

Consultation on:

- Method of obtaining (and retaining) approval to become a Forestry Commission Approved Forest Tree Seed Testing Facility
- Draft “Guidelines for Seed Testing at Forestry Commission Approved Forest Tree Seed Testing Facilities”

Background

The Legal requirement:

The Forest Reproductive Material (Great Britain) Regulations 2002¹ provide a system of control for seed, cuttings, and planting stock that is used for forestry purposes in Great Britain. These regulations implement European Council Directive 1999/105/EC² controlling the marketing of forest reproductive material. The directive applies to 46 controlled species and the genus *Populus* (see Appendix 4), where reproductive material is marketed for forestry purposes.

Article 14(2) of Directive 1999/105/EC requires that:

“In the case of seeds, the supplier’s label or document... shall also include the following information, assessed, as far as possible by internationally accepted techniques:

- (a) purity: the percentage by weight of pure seed, other seed and inert matter of the product marketed as a seed lot;
- (b) the germination percentage of the pure seed, or where this is impossible or impractical to assess, the viability percentage assessed by reference to a specified method;
- (c) the weight of 1 000 pure seeds;
- (d) the number of germinable seeds per kilogram of product marketed as seed, or, where the number of germinable seeds is impossible or impractical to assess, the number of viable seeds per kilogram.”

Small quantities of seed, as defined in Schedule 11 of The Forest Reproductive Material (Great Britain) Regulations 2002, do not need to be tested for the second and fourth point above. This avoids the destruction of potentially scarce seed.

Only seed testing facilities approved by the Forestry Commission can carry out statutory seed testing in Great Britain. This is a requirement of Regulation 20 of The Forest Reproductive Material (Great Britain) Regulations 2002, which states that:

“the information required....shall be obtained from assessments using techniques which –

- (a) are, so far as is practical in all the circumstances, internationally accepted techniques; and
- (b) in the case of seeds to be tested in Great Britain, have been confirmed by the Commissioners as internationally accepted techniques prior to the assessments taking place.”

¹ GB Legislation - <http://www.opsi.gov.uk/si/si2002/20023026.htm>

² EU Directive - <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31999L0105:EN:HTML>

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Coverage:

The FRM Regulations only cover the species listed in Appendix 4, however the Forestry Commission also manages the Voluntary Scheme for the Certification of Native Trees and Shrubs, (the Voluntary Scheme). This scheme allows seed collectors to certify their native collections for species not covered by the Regulations. The procedures in the Voluntary Scheme are the same as for the Controlled Species Scheme. The Forestry Commission will also control FRM and Basic Material of certain non-controlled exotic species that are used in British forestry.

Question 1) Should the requirements of the Regulations with regard to seed testing be so stringently applied to non regulated species?

Standard to be met by Forestry Commission Approved Forest Tree Seed Testing Facilities:

Option 1: Impose full ISTA standards.

The International Seed Testing Association (ISTA) is an international organisation whose aim is to promote the uniformity of seed analysis results by the use of standardised rules³ for seed sampling and testing.

Option 2: Accept, in principle, "*Guidance for Seed Testing at Forestry Commission Approved Forest Tree Seed Testing Facilities*"

The Forestry Commission has prepared the draft "*Guidance for Seed Testing at Forestry Commission Tree Seed Testing Facilities*" (Appendix 1) as an alternative to imposing full ISTA standards. The rationale behind preparation of the draft guidance was that to impose full International Seed Testing Association rules upon tree seed testers would be both unnecessary and unwelcome by the industry. It would create a need for expensive equipment and the costs to those involved in marketing seed could prove disproportionate to the value of the seed.

- **Question 2)** Notwithstanding the outcome of Question 1 above, should forest tree seed be tested using procedures that are fully compliant with ISTA rules or are you content, in principle, to accept guidance that sets the standard to be met before receiving FC approval?

