



## **LABELING REQUIREMENTS FOR CHEMICALLY TREATED SEED**

### **FSA DEFINITION OF TREATED SEED**

**Act Section 101(23);** The term “treated” means given an application of a substance or subjected to a process designated to reduce, control, or repel disease organisms or other pest, which attack seeds or seedlings growing there from.

### **TOXICITY CATEGORY I SEED TREATMENTS**

The Federal Seed Act (FSA) and FSA regulations refer to the most toxic class of seed treatments as “mercurials and similarly toxic substances.” The current classification used by the Environmental Protection Agency (EPA) for this class of chemicals with toxicity similar to mercurial compounds is Toxicity Category I. FSA Regulations section 20131a (c) has been updated to include EPA Toxicity Category I.

### **REQUIRED LABELING INFORMATION**

There are three issues to be considered when labeling chemically treated seed: (1) labeling the treatment name, (2) labeling seed treated with a chemical not assigned to Toxicity Category I by the (EPA), and (3) labeling seed treated with a Toxicity Category I chemical.

Section 201(i) of the Federal Seed Act (FSA) and Section 201.31a of the FSA regulations contain requirements for labeling chemically treated seed. Section 201.31a (a) of the FSA regulations requires agricultural and vegetable seeds that are chemically treated to be labeled with the name of the treatment. Examples of appropriate labeling include, “Treated with (name of substance or process)” or “(name of substance or process) treated.” Section 201.31a (b) of the FSA regulations requires the name of the treatment to be the “commonly accepted coined, chemical (generic), or abbreviated chemical name.” Examples of appropriate names include thiram and captan. Therefore, “Treated with Thiram” or “Thiram Treated” would be appropriate labeling.

Section 201.31a (d) of the FSA regulations requires seed treated with a chemical not assigned to Toxicity Category I by EPA to be labeled with, “Do not use for food,” “Do not use for feed,” “Do not use for oil purposes,” or “Do not use for food, feed, or oil purposes,” if the amount remaining with the seed is harmful to humans or other vertebrate animals. The most commonly used labeling for seed with these types of seed treatments is “Treated with (name of substance)” and “Do not use for food, feed, or oil purposes.”

Section 201.31a (c) (1) of the FSA regulations state, “Seed treated with a mercurial or similarly toxic substance, if any amount remains with the seed, shall be labeled to show a representation of a skull and crossbones at least twice the size of the type used for information required to be on the label under the paragraph (a) and shall also include the red letters on a background of distinctly contrasting color a

statement worded substantially as follows:” “This seed has been treated with Poison,” “Treated with Poison,” “Poison treated,” or “Poison.” The word “Poison” shall appear in type no less than 8 point. Products assigned Toxicity Category I based on oral, inhalation, or dermal toxicity by the EPA regulations are considered similar in toxicity to mercurials. This means that if a chemical is sold in a package or container labeled with a skull and crossbones and the word “Poison,” seed to which this chemical has been applied must also be labeled with a skull and crossbones and the word “Poison” even though the amount of the chemical applied to the seed is minimal.

Appropriate labeling for seed treated with a Toxicity Category I chemical would be, “Treated with (name of substance),” the word “Poison” in red letters, and a depiction of a skull and crossbones.

## EXAMPLES OF TREATMENT LABELING

### Category I substances

Treated with  
(NAME OF SUBSTANCE)  
**POISON (in red)**



### Other than Category I substances

Treated with  
(NAME OF SUBSTANCE)  
Do not use for food, feed,  
or oil purposes

The FSA does not address the requirement that chemically treated seed be stained to indicate that the seed is chemically treated. The staining requirement for chemically treated seed is addressed in 21CFR2.25 of the Federal Food, Drug, and Cosmetic Act and is administered by the Food and Drug Administration.

A current list of products, registered by the EPA for use as seed treatments, is not included due to constant additions of new products and the deletion of outdated products. Please refer to the appropriate EPA Web site for available products registered for seed treatment usage as well as their assigned Toxicity Categories.

### References:

Federal Seed Act (FSA) and regulations (<https://www.ams.usda.gov/rules-regulations/fsa>)

U.S. Environmental Protection Agency (EPA) (<http://www.epa.gov>)

U.S. Food and Drug Administration (FDA) (<http://www.fda.gov>)