

The Relation Of Seed Associations To Horticulture

Joseph Harris
Joseph Harris Company, Inc.,
Rochester, New York

I greatly appreciate and welcome the opportunity to develop, with my colleagues, some of the story of the American seed industry. As industries go, we are not a large one, but we feel we are successfully performing an essential function and we enjoy discussing how it works.

Dr. Victor R. Boswell and Mr. L. W. Corbett have described some of the important relationships of U.S. seedsmen with public officials, and at the risk of being a bit too self righteous about the "American way of doing things," I would like to continue the story as it relates to seed associations. As in other industries, seedsmen combine together in trade associations to protect and advance their own interests, but basically it is the public interest, the consumer, that we must serve. We feel that public officials, whether in control work, research, teaching, or administration must have the same basic purpose and interest. We will move faster if we move together. Please do not infer that we always see eye-to-eye on how to proceed. Many basic differences in concepts and viewpoints exist. But we do try to keep the avenues of communication open, with full and free discussions, free exchange of information, and an atmosphere of mutual confidence.

Probably the most significant area of seed association activities is in the legislative field. The American Seed Trade Association provides an effective spokesman for the whole industry, developing policies and influencing the direction of seed laws and regulations, through broad committees, representing both different areas of the country and different kinds of seeds: field seed, hybrid corn, garden seed, etc. Mr. S. F. Rollin, who will discuss U.S. Seed Laws in the next paper, has frequently met with this committee — to the mutual benefit of all. Consumer protection and truth-in-labeling are paramount objectives of seed control officials, and the industry has helped to shape practical, effective means of achieving these ends. A new series of amendments to the Federal Seed Law have been worked out in these joint sessions and are now before Congress. These changes are sponsored both by the seed industry and the Department of Agriculture; some being requested by the industry, some by regulatory officials. The point is that thorough discussion and review in a joint effort has produced practical workable laws that promote public interest.

The American Seed Trade Association also participates actively in the development of RUSSEL, the Recommended Uniform State Seed Law. We have a Joint Legislative Committee consisting of seedsmen, seed control officials, seed analysts, and certification interests; and in sometimes quiet, sometimes vociferous sessions, proposed changes in state laws are studied in a general atmosphere of constructive cooperation. These recommended changes in state laws have been of inestimable value in producing greater uniformity among the various states, in reducing legislation aimed at special advantages for one area, and in eliminating special requirements that disrupt normal trade. In

my home state of New York, we have a particularly good state law, we think, because we have some expert and far-sighted control officials and analysts, and because the College of Agriculture and the seedsmen have all worked closely together on it. I might digress for a moment to mention the Flower Seed Law and germination standards that we developed in New York. It was designed to protect the public and to raise the standards of flower seeds offered for sale, and it has probably had some beneficial effects. But competition among seedsmen is keen and commercial flower growers little need these standards. Home gardeners still get some poor lots and the state spends appreciable sums on enforcement. There comes a point in all regulatory work when public interest demands that benefits be weighed against costs. Seriously, when demands for housing, highways, urban renewal, and pollution control are so gigantic, should we spend even a few thousand dollars on flower seed control?

One of the next important contributions of seed associations is in providing better communications, the dissemination of research information, and in providing a forum for discussion. Mr. Corbett has mentioned our many industry conferences where research workers keep seedsmen abreast of developments, and seedsmen help keep public workers informed on market trends and needs. It is not only in the presentation of scientific papers but in personal and private discussions of mutual problems that progress is made.

The garden seed section of the American seed industry sponsors two activities of interest to horticulturists. One of these is All-America Selections, a system of trial ground judging of new varieties and hybrids, both vegetables and flowers, throughout the USA and in Canada. Quite a number of entries are screened each year, and it is not easy to win an award. Gardeners are always interested in something new, and each year the All-America winners receive wide publicity. That the system is a good one is indicated by the fact that the same sort of procedure is now used by gladiolus and rose growers, and Great Britain is considering the establishment of "All-Britain" trials. Probably it should be pointed out that vegetable awards are generally based on their performance for garden use rather than for processing or commercial growers, although many winners have proved adaptable for both. All-America Selections also awards medallions for significant contributions to horticulture by both public and private breeders.

The other garden seed activity is the "National Garden Bureau," an organization designed to help promote the use of seeds, but which also provides a great amount of educational and generally interesting material that is widely used by newspapers and garden writers throughout the USA. We support our National Beautification Program through the work of this Bureau, and also have an overall Beautification Committee to help improve our land and enrich our lives with greater use of flowers plus landscap-

ing with grass. A somewhat similar activity was the collaboration between our seed association and the National Association of Home Builders where a number of "schools" were held on the subject of home beautification through seed-propagated ornamentals.

