



Watts: 1-888-868-8367 Fax: 1-888-232-2205  
New Submissions: [professionalliability@tottengroup.com](mailto:professionalliability@tottengroup.com)  
Website [www.tottengroup.com](http://www.tottengroup.com)

**SEEDSMEN'S ERRORS AND OMISSIONS PROPOSAL FORM  
(This Proposal for Claims Made Insurance)**

**Underwriters will rely upon each and every response given in this Proposal Form and any Supplementary Proposal Form in deciding whether or not to insure this risk and if so at what premium, terms and conditions. Underwriters regard every response to be material to their decisions. Failing to answer or answering any question below incorrectly could invalidate any policy of insurance written by Underwriters for this risk.**

This proposal form is for insurance that is limited generally to liability for only those claims that are first made against the Insured while the insurance is in force. Please review the insurance carefully and discuss the coverage thereunder with your insurance agent or broker.

- IMPORTANT**
1. Please complete this application leaving no blank spaces.
  2. If space is insufficient to complete answers, please continue on your firm's letterhead.
  3. Have this form signed and dated by a partner, or identified officer of your firm.
  4. Please attach a typical Seed Tag, Invoice, Disclaimer Clause, Letterhead used by the firm and additional Contract Forms as may be applicable.

1. Firm Name and address of Head Office: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Address(es) of branch office(s), if any: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Date firm established: \_\_\_\_\_

4. (A) Of what seed trade association is the firm in good standing?  
ASTA \_\_\_\_\_ Others (please show name): \_\_\_\_\_

(B) If "Others, do any of the associations have binding arbitration rules?  Yes  No

5. Is the firm a co-operative or a member of a co-operative?  Yes  No

6. Is the firm a:

Primary Producer of Seed	<input type="checkbox"/> Yes <input type="checkbox"/> No
Seed Processor	<input type="checkbox"/> Yes <input type="checkbox"/> No
Seed Re-packager	<input type="checkbox"/> Yes <input type="checkbox"/> No
Distributor of seed pre-packed by third party/parties	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other: Please explain _____	<input type="checkbox"/> Yes <input type="checkbox"/> No

7. Break down of your seed sales by kind of seed and source, last 12 months.

**Please attach a copy of your contract forms for each category below:**

Category:

A. Please show **total sales** *excluding* Categories B, C and D below.

B. Please show **total sales** of all seed grown by you, for others, under contract as Contract Grown Seeds.

Are you responsible for the quality control of this category?

Yes  No

C. Show only **income** from performing custom conditioning services for others, not the value of the seed conditioned.

D. Show only the dollar value of your distributor's **sales margin** of seed sold **using the supplier's packaging and labels** (i.e., the difference between the cost to you and your sales). Seed requiring re-testing before distribution should be declared as Category A sales, above.

"Circle" to indicate type(s) within the groups below for which overall figures are given:	A. Total seed sales, except B, C, D.	B. Total sales of Contract Grown Seed.	C. Income from seed custom conditioned for others.	D. Distributor sales margin. (See above)
1) Watermelon				
2) Tomato				
3) Lettuce, Peppers, Brassica, Cucurbits, Melons (other than Watermelon)				
4) Other Garden Seed (Attach List of Types and Sales)				
5) Home Gardeners' Packets				
6) Flower Seed				
7) Seed Potatoes: Certified, Non-Certified				
8) Rice				
9) Sugar Beets				
10) Wheat, Barley, Oats, Rye, Soybean, Hybrid Corn, Sweet Corn, Grain Sorghum, Hybrid Sunflowers, Canola, Cotton, Edible Dry Beans				
11) Grass Seed, (pure varieties and mixtures), Blue Grass, Fescue, Forage Sorghum, Alfalfa				
12) All Other Seeds (Attach List of Types and Sales)				

8. (A) Do you use a standard limitation of liability limiting your liability to the replacement, or the cost of replacement, seed? (Please attach a copy)

Yes  No

If "No", please explain \_\_\_\_\_

(B) Does your limitation of liability appear on all your seed tags, bags, labels and invoices?

Yes  No

9. (A) Do you grow experimental stock seed?

Yes  No

(defined as breeder, foundation or registered seed prior to commercial sales.)

(B) If so, do you allow any retention of experimental (stock) seed by your growers for resale?

Yes  No

If "Yes", please explain the terms of contract, percent of retention, dollar value each category, and attach contract agreement used.

