

Retailers Guide
for
Proper Handling & Storage
of Lawn Seed Products



American Seed Trade Association

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TABLE OF CONTENTS

	<u>Page #</u>
I. INTRODUCTION	3
II. REGULATORY REQUIREMENTS	4
A. Label	4
B. Lot Number, Test Date and “SELL BY” Dates	5
1. Lot Number	5
2. Test Date	5
3. SELL BY Dates	5
C. Label Location	5
D. Over-sticking/Over-labeling Expired Seed	6
III. LAWN SEED STORAGE AND HANDLING	7
A. Seed Storage Conditions	7
1. Environmental Conditions	7
2. Pest Control	7
3. Pesticides	7
B. Inventory Management	8
C. Handling Seed in Bulk or Bin Containers	8
IV. WORKING WITH STATE SEED CONTROL AGENCIES	9
A. Responding to Stop-Sale Notices	9
B. Employee Training	10
C. Key Training Points to Remember	10
V. STATE TEST PERIODS & SELL BY DATES	11-12
VI. APPENDIX	13
A. Example Seed Analysis Panels	13-18

I. INTRODUCTION

The motto of the American Seed Trade Association (ASTA), “First-the Seed[®],” expresses the basic premise that underlies the seed industry: There is no substitute for quality seed. The same holds true for lawn seed. Lawn seeds contain living plants that must be protected against harsh storage conditions that will reduce germination and lower the value of seed to the consumer. Even though the farmer and manufacturer may provide the highest quality lawn seed products available, poor handling and storage of grass seed by the retailer can, in fact, kill the seed and result in legal action by state control officials against the store.

This guide was developed by the Lawn Seed Division of ASTA, in cooperation with the Association of American Seed Control Officials (AASCO), to provide important information to retailers on the proper handling and storage of grass seed products. Lawn seed is a product that is highly regulated by state agencies. This guide is designed to help the retailer sell these products and increase customer satisfaction while working with state agencies to meet legal requirements.

Disclaimer and Limitation of Liability

This guide is intended solely as an educational tool and as general guidance. It is not intended as, and should not be construed as, legal advice or a substitute for a seed company's own individual understanding of applicable legal requirements. Regulatory requirements may be issued or revised by government agencies after the publication date of this guide. Companies are advised to consult with their legal counsel and/or contact the appropriate regulatory agency(ies) to ensure compliance with applicable requirements.

This guide does not define or create legal rights or obligations, and ASTA specifically disclaims any such rights or obligations. ASTA and its members do not make any warranties or representations, either expressed or implied, with respect to the accuracy or completeness of the information contained in this guide; nor do they assume any liability of any kind whatsoever resulting from the use of or reliance upon any information, procedures, conclusions or opinions contained in this guide.

II. REGULATORY REQUIREMENTS

Federal and state seed laws require that lawn seed be properly labeled and meet the guarantees on the label. Initially, these requirements are the responsibility of the seed packager or labeler as the product enters commerce. However, once in the store or warehouse, the responsibility for the seed generally shifts to the retailer.

State seed control agencies may enter retail businesses to inspect grass seed labels and pull samples to check for problem weed seeds, purity and percent germination. If the label does not comply with the state or federal seed laws, the seed inspector will issue a “stop-sale order” that prohibits the sale of the problem seed product. **The seed can not be sold or shipped by the retailer until the label has been corrected and the stop-sale order has been lifted by the state agency.**

The seed inspector may also study the seed label to determine when the seed was last tested to make certain that the seed has not exceeded the maximum period of time allowed by state and federal laws between germination tests. **If the test date found on the label is older than the law permits, the test date has “expired,” and the seed lot will be placed under a “stop-sale order” until the seed is re-tested and relabeled.** An expired test date does not mean that the seed is dead or that it will not germinate or grow. An “expired test date” only means that the germination must be re-tested by the seed packager and be relabeled to show the current germination and new test date. Procedures for handling “stop-sale orders” are covered in more detail in the last section of this guide entitled, “Working with State Seed Control Agencies.”

In order to prevent stop-sales, the retailer needs to know when the seed was last tested and make certain that it is sold before the test date expires. Therefore, a general understanding of the seed label is important in order to locate that information.

