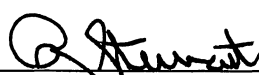


COOPERATIVE AGREEMENT
between the
AGRICULTURAL MARKETING SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250
(hereinafter called the Federal Agency) and the
California Crop Improvement
Davis, CA 95616
(hereinafter called the State Seed Certifying Agency)

- Title of Agreement:** Cooperative Activities for the Organization for Economic Cooperation and Development (OECD) Seed Schemes.
- Objective:** To administer the provisions of the OECD Seed Schemes involving seed certified for varietal purity that is shipped in international commerce.
- Statement of Work:** This cooperative agreement shall be carried out by the organizational units or officials of the Agricultural Marketing Service (AMS) and the State Seed Certifying Agency in the manner and subject to the conditions provided in the Statement of Work, Form AMS-20-2, attached hereto and made a part of this agreement.
- Legal Authority:** The Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622 and 1624); Section 713 of Title VII (General Provisions) of Division A of Public Law 108-7.
- Revision:** This agreement shall supersede all previous Memorandums of Understanding between individual State Seed Certifying Agencies and the Agricultural Research Service (ARS); as well as between the Association of Official Seed Certifying Agencies and ARS, United States Department of Agriculture, including Research Agreement No. 58-0501-8M-084 signed August 25, 1998.
- Effective Date:** October 1, 2004
- Approvals:** The signatories hereby certify that they have authority to enter into said cooperative agreement.

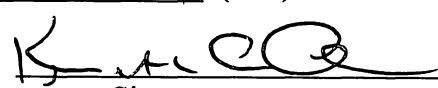
This agreement is hereby approved for the State Seed Certifying Agency.

Done at DAVIS, CA (City, State) on 1 SEPT. 04 (date)

ROBERT STEWART  INTERIM EXE. DIR.
Name (Please Print) Signature Title

This agreement is hereby approved for the Federal Agency.

Done at Washington, D.C. on 10/21/04 (date)


Name (Please Print) Signature Title

This STATEMENT OF WORK is part of the Cooperative Agreement between the Agricultural Marketing Service and California Crop Improvement effective October 1, 2004, having the title of Cooperative Agreement for the OECD Seed Schemes.

I. Introduction

Federal and State Seed Certifying Agency employees shall be designated for the conduct of activities to be carried out under terms of this agreement as follows:

- A. For the Federal Agency** - Chief, Seed Regulatory and Testing Branch, Agricultural Marketing Service, and such authorized employees as are needed to perform the work.
- B. For the Seed Certifying Agency** – Director, State Seed Certifying Agency, and such authorized personnel as are needed to perform the work.
- C. Mutually between the Federal Agency and the Seed Certifying Agency**

II. Responsibilities

A. The Federal Agency will:

1. Be the U.S. Designated Authority for the OECD Seed Schemes.
2. Serve as head of delegation at international meetings of the OECD Seed Schemes.
3. Be the final authority on all policy matters regarding U.S. OECD Seed Schemes.
4. Perform the daily administrative operation of the OECD Seed Schemes seed certification program in the United States, including providing the State Seed Certifying Agencies with information on the implementation and operation of the Program.
5. Provide information and explanation to assist seed companies and plant breeders participating in the OECD Seed Schemes, e.g. listing cultivars, resolving conflicts in labeling and documentation, resolving problems with OECD shipments to other countries, and assisting in other areas as appropriate.
6. Provide an appeals process in the event a variety is rejected from being added to the list of Cultivars Eligible for OECD Certification, for which the ultimate decision is made by the designated AMS official.
7. Make available to the State Seed Certifying Agencies the official USDA certificates to be used for OECD Seed Schemes, and maintain a system of accountability to track all such certificates that are issued.
8. Gather information from the State Seed Certifying Agencies and prepare reports for submission to the OECD Secretariat on weights of seed certified; post control tests conducted; approvals for multiplications outside the United States; and U.S. cultivars eligible for certification that are added, deleted, or modified from the U.S. national list.
9. Inform the State Seed Certifying Agency of policy issues and seek input on such issues.

10. Receive payments collected by State Seed Certifying Agencies and remit annual payment to OECD Secretariat in Paris, France, as the U.S. Designated Authority, and act as liaison between the State Seed Certifying Agencies and the OECD Secretariat.
11. Have the authority to resolve all issues and disputes regarding the administration of the OECD Seed Schemes for the United States.
12. Perform USDA compliance activities on the administration of the OECD Seed Schemes.

