



United States
Department of
Agriculture

Agricultural
Marketing
Service

Science and
Technology
Program

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AMS Market Monitoring Program FAQ's

What is the AMS Market Monitoring Program?

The Federal Seed Act (FSA), administered by the USDA's Agricultural Marketing Service (AMS), requires that AMS maintain programs that prevent misrepresentation of seeds in interstate commerce. AMS's Market Monitoring Program ensures that AMS has a comprehensive program in place that monitors and tests seeds shipped in interstate commerce for truthful labeling. The Market Monitoring Program partners with States to provide temporary FSA sampling and inspection assistance.

Is the AMS Market Monitoring Program new?

The program is not new. In fact, the Federal Seed Act program has been conducting market monitoring throughout the U.S. since the early 1940's. What has changed is how the monitoring activities are conducted. In the beginning, the Federal Seed Act program maintained a hands-on approach to market monitoring through four regional offices. From those offices, Federal seed specialists often traveled with State inspectors to inspect and sample seed. About 50 years ago, USDA decided to "contract the sampling out" to cooperating States to avoid duplicate work. While these cooperative agreements initially worked, issues with this arrangement are now emerging that are affecting AMS's ability to conduct effective market monitoring.

Why is AMS making this change now?

In recent years, due to tightening State budgets, the Seed Regulatory and Testing division has noticed a reduction in State funding going into State seed control programs. This has caused a few State laboratories to close, reduced staffing within regulatory programs, and a mandated focus on higher priority non-seed related programs and issues. In several States, this has affected the seed control official's ability to effectively monitor their markets in cooperation with USDA-AMS. AMS's heavy dependence on State cooperation for FSA monitoring is now hampering its ability to fulfill its congressionally mandated mission to maintain a comprehensive monitoring program in all 50 States. The Market Monitoring Program is designed to supplement, not replace, crucial State participation in enforcement of the FSA.

As a seed business, how will this affect me?

Businesses in the following categories will not be affected by the market monitoring program.

1. Businesses that comply with the laws and regulations of the States they are operating in.
2. Businesses that comply with the truthful labeling provision in the FSA regulations.
3. Businesses whose operations occur in States that are actively participating in the FSA program.
4. Businesses that do not sell agricultural or vegetable seed as defined in Part 201.1 of the FSA.

Seed businesses that do not comply with State and Federal truth in labeling laws may be subject to civil or criminal penalties. The Market Monitoring Program ensures that the responsibility for selling accurately labeled seed products don't just fall on those companies with facilities in States where the markets are monitored by State officials regularly. All businesses in the U.S. seed industry should be responsible for playing their part in maintaining the high-quality seed that we are all accustomed to buying and selling.