A. **Label**

The retailer should be aware of the basic parts of the label and where to find them on the package. Each part will be important later when we discuss retesting and relabeling of expired seed inventories.

The basic parts of a grass seed label include:

1. Kind and variety of seed
2. % Purity
3. % Other Crop Seeds, % Weed Seeds, % Inert Matter
4. % Germination
5. Origin of the seed
6. **Lot number**
7. **Test dates**
8. **SELL BY dates**
9. Seed company name and address

Items 6, 7 and 8 in bold identify the parts of the label that are most important for the retailer to be able to locate.

Please note that the above list does not contain all of the state and federal label requirements. For the sake of simplicity, only those parts that a retailer should be able to identify and locate on a label are listed.

The basic parts of a grass seed label can be found on the seed analysis panels in the Appendix under Examples 1, 2 and 3 at the end of this guide. Each basic part is identified by the matching number in the above list.

B. Lot Number, Test Date and SELL BY Dates

Of all the required parts found on a grass seed label, the most important for the retailer to recognize are the **lot number**, the **test date** and the **SELL BY date**.

1. Lot Number

Every container of seed is identified by a unique code that is assigned to a specific amount of seed (**lot**) that is mixed and shipped by the seed company. This code or **lot number** helps seed control officials trace the seed in the package back to the fields where they were grown

2. Test Date

Each lot of seed is tested for purity, inert matter, weed seeds, other crop seeds, noxious weed seeds and germination. The **test date** on the label identifies the **month and year** that the germination test was completed (i.e. Jan. 2008).

3. SELL BY Dates

Many states require a **SELL BY date** on grass seed labels. The **SELL BY date**, if present, identifies the last date that the seed may legally be sold at retail in that state and tells the retailer when the seed must be retested and re-labeled or re-stickered. When products contain **SELL BY label** statements, the new label or sticker applied to the seed should also reflect new **SELL BY dates**.

C. Label Location

The basic parts of the grass seed label are found grouped in a section of the label known as the "**seed analysis panel**." The analysis panel is normally found on the side or back of the package and may be printed directly on the package or pre-printed on an adhesive-backed label and applied to the container. On large

bags, the analysis panel may also be found on an “ear tag” attached to the container. Examples 1, 2, and 3 in the Appendix demonstrate a few types of analysis panels used by grass seed companies. Each basic label part listed in “Section II-A: Label” under this portion of the guide is identified by the above corresponding number for each example.

D. Over-sticking/Over-labeling Expired Seed

IMPORTANT: Each state allows seed to be sold for a fixed number of months following the initial test date. After this period, the seed must be retested to be sure that the germination meets the label guarantee. When this occurs, a small stick-on label or “**over-sticker**” that identifies each specific lot and the new germination test date is issued by the seed packager to be placed over the lot number, test date and, if present, SELL BY dates in the analysis panel. **In most states, the retailer is responsible to make certain that the seed is properly re-labeled.**

Follow the steps listed below to make the over-labeling process easier.

1. Once you determine that you have expired seed stock, remove the seed from the sales floor and post a sign where the seed is being held that reads “NOT FOR SALE.”
2. Contact the seed company so that the seed can be retested and the germination rates determined.
3. If the seed continues to meet labeled guarantees, the seed company may supply the retailer with a small “over-sticker” with the original lot number, new test date and new SELL BY dates (if present). Refer to Examples 4 and 5 in the Appendix to see how these over-stickers should be applied to the original analysis panel.

Note: Many states are now requiring that the new stickers contain both the lot number and the test date. The use of over-stickers that contain only a new test date may no longer be acceptable in your state. Check with your seed supplier before applying any over-sticker that does not contain a lot number.

4. The seed company may also choose to supply the retailer with a completely new stick-on seed analysis panel or “**over-label.**” Completely cover the old seed analysis panel with the new “over-label.” See Example 6 in the Appendix of this guide.
5. Insure that the lot number of the new “over-sticker” or “over-label” to be applied is identical to the lot number on the original label.

