

OREGON DEPARTMENT OF AGRICULTURE
WEED FREE FORAGE CERTIFICATION
PILOT PROGRAM

Procedures

(1) Authority:

Under ORS 632.900 to 632.990 the Oregon Department of Agriculture (Department) has the authority to set grades and standards for forage products. At the request of industry and land management cooperators the Department has developed procedures for a pilot weed free forage certification program. This is a voluntary pilot program with the intent of certifying weed forage as part of overall weed prevention efforts. These procedures will meet or exceed North American Weed Management Association (NAWMA) standards. Prohibited noxious weeds include both NAWMA and the Department's noxious weed lists.

(2) Definitions:

- (a) "Producer" is the grower of the forage or an authorized agent
- (b) "Certification" as used in this document means to certify a forage crop as to the applicant, commodity, amount of production and freedom from noxious weeds.
- (c) "Department" means the Oregon Department of Agriculture.
- (d) "Director" means the Director of the Oregon Department of Agriculture.
- (e) "Forage" includes hay or straw.
- (f) "Noxious weeds" are plants that cause economic loss and/or environmental harm. The official lists of noxious weeds covered by this certification program are referenced in section (2) below.
- (g) "Propagative plant parts" are any parts of a plant capable of reproduction, including seeds, live roots, rhizomes, stolons or any other viable part.
- (h) "Treated" means utilizing treatment methods to prevent weed seed formation, including, but not limited to, burning, mechanical methods, rouging, or application of chemical herbicides.
- (i) "Weed free" means to be free from seed and propagative plant parts of listed noxious weeds as per section (2).

(3) Weed Lists and Standards: Certified weed free forage shall be free from seed and propagative plant parts of noxious weeds listed in Oregon's official list of noxious weeds and the (NAWMA) prohibited weed list. These lists are available from: Commodity Inspection Division, 503-986-4620, FAX 503-986-4737 or Plant Division, Noxious Weed Control Program, 503-986-4621, FAX 503-986-4737, Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301-2532. Oregon's official list is also available on the web at:

http://www.oregon.gov/ODA/PLANT/docs/pdf/603_052_1200.pdf, and NAWMA's web site: http://www.nawma.org/documents/Weed%20Free%20Forage/WFF_Standards.html.

(4) Requesting An Inspection: Requests for crop inspections shall be made at least 20 days prior to harvest. Requests may be made in person, by phone, fax, email, or in writing (contact information above in section (2)). Requests shall include applicant's name, address, telephone number, field location(s), crop, acreage, estimated yield by weight and number of bales, anticipated harvest date, and a detailed map of the field(s) and the township, range, section and quarter or GPS coordinates to be certified.

(5) Field Inspection: The forage crop shall be inspected in the field to meet Oregon weed free standards and NAWMA standards (see section (2)) by a qualified inspector no more than 10 days prior to harvest. The entire field border shall be walked or driven. There shall be a minimum of two entry points per field and a minimum of one entry point per each 10 acres. At each entry point the inspector shall walk at least 150 feet into the field. An inspector shall not inspect fields for which the inspector has ownership or financial interest.

(6) Certification Of Crop:

(a) A certificate of inspection shall be completed and given to the applicant for each field and crop cutting inspected and found free of noxious weeds. The certificate shall document that the crop is weed free and shall contain the applicant's name, address, commodity, and estimated yield by weight and number of bales. A copy of this certificate shall be retained by the Department. Sufficient shipping documents and tags will be provided to the applicant to identify the bales harvested from the certified field. Any excess shipping documents or tags must be returned to the Department within two months.

(b) If noxious weeds are found that could result in crop contamination by seeds or propagative plant parts, the crop does not qualify for weed free certification. Treatment methods can include, but are not limited to, burning, cutting, rouging, mechanical methods or chemicals. In this case, the inspector shall complete an inspection report detailing the weed(s) present and their location(s) in the field. The applicant may treat the weed(s) and request a follow-up inspection at additional cost to the applicant. If upon re-inspection, the inspector determines that the weed(s) have been treated in a manner that will prevent seeds or propagative plant parts from contaminating the crop, the crop can be certified as in subsection (5)(a).

(c) All certified weed free forage shipments shall be accompanied by an official shipping document or tag. The use of these forage identification mechanisms shall be evidence that the forage is certified to be weed free and traceable to the source of the original crop.

Exhibit A

- (d) Records shall be maintained for three years by the applicant and by anyone receiving shipments of certified weed free forage with the intention of distributing the product as certified weed free either as a complete shipment or sub-divided partial shipments.
- (e) Each sale of sub-divided partial shipments shall be accompanied by a receipt when requested by the buyer with the statement “The forage covered by this receipt has been certified to be weed free in accordance with Oregon’s Weed Free Forage Certification Program.” The receipt shall also show the number of bale and certification number.
- (f) The storage area shall also be inspected and meet the standards.

(7) Fees For The 2006 Pilot Program:

- (a) inspection time, including travel, at a rate of \$60.00 per hour, four hour minimum or \$3.00 per acre, which ever is greater.
- (b) mileage for the inspector’s travel at the current official state mileage rate.
- (c) \$25 non-refundable application fee.
- (d) Agencies under compliance with the Department to provide inspection services, will remit to the Department 10% of the applicable fees to cover the cost of certificates, shipping documents, tags, and program administration.

(8) Inspector Qualifications: Only qualified inspectors shall certify forage as being weed free. Each person seeking designation as a qualified inspector shall attend a training session given by the Department or cooperating agency specifically designed to train inspectors to recognize prohibited weeds and learn standardized inspection, certification and record keeping procedures. Proof of attendance at such a training session shall be retained by the inspector and be on file at the Department.

(9) Violations: It shall be a violation of these rules under ORS 632.900 to 632.990 to: make false, misleading, deceptive, or fraudulent representations regarding certification of any crop; refuse or fail to comply with any provisions of the Weed Free Forage Pilot Program rules; fail to maintain or submit documents required by these rules; fail to return unused tags at end of year to the department; alter or deface in any manner any document or marking system produced as the result of a crop inspection pursuant to these rules; reproduce, produce a facsimile of, or utilize in any fashion any documentation or marking system pertaining to certification of any crop, except as provided by these procedures.