

1979 WL 43556 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 4, 1979

***1 Re: The Responsibility of Clemson University Per § 46-21-10, et seq., Code of Laws of South Carolina, 1976, as amended**

Mr. Joseph B. McDevitt
Vice-President Executive Affairs and University Counsel
Clemson University
P.O. Box 992
Clemson, South Carolina 29631

Dear Admiral McDevitt:

This letter is in response to a question that was raised in an August 23, 1979, telephone conversation with your office concerning the responsibility of Clemson University as to seeds, plants, and seed plant certification. That conversation was the result of an August 3, 1979, letter to our Office from Ronald P. Townsend, Townsend Seed Plant, Incorporated, Anderson, South Carolina, that inquired as to the accountability of the South Carolina Foundation Seed Association in administering its programs.

Clemson University's responsibility in regards to seeds, plants, and seed plant certification is set forth in §§ 46-21-10, et seq., Code of Laws of South Carolina, 1976, as amended. Section 46-21-610 permits Clemson University to inaugurate a program for seed and plant certification and § 46-21-620 makes the necessary provisions for its implementation.

In order to further assist Clemson University in its certification and distribution program, § 46-21-60 provides for assistance to the University at the foundation seed level. Section 46-21-60 states that Clemson University shall be responsible for cooperating with the South Carolina Crop Improvement Association in the inauguration of a foundation seed organization which is to be responsible for fostering the production and distribution of foundation corn and other crop seeds. This section provides that the implementation of this program is also to be under the supervision of Clemson University.

Therefore, from §§ 46-21-10, et seq., it is evident that the ultimate responsibility and accountability for the production, processing, distribution, and promotion for the use of certified seeds and plants in South Carolina rests with Clemson University.

If there are any further questions concerning this matter, please do not hesitate to contact me.

Very truly yours,

C. Havird Jones, Jr.
Assistant Attorney General

1979 WL 43556 (S.C.A.G.)