6. Carefully apply the new test date/lot number sticker over the original test date and lot number on the analysis panel. Do not cover over any other labeling information with the new over-sticker.
7. Do not use extra over-stickers or over-labels from one lot of seed to re-label other seed lots. **This is a serious violation of FEDERAL and STATE law.**
8. If the product has already been over-stickered once, many states now require that the seed be over-labeled with a complete new seed analysis panel. Check with your seed supplier if this has occurred. Examples 4, 5, and 6 in the Appendix demonstrate where over-stickers and over-labels should be applied.

III. LAWN SEED STORAGE AND HANDLING

It is the responsibility of the Retailer/Distributor to store and handle lawn seed in the warehouse and on the sales floor in a manner that will maintain labeled germination rates. Improper storage and handling can kill the seed and cause the state to take legal action against the retailer. Always remember that a seed contains a living plant that must be protected for long periods of time. **Improper storage of seed can result in a poor product that can not be relabeled or sold and must be destroyed.**

A. Seed Storage Conditions

1. Environmental Conditions

Store seed under low temperature and low humidity.

HIGH TEMPERATURES COMBINED WITH HIGH RELATIVE HUMIDITY CAN KILL LAWN SEED!

- a. Store seed away from direct sunlight.
- b. Store seed inside and out of the rain.
- c. Whenever possible, store seed inside where air-conditioning reduces both temperature and humidity.
- d. Avoid storing seed outside during the summer where high temperatures and high humidity may kill the seed.

2. Pest Control

Avoid situations where pests such as rodents and birds can damage the seed and package.

3. Pesticides

Avoid storing seed near pesticides to prevent possible contamination.

B. Inventory Management

Proper handling of seed product inventories will reduce the chance that the seed will expire. Failure to sell the oldest seed stocks will result in **stop-sale notices** when found by state seed inspectors.

1. **Determine the test dates of all seed inventories at the beginning of the season, once a month and every time new stock is received.**
2. Use the “**First In-First Out Principle**” of inventory control. Sell all older seed before adding new seed to the display area.
3. Remove **expired** products from display area and place a sign marked “NOT FOR SALE” near the expired seed. If expired seed is removed from sale, there is no violation of state seed laws.
4. Contact your seed supplier for new testing and new stickers. When you become aware that you have expired stock, follow the procedures outlined in “Section II-D: Over-stickering/Over-labeling Expired Seed.”

C. Handling Seed in Bulk or Bin Containers

Federal and state seed laws apply to bulk and bin containers. All seed containers must be properly labeled. Care must be taken to prevent cross-contamination from other seed products and containers. The following recommendations are provided to retailers that practice bulk seed sales:

1. Make sure bin/bulk containers are clean before dumping seed into the bin/bulk containers.
2. Make certain each bin/bulk container has a label attached that matches the seed lot from the original container.
3. Take precautions to avoid co-mingling of seed when dispensing or dumping seed.
4. When the bin/bulk container is emptied, clean the bin/bulk container, and ensure that the labeling on the bin/bulk container is changed to reflect the labeling of the seed lot used to refill the bin/bulk container.
5. Avoid returning any unused seed left over at the end of the selling season into original container.

6. Ensure that the seed lots in bin/bulk containers have a current germination test date and SELL BY date where applicable.

IV. WORKING WITH STATE SEED CONTROL AGENCIES

State seed control inspectors are granted the power by state law to:

- Enter the property.
- Inspect all seed inventories being held.
- Sample the seed to insure that the products meet the labeled guarantees.
- Stop-the-sale of any product that does not meet with the requirements of the state.

However, do not be afraid to contact the state seed control agency any time you have questions regarding the seed law and proper handling and storage of seed. State agencies are very willing to answer questions and help retailers comply with state laws before problems develop. You can find a list of all state seed control agencies and people to contact in your state at the following AASCO website: http://www.seedcontrol.org/membership_directory.htm.

A. Responding to Stop-Sale Notices

A “Stop Sale Notice” is a legal document that requires your immediate attention. If the seed has expired or is improperly labeled, the seed inspector may issue a **“Stop Sale Notice.”** A stop sale notice may also be issued by the state at a later date if the test results of the samples taken show that the quality does not meet the guarantees on the label.