Mr. Corbett has explained the work of the Garden Seed Research Committee, and particularly the close cooperation with the American Society for Horticultural Science in reviewing variety names for vegetables and in developing a comprehensive list of names that have been used. I have been privileged to work on this Variety Subcommittee, and we find it both fascinating and frustrating. But we are making progress in improving and simplifying variety names, and in reducing duplication and confusion.

Our association has also cooperated with the federal government in conducting seed surveys, to determine the production and inventory situation on important vegetable varieties, and to keep the industry informed of trends in seed usage. These national surveys have been of great value in coordinating supplies with market needs.

An important part of association work is in the development of markets, especially in foreign countries. Several seed teams have been sent to Europe, and better understanding and better international relations and trade have resulted. Two years ago, an important Trade Fair was held in Tokyo with the assistance of our government. It appears there are genuine possibilities for reciprocal cooperation between our country and Japan and other Far Eastern countries. We greatly favor free international trade, and with the help of our Foreign Agricultural Service, and other divisions of the U.S. Department of Agriculture, we are constantly seeking to reduce barriers between countries.

The promotion of research is a frequent activity of trade associations, and the American Seed Trade Association has set up a Seed Research Foundation supported by voluntary contributions. This foundation sponsors research on seed problems by graduate students and other personnel of our universities. We receive applications for about ten times the number of projects we are able to sponsor which indicates the interest in seeds and seed processes as one of the fundamentals of our existence.

Probably one of the most controversial of our association activities has been the consideration of various approaches to providing breeder's rights protection. After several years of intensive study, we have not resolved all the widely divergent views in the industry, but we are approaching some areas of more or less general agreement. Thus, except for those who are fundamentally opposed to any form of protection, many seedsmen agree that the plant breeder is an innovator and creator who should be entitled to the same consideration and potential reward available to other inventors or creators, if he wishes to exercise the right. To provide the legal protection, we do not wish to sacrifice the essentials of a free enterprise society with free exchange of information and of germ plasm by breeders, and we are particularly concerned about extending government regulation, official testing programs, registration, etc.

At the moment, there are two approaches to protection under active consideration. The cotton breeders and some others are promoting a change in the patent law to permit seed-propagated varieties to be patented in a manner similar to asexually produced plants at present. If desirable for cotton, it would seem logical that the principle should be extended to other seed-propagated plants where uniformity and reproducibility can be established. The patent approach has the advantage of placing the burden of enforcement on the patent holder, but the problems of such a law have not yet been fully evaluated, in my opinion.

The other approach being studied is a system of limiting the number of generations a variety could legally be sold, for example, four generations from breeder's seed. Breeder's rights protection could be afforded if the introducer limited distribution to the last acceptable generation. With a synthetic variety, this approach would seem to have application, and it is being thoroughly studied. However, its relation to standard vegetable or flower varieties is a subject of controversy.

In any case, the general concept of some system of protection is gradually gaining favor, especially as more and more development work is shifting to the private breeders, leaving the public institutions to work on more fundamental or specific problems. To those European breeders who have hesitated to distribute material in the USA because of our lack of protection, we would point out the growing concept of voluntary respect for the breeding work of others which is becoming an established practice in most of the garden seed industry. The resistance to any protection scheme is much reduced from a few years ago, and eventually some form of "Breeder's Rights" may yet be adopted.

Finally, it is not entirely for selfish purposes that seedsmen have trade associations and devote money and effort to them. We have an obligation to serve agriculture and horticulture throughout the world, and we feel it is because of the keen effort of seedsmen and associations on the one hand, together with institutions and government on the other hand, that we have made some significant breeding and marketing achievements, and have the capacity for production of superior quality. American seedsmen have been invited to contribute their "know-how" to developing countries under the AID program, and we hope to do our share in alleviating world food shortage problems. We look forward to closer international relations, exchange of not only ideas and information but of materials and germ plasm, and a developing international trade in the years to come.

Seed Legislation in the United States

S. F. Rollin

Chief, Seed Branch, Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, Agricultural Research Center, Beltsville, Maryland

Seed legislation in the United States consists of two primary categories; Federal legislation, and state legislation. Federal legislation is contained in the Federal Seed Act of August 9, 1939, as amended; and state legislation is contained in seed laws of each of the 50 states. Each state seed law applies to seed sold or offered for sale within that state. The Federal Seed Act applies to seed moving in interstate commerce. In addition, the Federal Seed Act applies to foreign commerce; that is, to seed offered for importation into the United States. The Federal Seed Act does not regulate seed exported from the United States.

The requirements of the state seed laws and of the Federal Seed Act with respect to seed transported, sold, or offered for sale in the United States are quite similar. There are minor differences in different states; however,