B. The State Seed Certifying Agency will:

1. Cooperate with AMS to perform the services necessary to administer the OECD Seed Schemes.
2. Determine that seed produced under the OECD Seed Schemes complies with the requirements and procedures of the appropriate OECD Seed Certification Scheme and other requirements and standards as may be adopted by OECD.
3. Determine that seed produced under the OECD Seed Schemes is tested for purity and germination in accordance with the rules and regulations of the Association of Official Seed Analysts.
4. Issue a certificate of varietal certification as requested for each lot of OECD labeled seed shipped.
5. Collect OECD administrative fees assessed from seed companies participating in the OECD Seed Schemes and forward the fees to AMS.
6. Gather information and prepare reports for submission to AMS on weights of seed certified, post control tests conducted, and U.S. cultivars that should be added, deleted, or modified from the U.S. list.
7. Provide an annual report to the Federal Agency of administrative fees assessed and collected from seed companies participating in the OECD Seed Schemes program.
8. Maintain official records for OECD Seed Schemes for a period of no less than five (5) years after issuance of tags and/or certificates; including, but not limited to, a copy of the signed and issued certificate and make these records available to the Federal Agency for resolution of disputes regarding international shipments.
9. Ensure that seed producers, conditioners, samplers, and testers have appropriate training and facilities to participate in the production of certified seed according to the rules of the OECD Seed Schemes.
10. Inform AMS of any issues that may affect policy and provide input on such issues.
11. Not refer in advertising in any manner to the U.S. Federal Government or agencies thereof in connection with the use of the results of this work without specific written authorization by the Federal Agency.

C. It is mutually understood and agreed that:

1. The Federal Agency and the State Seed Certifying Agency will work in cooperation to plan and perform the objectives of the OECD Seed Schemes program.
2. Correspondence and documentation regarding this Cooperative Agreement should cite Agreement No. 12-25-A-4370.
3. Certificates shall be Federal and be issued by the Federal Agency through the State Seed Certifying Agencies.
4. Unless a supplemental statement to this agreement is entered into, this document does not constitute a financial obligation to serve as a basis for expenditures. Each party will handle and expend its own funds. Any expenditure from Federal funds in the Department of Agriculture made in conformity with the plans outlined in this agreement must be in accordance with Department rules, and in each instance based upon appropriate finance papers. Expenditures made by the State Seed Certifying Agency will be according to its rules. Supplemental statements issued under this agreement will provide the basis for any reimbursement to the State Seed Certifying Agency by the Federal Agency, as outlined in each supplement.
5. All aspects of this agreement shall be executed according to all applicable parts of USDA's Uniform Federal Assistance Regulations (7 CFR § 3015 et seq.), or as they may be later revised, and successive published regulations, as appropriate, hereby incorporated by reference and made a part of this agreement.
6. The following are attached and hereby made a part of this agreement:
 - a. Standard Form 424B, "Assurances - Non-Construction Programs."
 - b. Form AD-1049, "Certification Regarding Drug-Free Work place Requirements (Grants) Alternative I - For Grantees Other Than Individuals."
 - c. Form AD-1047, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions."
 - d. Form AD-1048, Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions. Note: The recipient is responsible for obtaining the signatures and retaining the certificates, if warranted, from lower tier recipients or contractors as defined in 7 CFR § 3017.
7. No member of Congress or resident commissioner shall be admitted to any share or part of this agreement or to any benefit to arise therefrom, unless it be made with a corporation for its general benefit.
8. This agreement shall continue in force indefinitely, contingent upon funds being available from which expenditures legally may be met. It may be amended or supplemented at any time by mutual agreement of the parties in writing. However, unilateral amendments may be issued by AMS for changes that are administrative in nature, including changes caused by legislative action.

This agreement may be terminated any time by mutual consent or by either party hereto upon 180 calendar days written notice to the other party, and specifying the date of termination. Supplemental agreements between AMS and the State Seed Certifying Agency made under this agreement shall be limited to the fiscal year in which the work is performed.

Equal Employment Opportunity and Civil Rights

The United States Department of Agriculture prohibits discrimination in its programs on the basis of race, color, natural origin, sex, religion, age, disability, and sexual orientation. The Department strives to attain a diverse workforce, ensure equal opportunity, support civil rights and create a work environment free of discrimination and harassment.

In support of the Department's policy, equal employment opportunity and civil rights for all employees and clients are an essential part of all programs administered by AMS. State Agencies are strongly encouraged to develop and support an equal employment opportunity and civil rights program in carrying out the partnership created with this cooperative agreement.