1. Read and follow all the instructions contained in the order.
2. Remove the affected seed from the sales floor or shelf.
3. Place the seed in question in an area away from the public and display a sign that reads “NOT FOR SALE” where the seed is being held.
4. Contact the seed company to determine if the seed can be relabeled with a new sticker or seed analysis panel.
5. If the seed meets germination guarantees, the seed company will supply either a new seed analysis panel or new small over-sticker with the new test date and the original lot number.

6. Apply the new sticker or over-label as demonstrated in “Section II-D: Over-sticking/Over-labeling Expired Seed.”
7. Contact the agent that issued the stop-sale notice and ask that the product be inspected again and released. **Do not attempt to sell the seed until the order has been lifted by the state.**
8. If the seed can not be relabeled, it may have to be returned to the seed packager or destroyed. Contact the agent that issued the stop-sale notice for permission to return or destroy the seed.
9. Maintain records of all inspections, stop-sale notices, releases, disposals, test dates, over-labels or over-stickers and all other actions taken to bring seed back into compliance with state requirements in a convenient location for all employees.

B. Employee Training

1. Make this document available to all employees that handle seed and make certain that they are familiar with its contents.
2. Post an additional copy in a convenient location for all to read.

C. KEY TRAINING POINTS TO REMEMBER

1. State law limits the amount of time lawn seed can be sold before it has to be retested for germination and re-labeled.
2. To avoid state-issued stop sale notices, check the test dates of all seed inventories monthly to insure that seed has not “expired” or exceed the maximum time allowed for sale.
3. Sell seed products using the FIRST-IN, FIRST OUT principle.
4. Store seed under conditions of low temperature and low humidity.

HIGH TEMPERATURES AND HIGH HUMIDITY CAN KILL LAWN SEED!

Cool Season Grass Seed Test Date Information

(October 2008)

This chart provides a quick reference by state to calculate the number of months permitted from the “Test Date” for cool season grass seed to be sold, otherwise known as the “SELL BY Date.” If a state and/or a corresponding “SELL BY Date” are not listed on the label, the chart assists employees in calculating the “SELL BY Date” from the label’s “Test Date.” The number of months permitted are determined by state seed laws and regulations.

In preparation of this document, every effort has been made to offer the most current, correct and clearly expressed information possible. Nevertheless, inadvertent errors in information may occur. State Seed Laws are subject to change at any time. This document is not intended for use to determine legal compliance.

State	State	# Months Permitted by State Seed Laws/Regulations
Alabama	AL	9
Alaska	AK	18
Arizona	AZ	15
Arkansas	AR	9
California	CA	15
Colorado	CO	16 (inclusive)
Connecticut	CT	9
Delaware	DE	9
Florida	FL	7
Georgia	GA	9
Hawaii	HI	9
Idaho	ID	15
Illinois	IL	12
Indiana	IN	9
Iowa	IA	9
Kansas	KS	9
Kentucky	KY	9
Louisiana	LA	9 (inclusive)
Maine	ME	9
Maryland	MD	9
Massachusetts	MA	9

State	State	# Months Permitted by State Seed Laws/Regulations
Michigan	MI	11
Minnesota	MN	15
Mississippi	MS	9
Missouri	MO	10 (inclusive)
Montana	MT	12
Nebraska	NE	12
Nevada	NV	18
New Hampshire	NH	15
New Jersey	NJ	9
New Mexico	NM	9
New York	NY	15
North Carolina	NC	9
North Dakota	ND	15
Oklahoma	OK	9
Ohio	OH	15
Oregon	OR	18
Pennsylvania	PA	15
Rhode Island	RI	9
South Carolina	SC	9
South Dakota	SD	12
Tennessee	TN	9
Texas	TX	9
Utah	UT	18
Vermont	VT	15-allowed, change to law during 2008
Virginia	VA	9
Washington	WA	15
Washington, DC	DC	15
Wisconsin	WI	12
Wyoming	WY	12
West Virginia	WV	9
Federal Seed Act Regulations		15
RUSSL		15

APPENDIX

Example 1: Seed Analysis Panel

Brand X Lawn Seed Mixture

<u>Pure Seed</u>	<u>Kind/Variety</u>	<u>Origin</u>	<u>Germ.</u>
40.00 %	ABC perennial ryegrass	Oregon	90 %
30.00 %	DEF Kentucky bluegrass	Wash.	80 %
27.00 %	GHI red fescue	Canada	75 %