10. (A) Do you have any involvement in research or development of "transgenic varieties"?

Yes  No

If "Yes" please describe in full, and confirm whether such seeds have been approved by any regulatory authority (APHIS, FDA, EPA, etc.) \_\_\_\_\_

(B) Do you currently sell any transgenic varieties?

Yes  No

If "Yes", please identify and describe the types or kinds of transgenic seeds sold and set forth your dollar sales volume for each type or kind of transgenic seed sold. \_\_\_\_\_

11. (A) Who is responsible for your Quality Control program? \_\_\_\_\_  
(B) To whom does this person report? \_\_\_\_\_  
(C) What training has this person had in Quality control? \_\_\_\_\_  
(D) Describe briefly your Quality Control program. (Include sampling procedures and limits of confidence used.) \_\_\_\_\_

12. Do you deal in green bean seeds?  Yes  No  
If "Yes" (a) Advise source of seed. \_\_\_\_\_  
(b) Advise if seeds are exposed to Halo Blight and what, if any, eradication measures you have taken. \_\_\_\_\_

**Note: Primary Producers/Processors please answer all questions.**

**Distributors, Re-packagers, Secondary Processors** please omit questions marked \* (13 to 17 inclusive), but **provide a copy of your standard order** listing specifications required in the product purchased from a primary producer/processor.

- 13\* (A) What parameters are used to determine a specific lot of seed? \_\_\_\_\_  
(B) How are lots separated until varietal purity, germination, and weed seed content have been determined? \_\_\_\_\_

- 14\* Are grow-out tests of seed lots conducted when such tests are required to determine quality?  Yes  No  
If "Yes", on which crops, and where. \_\_\_\_\_

- 15\* Do you determine that a grow-out lot of hybrid seed conforms to the Federal Seed Act Regulations regarding percentage requirements of hybridized seeds?  Yes  No  
If "No", please explain: \_\_\_\_\_

- 16\* (A) If seed is grown for you by contract growers, whose crew rogues the production field? \_\_\_\_\_  
(B) At what times do your representatives examine the planting and growing of the production field? \_\_\_\_\_  
(C) What experience have these representatives had in seed production? \_\_\_\_\_  
(D) If field inspection or roguing raises questions as to the acceptability of the varietal purity of the lot, what procedures are followed to correct any indicated problem before the seed is marketed? \_\_\_\_\_

- 17\* (A) In your production of cross-pollinated seeds, do you meet the isolation, roguing and pollen control requirements recommended by regulatory officials, extension departments, and Universities?  Yes  No  
(B) For self-pollinated crops, what kind of isolation measures do you observe to prevent accidental mechanical contamination of the crop? \_\_\_\_\_

18. In your processing plant or plants, which have more than one processing line, do you ever process more than one variety of a given kind of seed at the same time?  Yes  No  
If "Yes", how do you ensure mechanical mixtures are prevented? \_\_\_\_\_

19. (A) Does the firm maintain a private laboratory staffed with a senior analyst?  Yes  No  
If "No", does the firm use the facilities of a qualified commercial laboratory?  Yes  No  
If so, name the laboratory used: \_\_\_\_\_  
(B) Are your germination tests made according to the procedures prescribed by the Association of Official Seed Analysts?  Yes  No  
If "No", please explain the procedures followed \_\_\_\_\_

20. (A) If germination (plus hard seed percentage if applicable) is less than the higher of 75% or five percentage points above the minimum specified for the seed in the Federal Seed Act regulations, do you conduct a seedling vigor test?  Yes  No  
(B) How frequently do you retest germination of seed lots? \_\_\_\_\_

21. Do you keep a representative sample from each lot of seed, and store the sample under storage conditions equivalent to those for your seed inventory storage until a year after the lot has been entirely sold or disposed of?  Yes  No

22. (A) What requirements as to germination percentage, origin and age of seed do you observe in blending seed? \_\_\_\_\_

(B) What requirements are observed in dealing with formula mixes (i.e. pasture mixes, lawn mixes, alfalfa blends, etc.)?  Yes  No

23. Are you involved in the sale of Potato Seeds?  Yes  No

If "Yes", please answer questions on the attached "Potato Seedsmen's Supplemental Questionnaire".