The draft guidance is attached at Appendix 1 and tables (which would be incorporated into the guidance at the appropriate places prior to publication) are shown at Appendix 2. You are welcome to comment on the guidance regardless of your response to

³ ISTA rules available from- http://www.seedtest.org/en/international_rules_content---1--1083.html

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Questions 1 or 2 above. A list of questions relating to the draft "*Guidance for Seed Testing at Forestry Commission Tree Seed Testing Facilities*" are included at Appendix 3.

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Notwithstanding the outcome of Questions 1 and 2 above, the Forestry Commission needs to set a formal process for the initial approval and subsequent re-inspection of tree seed testing stations. This system of approval needs to be independent, credible and incorporate appropriate checks on quality of operation as well as quality of seed.

Obtaining initial approval

There are currently two Official Seed Testing Stations in Great Britain.

- The Official Seed Testing Station for Scotland, based at Roddinglaw, Edinburgh, is a part of SASA (Science and Advice for Scottish Agriculture)⁴, a division of the Scottish Government. This is the principle centre for seed testing and seed quality information in Scotland. They are accredited to ISO 17025 by the United Kingdom Accreditation Service (UKAS), and are also ISTA accredited
- The Official Seed Testing Station at NIAB (The National Institute of Agricultural Botany)⁵ in Cambridge is designated by the Department for Environment, Food and Rural Affairs (Defra) as the Official Seed Testing Laboratory for England and Wales. It is accredited and audited by ISTA and has to meet specified quality criteria based on ISO Guide 25 and EN 45001 standards.

The FC will accept the recommendation of either of the above Official Seed Testing Stations (OSTS) as to whether or not potential forest tree seed testers are using "internationally accepted techniques" and meeting the agreed standard.

Potential seed testers from anywhere in Great Britain are free to approach whichever OSTs they choose with a view to obtaining their recommendation for FC approval.

All costs incurred, or charges payable to the chosen OSTs during the process of obtaining initial approval, or for re-inspections, shall be met entirely by the seed tester. The FC is not able to provide financial support to applicants. This is outwith the scope of this consultation.

⁴ SASA - http://www.sasa.gov.uk/seed_testing/osts/index.cfm

⁵ NIAB - http://www.niab.com/pages/id/145/Official_Seed_Testing_Station

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Failed initial inspections

Where, following an initial inspection, a potential seed tester does not meet the full requirements of the relevant standard adopted, the OSTs will provide a list of recommendations that should be implemented in order to meet the agreed standard. It will be at the discretion of the inspecting OSTs as to whether a further inspection visit is necessary, or whether documentary evidence could provide sufficient proof to satisfy the OSTs that their recommendations have been fully implemented.

Re-inspection / monitoring

The Forestry Commission will, on the recommendation of either OSTs, approve seed testing facilities for a period of three years, or as recommended by the inspecting OSTs. At the conclusion of the approval period the seed tester must arrange with an OSTs for their facilities to be re-inspected.

- **Question 3)** Is a three year re-inspection programme acceptable to the industry? What alternatives would you propose and what justification would the FC have for imposing them?
- **Question 4)** Should there be any monitoring or checking of samples by either OSTs, for which a fee would be payable to them, throughout the period of approval? If yes, what proportion of seed tests (or seed tested) would be considered appropriate? Would the burden imposed on seed testers be justifiable?

Disputes with, or complaints against, FC approved seed testers

In the event of any dispute, or complaint against the approved seed tester, this should be referred to the Forestry Commission in the first instance and will be dealt with according to the merits of each case.

Should it be deemed necessary, the Forestry Commission retains the right to order the re-inspection of a seed tester during their approval period. If the re-inspection finds in favour of the complainant, the seed tester will be liable for costs incurred and may have their approval withdrawn. In the event of such an inspection failing to identify any deficiencies the costs will be borne by the Forestry Commission. If, as a result of re-inspection, it is suspected that an offence under Regulation 30 of the Forest Reproductive Material (Great Britain) 2002 Regulations, may have been committed, information will be passed to the FC Solicitor for investigation

- **Question 5)** Does this approach seem reasonable to the industry?