

DEPARTMENT OF FOOD AND AGRICULTURE

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KAREN ROSS, Secretary

**CALIFORNIA NURSERY STOCK REGISTRATION AND/OR CERTIFICATION PROGRAM AGREEMENT**

Each participant in the plant registration and certification program is required to sign this agreement as a condition of participation as provided in the California Code of Regulations, Title 3, Section 3069.

PLEASE READ THIS CAREFULLY AND COMPLETELY BEFORE SIGNING**3069. Disclaimer of Warranties and Financial Responsibility; Implementing Agreements and Forms.**

- (a) Nature of "Registration" and/or "Certification." The terms "registration" and/or "certification" as used in the Programs mean that Department employees or agents have visually inspected growing grounds and crops thereon as described in this article. The terms do not mean that the Department has inspected or is responsible for nuclear or parent stock, or that the Department has control over the labeling of the stock by Program participants. Registration and/or certification does not guarantee or warrant that the articles to which foundation, registration or certification tags are attached, or which are otherwise represented as foundation, registered or certified are merchantable or fit for a particular purpose.
- (b) The Department of Food and Agriculture disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for a particular purpose, regarding all plants, plant parts, and plant materials under any Nursery Stock Registration and/or Certification Program. The Department is not responsible for disease, genetic disorder, off-type, failure of performance, mislabeling, or otherwise, in connection with these Programs. In any event, Department liability is limited to the cost of purchase price of the plants, plant parts, or plant material involved. No grower, nursery, dealer, government official or other person is authorized to give any express or implied warranty, or accept any financial responsibility on behalf of the Department regarding these Programs, except as provided in this section.

(1) The undersigned grower is a participant in the

(Specific Registration and/or Certification Program)

program of the Department of Food and Agriculture. The applicant understands that the following limitations apply:

LIMITS OF LIABILITY

- (A) The Department of Food and Agriculture disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for a particular purpose.
- (B) The Department is not responsible for disease, genetic disorders, off-types, failure of performance, mislabeling, or otherwise, in connection with the Program.

- (C) In any event, Department liability is limited to the cost of purchase price of the plants, plant parts or plant material.
- (D) No grower, nursery, dealer, government official or other person is authorized to give any express or implied warranty, or accept financial responsibility on behalf of the Department regarding the Program, except as provided in California Code of Regulations, Section 3069.

(2) Participant agrees to the above limitations of liability and further agrees:

- (A) To waive any and all causes of action for damages, indemnification, or otherwise, which may accrue to the applicant in any manner against the State of California, the Department, its officers, agents, and employees in connection with the Departments participation in the Program;
- (B) To indemnify, defend and save harmless the State of California, the Department and its officers, agents, and employees from any and all claims or losses occurring or resulting from the Department’s participation in the Program in connection with participants activities;
- (C) To attach to each container of foundation, registered or certified nursery stock a tag, accurately and fully completed. In lieu of a tag on each container, a notice, accurately and fully completed, may be printed on or attached to each bulk delivery invoice. Each tag and notice will be in the form provided by California Code of Regulations, Section 3069(b); and
- (D) Not to advertise or otherwise represent that the Department certifies freedom from disease, genetic disorder, off-type or any aspect of performance, nor that the Department has any financial responsibility with regard to the Program.

This agreement shall be deemed to incorporate future amendments to the Food and Agricultural Code and California Code of Regulations relating to the Nursery Stock Registration and/or Certification Program.

This agreement shall remain in effect for the current and each succeeding year of Program participation.

Date

Signature

Name and Title of Grower Representative

Name of Nursery

Street Address

City and Zip Code

Note: If participant is a sole proprietorship, the owner must sign; if a partnership, a managing partner; if a corporation, an executive officer. Keep a signed copy for you file.