

AMENDED IN SENATE AUGUST 21, 1995  
AMENDED IN SENATE JUNE 15, 1995  
AMENDED IN ASSEMBLY MARCH 28, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 510**

**Introduced by Assembly Member Battin**

February 17, 1995

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An act to amend Sections 52288, 52332, 52453, and 52455 of, to add Sections 52254.4, 52257.8, and 52456 to, and to add Article 6.5 (commencing with Section 52401) to Chapter 2 of Division 18 of, the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 510, as amended, Battin. Seed: labeling.

(1) Existing law, the California Seed Law, contains various requirements with respect to the labeling of seed that is sold in this state, including a viability assurance statement on seed that is sold for nonfarm usage. This provision does not apply, however, to seed bearing a ~~date of test~~ *testing date that is* prior to July 1, 1984.

This bill would require ~~that a~~ viability assurance statement on all seed at the time of sale by a retail merchant for nonfarm usage.

(2) Under that law, the Secretary of Food and Agriculture may, by regulation, establish methods and procedures for the conciliation or mediation of disputes between a labeler and

any person concerning the conformance with label statements as required by the law.

This bill would permit the secretary to establish, by regulation, methods and procedures for arbitration of those disputes. This bill would toll the statute of limitations in any civil action concerning the controversy upon commencement of conciliation, mediation, or arbitration proceedings.

This bill would also require the secretary to establish a list of seed-certifying agencies that the secretary finds qualified to certify agricultural or vegetable seed.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 52254.4 is added to the Food and  
2 Agricultural Code, to read:

3 52254.4. "Certification" means to certify as to the  
4 variety, purity, quality, type, strain, or other genetic  
5 character of agricultural or vegetable seed.

6 ~~SEC. 1.5.—~~

7 SEC. 2. Section 52257.8 is added to the Food and  
8 Agricultural Code, to read:

9 52257.8. "Research" means any research related to  
10 the variety, purity, quality, type, strain, or other genetic  
11 and physiological characteristics of agricultural or  
12 vegetable seed or the production thereof.

13 ~~SEC. 1.6.—~~

14 SEC. 3. Section 52288 of the Food and Agricultural  
15 Code is amended to read:

16 52288. The Legislature hereby declares that it is the  
17 intent of this chapter to enable the seed industry, with the  
18 aid of the state, to ensure that ~~the product seed~~ purchased  
19 by the consumer-buyer ~~of seed~~ is properly identified and  
20 of the quality represented on the tag or label. *The*  
21 *Legislature further declared that the success of*  
22 *agriculture and the seed industry in this state depends*  
23 *upon the continued commitment to industry funded*  
24 *research in order to improve the quality and variety of*  
25 *seed available to the consumer-buyer.*



1 SEC. 4. Section 52332 of the Food and Agricultural  
2 Code is amended to read:

3 52332. The secretary may, by regulation, adopt all of  
4 the following:

5 (a) A list of the plants and crops that the secretary  
6 finds are or may be grown in this state from agricultural  
7 or vegetable seed.

8 (b) A list of the plants and crops that the secretary  
9 finds are detrimental to agriculture if they occur  
10 incidentally in other crops, and which, therefore, are  
11 classed as weed seed except if sold alone or as a specific  
12 constituent of a definite seed mixture.

13 (c) A list of noxious weed seed that the secretary finds  
14 are prohibited noxious weed seed, as defined in this  
15 chapter.

16 (d) A list of those noxious weed seed that are not  
17 classified as prohibited noxious weed seed, and which,  
18 therefore, are classed by this chapter as restricted noxious  
19 weed seed.

20 ~~(e) A list of seed certifying agencies that the secretary  
21 finds qualified to certify as to the variety, purity, quality,  
22 or other matter of agricultural or vegetable seed. The  
23 secretary shall consult with the Director of the University  
24 of California Agricultural Experiment Station before  
25 approving the qualifications of any agency to certify as to  
26 variety, type, strain, or other genetic character of  
27 agricultural or vegetable seed.~~

28 ~~(f)~~

29 (e) A list of substances that are likely to be used for  
30 treating grain or other crop seed, which the secretary  
31 finds and determines are toxic to human beings or  
32 animals if so used, together with an appropriate warning  
33 or caution statement for each such substance.

34 ~~(g)~~

35 (f) Establish methods and procedures, upon the  
36 recommendation of the board, for the mandatory  
37 conciliation, mediation, or arbitration of disputes  
38 between labelers and any persons concerning the  
39 conformance with label statements as required by this  
40 chapter as a prerequisite to pursuing other dispute



1 resolution mechanisms, including, but not limited to,  
 2 litigation. However, if conciliation, mediation, or  
 3 arbitration proceedings are commenced under this  
 4 section to resolve a controversy, the statute of limitations  
 5 that applies to a civil action concerning that controversy  
 6 is tolled upon commencement of conciliation, mediation,  
 7 or arbitration proceedings, and until 10 days after the  
 8 final order of those proceedings. Conciliation, mediation,  
 9 or arbitration shall not affect any enforcement action by  
 10 the secretary pursuant to this chapter. Regulations  
 11 adopted by the secretary for the mandatory conciliation,  
 12 mediation, or arbitration of disputes shall require that  
 13 adequate notice be provided on the seed label notifying  
 14 any person of the consequences of failing to follow the  
 15 procedures authorized by this section.