Other ingredients

- 1.00 % Other crops seeds
- 1.50 % Inert matter
- 0.50 % Weed Seeds

No noxious weed seeds

Lot No. 12345

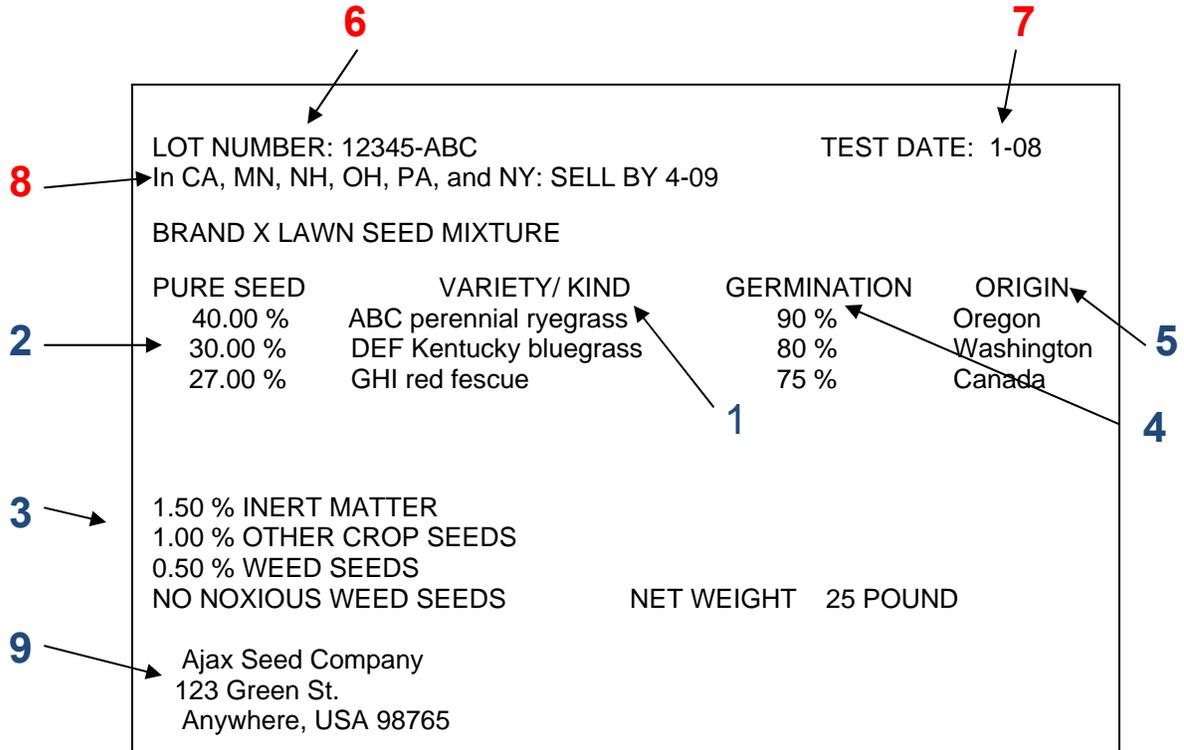
Test date: Jan. 2008

SELL BY Oct. 31, 2008
In FL: SELL BY Aug. 31, 2008
In CO, IL, MT, NE, SD, WI, and WY: SELL BY Feb. 28, 2009
In AK, CA, MN, NH, NV, NY, OH, PA, UT and DC: SELL BY April 30, 2009

Ajax Seed Company Net Wt.: 2.2 Lbs. (1.0 kg)
123 Green St.
Anywhere, USA 98765

Callouts: 1 (Title), 2 (Table header), 3 (Table body), 4 (Table header), 5 (Table body), 6 (Lot No.), 7 (Test date), 8 (Sell by date), 9 (Company name).

