



February 2, 2010

Mr. Don Onwiler, Executive Director
National Conference on Weights and Measures
1135 M Street, Suite 110
Lincoln, NE 68508

RE: Seed Count for Agricultural Seeds

Dear Mr. Onwiler:

On behalf of the seed company-members of the Independent Professional Seed Association (IPSA), please find this letter of support for amendments to NIST Handbook 133 to adopt procedures and maximum acceptable variances to determine seed count as established in the Association of Official Seed Analysts' (AOSA) "Rules for Testing Seeds." These standardized seed testing procedures are the primary basis for seed testing and labeling in the United States. Additionally, most states recognize the AOSA testing methods in their state seed laws, and the Federal Seed Act also incorporates AOSA testing methods. Adoption of these rules by the National Conference on Weights and Measures would further harmonize state and federal laws and regulatory efforts.

IPSA represents independently-owned regional seed companies throughout the U.S. and Canada. The Association's membership consists of seed companies of all sizes, who market a wide variety of types of farm seeds. The use of seed count is of tremendous interest to our membership.

Basis for the Amendments

Historically, farm-seed sales have been based on the weight of product for sale (bag, bulk bag, hard box, etc.) rather than on the number of seeds included in that package (although seed count was typically included with product information). Farmers typically plant seed by population (seeds per acre), and the advent of improved planting/seeding equipment has increased the accuracy of such measurements greatly (and made seed count a much more important factor at purchase than ever before).

As a result, the weight of a particular quantity of seed is less important today than at any time in history. In fact, selling by weight recently has even had the effect of unfavorably distorting the market, since large kernel varieties have occasionally been rejected by the buyer even though they have no agronomic disadvantage. To meet their customers' demands, seed companies are considering changes to how their products are merchandised – namely from bag weight to seed count – as the basis for seed sales.

Letter to National Conference
February 2, 2010
Page Two

IPSA also supports adoption of a specific Maximum Allowable Variation (MAV) for seed. Being a biological product, seed has considerable natural variability in size and density. Rules state that if a MAV is exceeded, a stop-sale is triggered for the entire lot, which causes a serious disruption to the seed marketplace. Industry standards (as offered by the Association of Official Seed Analysts or AOSA) suggest that a 2% tolerance be acceptable for corn (that has been sized), with a 4% tolerance allowable for soybeans. These levels are supported by research at Iowa State University and elsewhere.

IPSA Position Statement

The Independent Professional Seed Association (IPSA) supports seed industry efforts to allow sale of seed by count (in addition to or in lieu of sale based on weight of the container or package). In order to establish seed count as a reasonable merchandising option, IPSA supports the following modifications and policy changes:

- Establish a specific Maximum Allowable Variation (MAV) for specific seed types in Handbook 133 for the National Institute of Standards and Technology (NIST) consistent with industry standards for seed testing offered by the Association of Seed Analysts (AOSA).
- Clarify packaging/labeling requirements for seed sold based on package weight, seed count or both units of measure.
- Assure that seed sales are not impeded while these changes are being sought.

Adopted by the IPSA Board of Directors on August 4, 2009

The members of the Independent Professional Seed Association respectfully request that the National Conference look favorably upon amendments offered to NIST Handbook 133 with regard to procedures recognizing seed count as a means of merchandising farm seeds, and that specific Maximum Allowable Variances (MAV's) be adopted that are appropriate to seed, a unique biological product of varying sizes and densities.

If you have questions, or would like to discuss our letter or position in greater detail, please feel free to contact me at the address, phone number or email address listed below. Thank you for your time and consideration regarding this amendment.

Sincerely,

Greg Ruehle, CEO
Independent Professional Seed Assn.
P.O. Box 241312
Omaha, NE 68124
402/991-3550
greg@independentseeds.com

