(Top of page 4 of West Virginia Seed Law leaflet)

Our "State Seed Fee" for forest seeds was confirmed at a September 12, 1967, public hearing pertaining to the West Virginia Seed Law as being "ten cents for each one hundred

pounds" Quantities of each seed are added together and the "seed fee" is paid on the total.

Section 19 – 16-3 – (1)

(Upper-middle of Page 4 of West Virginia Seed Law leaflet)  
A "Seed Distribution Report" (this is the one page white West Virginia Department of Agriculture Form that you have) is submitted for each six month period. Most of our seeds are shipped in the Spring so we will probably list all sales in our July report and then the report could be "cross-checked" to our annual nursery reports.

Section 19 – 16-4

(Top of page 5 of West Virginia Seed Law leaflet) Prohibitions

- (a) – (1) – "Up-to-date" germination test required. No older than nine months
- (a) – (2) thru (5) Labeling correctly required
- (a) – (1) thru (4) Unlawful acts outlined

Section 19 – 16-5

(Middle of page 5 of West Virginia Seed Law leaflet) Exemptions  
(a) – (2) Seed in storage or consigned to seed cleaning or processing establishment exempt from specific labeling requirements

Section 19 – 16-6

(Top of page 6 of West Virginia Seed Law leaflet) Duties and Authority of Commissioner of Agriculture

- (a) – (1) Establish germination standards for forest seeds
- (a) – (2) Sample, inspect, make analysis of, and test forest seed
- (a) – (3) Prescribe and adopt rules and regulations governing seed sampling, etc. plus "such other rules and regulations as may be necessary to secure the efficient enforcement of this article"
- (a) – (1) and (2) Specific authority of commissioner
- (b) – (3) Seed testing facilities

(b) - (4) Purity and Germination tests

(b) - (5) U, S D.A. Cooperation

(b) - (6) Establish a certifying agency for seed grown in State

Section 19 - 16-7, 8 and 9 - As Titled  
Regulations - West Virginia Seed Law

The West Virginia Seed Law Section (19-16-6) empowered Commissioner of Agriculture to establish standards and promulgate regulations, Refer to "Regulations - West Virginia Seed Law - January 1968" that you have:

Section 2 01

It is therefore, my (Commissioner of Agriculture) opinion that it was the intention of the Legislature to prohibit the sale of worthless seed and to protect the consumer against fraud in the sale and distribution of seeds within the State of West Virginia

Section 2.02 and 2 03

Who needs Certificate of Registration, labeling and seed fees defined

Section 3

January 1, 1968, effective date

Section 4

Weed seed details, etc.

Section 5

Germination Standards and Tolerances

5.01 Germination below standard again spelled out

5 02 and 5,03 Agricultural and vegetable seed germination standards

5.04 Forest Seed Germination Standards

These may be considered high by some of you but it was thought best to encourage high initial seed standards Seed, germinating below standard, can be sold but purchaser has to be advised of this fact on label..

5,05 Tolerances for seed spelled out

Section 6

Additional Forest Tree Seed Labeling Requirements

6.01 Origin details for indigenous and other than indigenous stands

6.02 Elevations

6.03 Common name and scientific name

6.04 Year of collection

6.05 Number of seed per pound

6.06 Germination details for forest tree seeds

Section 8

Certificate of Registration spelled out again

Section 10 .03

Forest tree seed fee payment spelled out again

Section 11

Laboratory services and charges for such tests at rates listed in Table 11.

\*Section 12

Standards adopted by Association of Official Seed Analysts and in general use in seed laboratories recognized as method to be used for sampling, analyzing and testing

Section 13

"Hold-over" seed re-testing and/or re-labeling outlined.

Section 14

West Virginia Associated Crop Growers recognized as official certifying agency. Note: This is the organization with which

\*During the discussion period following this presentation, Earl W. Belcher, Jr. Assistant Officer in charge of the Eastern Tree Seed Laboratory, United States Forest Service, Macon, Georgia, advised that these standards will include revised up-date methods for forest tree seeds.

a "Forest Seed Commodity Group" could become affiliated and thereby set up standards for the establishment of Seed Production Areas and Seed Orchards, as well as forest tree certification procedures , standards , enforcement, and other necessary forest tree certifying details , This aspect of the Seed Law and its Regulations could become its most important and responsible provision.

### General

From the standpoint of the operation of a State forest tree nursery program, we feel that the Seed Law and its Regulations are quite workable and beneficial to the interests of West Virginia landowners , as well as ourselves . Registrations , labeling and seed fee payment reports cause some inconvenience but we receive benefits in return.

Seed requisitions have the following added:

Note: All seed to be of current year's seed crop. Vendor to comply with West Virginia Seed Law , Chapter 19 Article 16, Code of West Virginia, and the January 1968 Regulations published in regard to this seed law

Required seed label information to be submitted along with bid. Vendor to have seed available for immediate shipment

Note to Purchasing Division: A copy of the above Seed Law and its Regulations should be mailed to suggested vendors along with bid forms.

This is much the same information that we used to ask vendors to supply with bids but it is now spelled out and backed up by legislation. We expect better compliance. We should also experience better success in securing seed of the highest available quality to meet our needs.

Considering current forest tree seed guarantees and possible future seed certification benefits , we feel that some small inconveniences imposed by the Seed Law and its Regulations are more than compensated.

Further information regarding the West Virginia Seed Law as it pertains to tree seed may be obtained from: West Virginia Dept of Natural Resources, Division of Forestry, State Capitol, Charleston, West Virginia 25305.