

STATE TREE SEED LEGISLATION

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In a recent article on the Federal Seed Act, Rollin (2) indicated that tree seed is not covered. Ozard (1) later considered State seed laws, but he did not discuss their coverage of tree seed. What is the status of tree seed legislation?

State Seed Law Coverage

All 50 States have seed laws primarily concerned with the labeling and certification of agricultural seeds.

For the kinds of plants specified in all 50 laws, each container of seed for sale in the State must have a label which clearly shows information such as the species, physical quality, general origin (usually by county), and seed producer or seller. Physical quality usually is based on tests at a specified seed laboratory. Other information, such as that on origin, does not require inspection or official verification.

Many State seed laws also permit voluntary certification of seeds of certain specified plants. In a few States seed certification is handled by the regulatory officials, but in most States it is delegated to an independent organization often associated with the agricultural experiment station. Such organizations (1) develop seed certification standards aimed at genetic improvement and maintenance of genetic identity, (2) inspect the areas and plants producing the seed, and (3) provide special certification tags for seed meeting their standards. The laws provide penalties for designating seed as "certified" if the designation has not been made by the legally authorized agency. ¹

¹ Seed certification will be treated in more detail in a subsequent article.

Variation in State Tree Seed Legislation

As of January 1965, 13 of these 50 laws were interpreted to cover tree seed. The 13 laws are in three categories. In Georgia, Maryland, Massachusetts, Michigan, and New York, the law mentions woody-plant seeds. In Arizona, Colorado, Nevada, and Pennsylvania, the law covers "ornamental" or "nursery-stock" plants and is interpreted to cover tree seeds. In Alabama, Florida, South Carolina, and South Dakota, the law defines agricultural seeds to include "fiber" plants or "others generally considered agricultural" plants, and this is interpreted (usually under a ruling by the State attorney general) to include tree seeds.

Laws in 31 more States define agricultural seed in the same manner as those in the third category, but they are not interpreted to include tree seeds. If legal rulings were requested in these States, some of them might be placed in the third category. However, the seed control officials in most of these States feel that their laws would have to be amended before tree seed could be covered.

In the remaining 6 States, Arkansas, Kansas, Kentucky, New Jersey, Wisconsin, and Wyoming, amendments definitely would be required if coverage were to include tree seeds.

Future of State Seed Laws

Some years ago the Association of American Seed Control Officials (AASCO) developed a "recommended uniform State seed law." This model law has guided legislation in several States. Its major purpose is to promote uniformity among State seed laws. In 1963 the AASCO adopted a supplement to the model law that covers tree and shrub seeds. The

supplement is a guide for States that want legislation to cover woody-plant seeds; it is not a lever to encourage States to develop such legislation.

Because of this model law and the growing interest in seed control among foresters, Christmas tree growers, and other users of woody-plant seeds, several more States probably will regulate tree seeds in the next few years. For example, in Minnesota an amendment to the State seed law is being considered by the current session of the State legislature.

The Minnesota action evolved as follows:

1. The Lake States Forest Tree Improvement Committee reported the desirability of legislation providing for labeling and certifying tree seeds and recommended that local sections of the Society of American Foresters work with appropriate State groups.
2. The Upper Mississippi Valley Section of the SAF appointed a Seed Certification Subcommittee in their Committee on Forest Management.
3. The subcommittee recommended the development of legislation covering tree seed in Minnesota.
4. SAF members suggested amendments to the State seed law on the basis of appro

priate sections of the recommended uniform State seed law.

5. After approval by the State Conservation Department (initially by the Division of Forestry) and the State Agriculture Department, the legislation was written, and sponsors were obtained from each house of the legislature.
 6. The amended law was then entered into the regular legislative processes.
- Similar procedures probably would be followed in other States desiring this type of legislation.

Possible Federal Legislation

Because of this variation in State tree seed laws, interest may grow in Federal seed legislation that will provide some control of interstate traffic in woody-plant seeds.

Literature Cited

- (1) Ozard, Wm. E.
1965. State seed laws. *Tree Planters' Notes* 71: 4-60.
- (2) Rollin, S. F.
1964. Summary statement on the Federal Seed Act. *Tree Planters' Notes* 67: 1-2.