Example 2: Seed Analysis Panel



Example 4: Over-sticker Placement

Brand X Lawn Seed Mixture

<u>Pure Seed</u>	<u>Kind/Variety</u>	<u>Origin</u>	<u>Germ.</u>
40.00 %	ABC perennial ryegrass	Oregon	90 %
30.00 %	DEF Kentucky bluegrass	Wash.	80 %
27.00 %	GHI red fescue	Canada	75 %

Other ingredients

1.00 % Other crops seeds
 1.50 % Inert matter
 0.50 % Weed Seeds

No noxious weed seeds

~~Lot No. 12345~~
~~Test date : Jan. 2008~~

~~SELL BY Oct. 31, 2008~~
~~In FL: SELL BY Aug. 31, 2008~~
~~In CO, IL, MT, NE, SD, WI, and WY:~~
~~SELL BY Feb. 28, 2009~~
~~In AK, CA, MN, NH, NV, NY, OH, PA~~
~~UT, and DC: SELL BY April 30, 2009~~

Ajax Seed Company Net Wt.: 2.2 Lbs. (1.0 kg)
 123 Green St.
 Anywhere, USA 98765

Over-sticker

Lot No. 12345
 Test date : Jan. 2009

SELL BY Oct. 31, 2009
 In FL: SELL BY Aug. 31, 2009
 In CO, IL, MT, NE, SD, WI, and WY:
 SELL BY Feb. 28, 2010
 In AK, CA, MN, NH, NV, NY, OH, PA, UT, and
 DC: SELL BY April 30, 2010

Example 5: Over-sticker Placement

Over-sticker



LOT NUMBER: 12345-ABC TEST DATE: 1-09
 In CA, MN, NH, OH, PA, and NY : SELL BY 4-10

LOT NUMBER: 12345-ABC TEST DATE: 1-08
 In CA, MN, NH, OH, PA, and NY : SELL BY 4-09

BRAND X LAWN SEED MIXTURE

PURE SEED	VARIETY/ KIND	GERMINATION	ORIGIN
40.00 %	ABC perennial ryegrass	90 %	Oregon
30.00 %	DEF Kentucky bluegrass	80 %	Washington
27.00 %	GHI red fescue	75 %	Canada

1.50 % INERT MATTER
 1.00 % OTHER CROP SEEDS
 0.50 % WEED SEEDS
 NO NOXIOUS WEED SEEDS

NET WEIGHT 25 POUND

Ajax Seed Company
 123 Green St.
 Anywhere, USA 98765

Example 6: Over-label Placement

Original Seed Analysis Panel

BRAND X LAWN SEED MIXTURE			
PURE SEED	KIND/VARIETY	GERMINATION	ORIGIN
40.00%	ABC PERENNIAL RYEGRASS	90%	OREGON
30.00%	DEF KENTUCKY BLUEGRASS	80%	WASHINGTON
27.00%	GHI RED FESCUE	75%	CANADA
01.00%	OTHER CROPS SEED		
01.50%	INERT MATTER		NET WT: 20 LBS
00.50%	WEED SEED		
NOXIOUS WEED SEEDS PER POUND:NONE FOUND			
TEST DATE 1/08		LOT: 12345	
SELL BY Oct. 31, 2008			
SELL BY Aug. 31, 2008 in FL			
SELL BY Feb. 28, 2009 in CO,IL,MT,MI AND WY.			
SELL BY April 30, 2009 in AK,CA,NY,OH,PA,UT AND DC.			
AJAX SEED CO. 123 GREEN ST. ANYWHERE, USA 98765			

New Stick-on Over-label

BRAND X LAWN SEED MIXTURE			
PURE SEED	KIND/VARIETY	GERMINATION	ORIGIN
40.00%	ABC PERENNIAL RYEGRASS	90%	OREGON
30.00%	DEF KENTUCKY BLUEGRASS	80%	WASHINGTON
27.00%	GHI RED FESCUE	75%	CANADA
01.00%	OTHER CROPS SEED		
01.50%	INERT MATTER		NET WT: 20 LBS
00.50%	WEED SEED		
NOXIOUS WEED SEEDS PER POUND:NONE FOUND			
TEST DATE 1/09		LOT: 12345	
SELL BY Oct. 31, 2009			
SELL BY Aug. 31, 2009 in FL			
SELL BY Feb. 28, 2010 in CO,IL,MT,MI AND WY.			
SELL BY April 30, 2010 in AK,CA,NY,OH,PA,UT AND DC.			
AJAX SEED CO. 123 GREEN ST. ANYWHERE, USA 98765			