

Guidelines under California Food and Agriculture Code Section 5101 & 5205

For The

CERTIFICATION of WEED FREE FORAGE, HAY, STRAW and MULCH

STATEMENT OF PURPOSE

The purpose of these rules is for the certification of forage free from noxious weeds. Forage certified under these procedures will satisfy the requirements of The United States Forest Service, Bureau of Land Management, The National Park Service and any other agency accepting these procedures, permitting only weed free forage on lands under their control. Included are definitions of terms, state list of noxious weeds, procedures for inspection and certification of weed free forage, and procedures for identifying and tracking certified forage crops. Authority to certify forage as weed free is permitted under sections 5101 and 5205 under authority of section 403 of the California Food and Agricultural Code.

1.00 DEFINITION OF TERMS

- a. "Weed free" means to be free from propagative plant parts and seed from plants listed in the California Code of Regulations, Title 3, Division 4, Chapter 6, Subchapter 6, Section 4500.
- b. "Propagative plant parts" are any part of a plant capable of reproducing itself, including live roots, rhizomes, stolons or any other viable part.
- c. "Noxious weed" means any species of plant that is, or is liable to be, troublesome, aggressive, intrusive, detrimental, or destructive to agriculture, silviculture, or native plant communities, and difficult to control or eradicate, which the secretary, by regulation, determines to be a noxious weed.
- d. "Secretary" means the Secretary of the California Department of Food and Agriculture.
- e. "Certification" as used in this document means to certify a forage cutting as to the producer, commodity, amount of production and freedom from weed content.
- f. "Forage" includes hay, straw or mulch.
- g. "Producer" is the grower of the forage.
- h. "Commissioner" as used in these rules includes county agricultural commissioners and their deputies and inspectors.

2.00 WEED LIST

- a. Certified Weed Free Forage shall be free from propagative plant parts of noxious weeds listed in section 4500 of title 3, division 4, chapter 6, subchapter 6 of the California Code of Regulations.

3.00 PROCEDURES FOR CERTIFICATION OF WEED FREE FORAGE CROPS

- a. Application for certification shall be made by the producer or his agent to the agricultural commissioner of the county where the crop to be certified is growing or to be grown. Such application shall be made no later than 14 days prior to harvest. Application shall be made on a form(s) required by the commissioner. Application shall include grower's name, address, telephone number, field location(s), crop, acreage(s), estimated yield and a detailed map of the field(s) to be certified.
- b. Requests for certification inspections shall be made at least 14 days prior to harvest. Requests may be made in person, by phone, or by fax or any other method permitted by the commissioner. Requests shall include grower, field number or location, crop, date of proposed harvest, and estimated total production by weight and number of bales.

4.00 INSPECTION PROCEDURES PRIOR TO CUTTING

- a. The forage crop shall be inspected in the field of origin by the agricultural commissioner no more than 5 days prior to harvest. The inspection shall include surrounding ditches, fence rows, rights of way and buffer zones. The harvested forage crop shall be removed from the field within 14 days and shall be stacked and stored at any site where it would not be allowed to become contaminated with propagative noxious weed components.
- b. Forage which contains any weed(s) designated on the prohibited noxious weed list may be certified weed free if the following conditions are met:
 1. Live roots, rhizomes, stolons, seeds, or other propagative plant parts of noxious weeds are not present in the forage to be harvested.
- c. Inspection procedures should be based on but not limited to methods outlined in the California Department of Food and Agriculture Nursery Manual and Quarantine Circulars, Seed Manual and the National Plant Board Plant Quarantine, Nursery Inspection, and Certification Guidelines.

5.00 PROCEDURES FOR TRACKING AND IDENTIFYING CERTIFIED FORAGE

- a. A certificate of inspection shall be completed for each field and crop cutting inspected. The certificate shall document that all conditions of these rules have been met, and shall contain the grower's name, address, commodity, and estimated amount by number of bales and weight.
- b. The producer shall keep inventory sheets for each cutting from each field and maintain records of each sale and quantity sold from each cutting.
- c. The producer shall maintain these records for 2 years and make them available for inspection by the county agricultural commissioner.
- d. All inspected forage shipments shall be accompanied by an embossed shipping document, or a tag, either of which may be issued by the county agricultural commissioner. Individual units which are subdivisions of the total shipment may be bound with a designated color-coded twine supplied to the agricultural commissioner by the U.S. Government and distributed to the producer. The use of these forage identification mechanisms shall be evidence that the forage is certified by the county agricultural commissioner to be weed free and traceable to the source of the original cutting.
- e. Records shall be maintained for two years 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.

- f. Each sale of sub-divided or partial shipments shall be accompanied by a receipt when requested by the buyer with the statement "The forage, hay, straw and/or mulch categorized by this receipt has been certified to be free from noxious weeds in accordance with the Food and Agricultural Code of California".

6.00 VIOLATIONS

- a. Any county agricultural commissioner, under the authority of section 5311 with reference to section 5208 of the State of California Food and Agricultural Code, may at any time, initiate a notice and hearing process to determine whether a violation of these provisions has occurred. Violations of Federal requirements concerning weed free forage on federal grounds will not be enforced by agricultural commissioners. The hearing process may review the actions of:
 - 1. The certificate holder
 - 2. Any other person whose actions may have resulted in the violation.
- b. The notice of hearing shall be on a form approved by the secretary and contain:
 - 1. Specific provisions violated, and a warning to cease such violations.
 - 2. A hearing date to determine if the certificate(s) involved in the violation or participation privileges should be revoked.

7.00 FEES

- a. The county agricultural commissioner may charge a fee for conducting inspections and issuing certificates as set by the board of supervisors of that county, but not to exceed the actual cost of the performing the inspections and issuing the certificates as permitted by section 5202 of the California Food and Agricultural Code.