24. Has any application for this type of insurance made on behalf of the firm or any of the present partners, or to the knowledge of the firm, on behalf of their predecessors in business, ever been declined or has any insurance ever been cancelled or renewal refused?  Yes  No

If "Yes", please give full particulars. \_\_\_\_\_

25. Have any claims been made during the past five years against the firm or its predecessors in business that would have been covered by the proposed insurance?  Yes  No

If "Yes", please give full particulars. \_\_\_\_\_

26. Is the firm aware of any circumstances which may result in any claim being made against the firm?  Yes  No

If "Yes", please give full particulars. \_\_\_\_\_

27. Do you currently carry Seedsmen's Errors and Omissions Insurance?  Yes  No

If "Yes", please give full particulars.

Insurer: \_\_\_\_\_ Sum Insured: \_\_\_\_\_ Deductible: \_\_\_\_\_

Premium: \_\_\_\_\_ Period: \_\_\_\_\_

Retroactive Date: \_\_\_\_\_

**28. COVERAGE REQUESTED**

Circle the amount of indemnity required: \$250,000 \$500,000 \$1,000,000 Other \$: \_\_\_\_\_

Circle the amount of indemnity required: \$2,500 \$5,000 Other \$: \_\_\_\_\_

Do you desire coverage to be extended to include "multiple claims coverage"?  Yes  No

*("Multiple Claims" means more than one claim arising from a single act, error or omission in respect of one lot of seed. "Multiple Claims Coverage" means that if more than 3 claims are made in respect of one lot, the insured shall bear only the first 3 deductibles. This coverage is available for an additional premium.)*

I/WE DECLARE THAT THE ABOVE STATEMENTS AND PARTICULARS ARE TRUE AND THAT I/WE HAVE NOT SUPPRESSED OR MIS-STATED ANY MATERIAL FACTS AND I/WE AGREE THAT THE PROPOSAL FORM SHALL BE THE BASIS OF THE CONTRACT WITH UNDERWRITERS. HOWEVER, IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT THIS APPLICATION DOES NOT PROVIDE COVERAGE OR BIND HEREUNDER IN ANY WAY NOR TO ANY EXTENT WHATEVER FOR ANY LOSS OR CLAIM AND COMPLETION OF THIS APPLICATION IS FOR QUOTATION PURPOSES ONLY.

Name of Firm: \_\_\_\_\_

Signature of Applicant (Partner or Officer): \_\_\_\_\_

Dated \_\_\_\_\_

**PLEASE ATTACH THE FOLLOWING  
(Not needed for renewals unless there have been changes in the last 12 months):**

LETTERHEAD used by the firm.

A typical SEED TAG,

INVOICE,

Copies of CONTRACTS, refer to **Questions 7 B** and/or **9**: Categories **A, B,** and **C**.

DISCLAIMER, refer to **Question 10**.

STANDARD ORDER, refer to **"Note" before Question 13**.

## POTATO SEEDSMEN'S SUPPLEMENTAL QUESTIONNAIRE

1. What classes of seed potatoes do you grow?

<u>Classes</u>		<u>% of Total</u>
Tuber Unit Foundation	Yes ( ) No ( )	%
Mass Plant Foundation	Yes ( ) No ( )	%
First Year Certified	Yes ( ) No ( )	%
Second Year Certified	Yes ( ) No ( )	%
Third Year Certified	Yes ( ) No ( )	%

2. Do you participate in a State Certification Program?  Yes  No

3. (A) Do you do any cutting of potatoes as part of your sales or distribution?  Yes  No

If "Yes", what measures do you employ to disinfect equipment prior to cutting any new crop? \_\_\_\_\_

(B) Do you wash Seed Potatoes before sale?  Yes  No

If "Yes", do you use a disinfectant?  Yes  No

What disinfectant and rate of application do you use? \_\_\_\_\_

4. (A) What type of container do you use in shipping the seed potatoes? \_\_\_\_\_

Are containers (or bags) always new?  Yes  No

(B) Are the containers or cartage in which the bags of seed potatoes are shipped always disinfected or decontaminated prior to shipment?  Yes  No

5. Give a brief description of how Seed Potatoes are stored. \_\_\_\_\_

6. How is temperature and humidity controlled and is there a back-up system? \_\_\_\_\_

7. Do you store any other commodities in the area of Seed Potato storage?  Yes  No

If "Yes", what? \_\_\_\_\_

Name of Firm \_\_\_\_\_

Dated \_\_\_\_\_

Signature of Applicant (Partner or Officer) \_\_\_\_\_