16 ~~(h)~~

17 (g) Establish additional labeling requirements for  
 18 coated, pelleted, encapsulated, mat, tape, or any other  
 19 germination medium or device used on agricultural or  
 20 vegetable seed in order that the purchaser or consumer  
 21 will be informed as to the actual amount of seed  
 22 purchased.

23 ~~SEC. 2.—~~

24 *SEC. 5.* Article 6.5 (commencing with Section 52401)  
 25 is added to Chapter 2 of Division 18 of the Food and  
 26 Agricultural Code, to read:

27

28 Article 6.5. Seed-certifying Agencies

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30 52401. The secretary shall, by regulation, establish a  
 31 list of seed-certifying agencies that the secretary finds  
 32 qualified to certify as to the variety, purity, quality, type,  
 33 strain, or other genetic character of agricultural or  
 34 vegetable seed. The secretary shall consult with the  
 35 director of the University of California Agricultural  
 36 Experiment Station before approving the qualifications  
 37 of any seed-certifying agency.

38 52402. A seed-certifying agency may conduct ~~on~~ *or*  
 39 fund research projects that the agency, in its sole  
 40 discretion, deems beneficial to the seed industry.



1 52403. Each seed-certifying agency shall establish a  
2 schedule of fees, in its ~~sole discretion~~ *discretion with input*  
3 *from the seed industry*, for certification services provided  
4 and research conducted pursuant to this article.

5 52404. Notwithstanding Section 52321, fees collected  
6 pursuant to this article shall be paid directly to the  
7 seed-certifying agency and shall be expended only for a  
8 purpose authorized by this chapter.

9 52405. A seed-certifying agency, pursuant to  
10 procedures adopted by the seed-certifying agency, may  
11 impose a ~~civil penalty or a late charge, or both,~~ *late charge*  
12 on any person who fails to pay any fee required by this  
13 article within the time required by the seed-certifying  
14 agency.

15 52406. In addition to any ~~other civil penalty or~~ late  
16 charge, a seed-certifying agency, pursuant to procedures  
17 adopted by the seed-certifying agency, may suspend  
18 certification services to any person who fails to timely pay  
19 any fee, ~~civil penalty,~~ or late charge required by this  
20 article.

21 ~~SEC. 2.4.—~~

22 *SEC. 6.* Section 52453 of the Food and Agricultural  
23 Code is amended to read:

24 52453. Except as otherwise provided in Section 52454,  
25 each container of vegetable seed that is for sale or sold  
26 within this state for sowing purposes shall bear upon it, or  
27 have attached to it, in a conspicuous place, a plainly  
28 written or printed label or tag in the English language,  
29 which gives all of the following information:

30 (a) Name of kind and variety of seed.

31 (b) For any seed that germinates less than the  
32 standard last established by the director under this  
33 chapter, the percentage of germination, exclusive of hard  
34 seed; the percentage of hard seed, if present; the calendar  
35 month and year the test was completed to determine  
36 those percentages; and the words "Below Standard" in  
37 not less than eight-point type.

38 (c) Name and address of the person that labeled the  
39 seed, or of the person that sells the seed within this state.



1 (d) In addition to the information required in  
2 subdivisions (a), (b), and (c), on each container of more  
3 than one-half pound (227 grams), the label shall include  
4 both the lot number or other lot identification and the  
5 calendar month and year the germination test was  
6 completed.

7 (e) In addition to the information required in  
8 subdivisions (a), (b), and (c), on each container of  
9 one-half pound (227 grams) or less, the labeling shall  
10 include the statement “Packed for the (number of the  
11 year) season.” The year shall be the year intended for  
12 planting.

13 ~~SEC. 2.5.—~~

14 *SEC. 7.* Section 52455 of the Food and Agricultural  
15 Code is amended to read:

16 52455. In addition to the labeling requirements of this  
17 article, all seed at the time of sale by a retail merchant for  
18 nonfarm usage, shall conspicuously bear upon the  
19 labeling of the seed a viability assurance statement.

20 (a) The statement shall be “SELL BY (month)  
21 (year)”, or “USE BEFORE (month) (year)”. The month  
22 and year in the statement shall not exceed the 15-month  
23 retail time period allowed by subdivision (b) of Section  
24 52481.

25 (b) The statement shall be conspicuous and in capital  
26 letters of the same size of type as other printed material  
27 on the labeling and contiguous to the germination date.

28 (c) The statement shall be affixed at the time of  
29 labeling for those containers destined for retail sales.

30 ~~SEC. 3.—~~

31 *SEC. 8.* Section 52456 is added to the Food and  
32 Agricultural Code, to read:

33 52456. In addition to the labeling requirements of this  
34 article, all seed, except seed at the time of sale by a retail  
35 merchant for nonfarm use, shall conspicuously bear upon  
36 the label adequate notice of the consequences of failing  
37 to follow the conciliation, mediation, or arbitration



1 procedures governing disputes between labelers and any  
2 person, as authorized by this chapter.

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