



April 2020 Plant Variety Protection Board Meeting Minutes Teleconference-Washington, DC - April 30, 2020 1-2 pm

1:00 pm Introduction and Opening Remarks by Ruihong Guo, Ph.D., Science & Technology Program Deputy Administrator. Welcome to the board members and roll call.

- Participants from USDA: Ruihong Guo and Jeff Haynes
- Participating PVP Board Members: John Beuttenmuller, Brent Burchett, Eloy Corona, Shannon Douglass, John Duesing, Josh Freeman, John Heaton, Kelly Keithly, Heidi Nebel, Wendall Shauman and Albert Tsui
- PVP Board Members unable to participate Charles Brown, Patrick Kole, Stevan Madjarac, James Sutton and Kathy White
- Participants from industry: Abigail Struxness

1:05 pm Introduction and program update by Jeff Haynes, Acting Commissioner of the Plant Variety Protection Office (PVPO). The PVPO consists of nine staff members, with seven examiners, a program analyst, and Acting Commissioner.

The PVPO examination staff has experience and expertise in biology, plant breeding, molecular biology, biochemistry and plant genetics. Three staff members hold master's degrees with undergraduate degrees in biology. Three hold bachelor's degrees in biology and one with an associate degree in biology. The PVPO staff is well rounded and qualified.

Operations of the program are continuing with little disruption. All staff are working remotely full-time. Application receipt, processing and examinations continue as they have before the pandemic. Hardcopy applications, documents and payments are still received as normal at the D.C. office and mail is checked at least once per week and processed.

Germplasm deposits were on hold at the time of the meeting, but the germplasm repository in Fort Collins, Colorado, has resumed acceptance of seed and tuber variety deposits by PVPO applicants. Under the new amended PVP regulations, asexually reproduced varieties were granted a 3-year germplasm delay waiver to give time to determine feasibility of long-term storage of these varieties. Hemp variety deposits have been delayed until the Agricultural Research Service (ARS) is completely prepared to receive these varieties.

The Plant Variety Protection (PVP) Act was amended under the 2018 Farm Bill to add asexual and hemp varieties to the program. The PVP regulations were revised to include these new variety types and published on January 6th of this year. The office now accepts new varieties that are asexually propagated, tuber propagated and asexually reproduced including hemp varieties. Since January 6th the program has received four new asexually reproduced varieties including two blackberry varieties, one hemp variety and one raspberry variety.

After the revised PVP regulations were published the PVPO received suggestions and requests for more than 30 asexually reproduced crop forms. The objective description of the variety form, or Exhibit C, is unique for each crop kind. The office has been working continually to create and publish these forms in fillable Portable Document File (PDF) format and to make them available from the ePVP System. The office has created and published 16 of the fillable and ePVP system forms with the remainder of them to be completed by June 30th of this year. The PVPO will continue to identify new crops of interest and develop the Exhibit C forms. Crop forms completed so far include apple, azalea, blackberry, calibrachoa, coreopsis, gomphrena, hemp, hornbeam, lemon, mandarin, orange, nightshade, raspberry, rose, sage and tillia. All new forms follow The International Union for the Protection of New Varieties of Plants (UPOV) test guideline table of characteristics.

The electronic Plant Variety Protection (ePVP) system is available from the PVPO website and is a tool for customers to submit, track and pay for applications. The system receives more than 30% of new applications including all hemp seed and vegetative varieties. The program has more than 120 registered users with accounts on the ePVP system. Software release 5 was completed in November of 2019 and included enhancements such as volume upload of corn applications, searches for locating applications and status codes and several internal software upgrades to improve examination efficiency by the PVPO staff.

The next software release will be version 6 to include the ability to respond to requests for information, increased integration with the UPOV system, better electronic application files that mirror the PDF forms, additional report options for users, and the ability to submit reports from other UPOV countries as attachments. The goal is to continue making improvements to the system to make it easier for customers to use and navigate.

1:40 pm

Board comments and discussion. The PVPO appreciated the PVP Board members for their thoughtful and helpful recommendations from the last board meeting in 2019. The program increased involvement with international associations and meetings. PVPO conducted two webinars to international associations that provided a comprehensive overview of program policies and processes and shared the plan to implement asexually reproduced varieties. The office also held two webinars that focused on domestic customers to provide detailed information on the addition of the new variety types.

The office has been and will continue participating in all UPOV technical working group meetings and will provide thoughtful input and feedback on crops that are actively examined. The program increased collaboration with the Canadian Plant Breeder's Rights Office and the European Union (EU), especially for asexually reproduced varieties. A good example of our cooperation with the EU is the lettuce project completed with the Netherlands which successfully reduced the number of grow-out trials required for lettuce applications to the US. This was a major achievement by both programs and has reduced costs to customers.

PVPO has been working with the American Seed Trade Association (ASTA) and its project team to gain an understanding of essentially derived varieties and develop a plan to actively contribute to the UPOV explanatory notes revision process. The program appreciates the importance of the issue for seed industries and will continue to coordinate and represent effectively.

Ruihong Guo and Jeff Haynes visited the Bigelow Laboratory in Maine to assess the facility and determine its capacity to receive and store germplasm samples. The laboratory has experience with a number of asexually reproduced varieties and plans to research the feasibility of other varieties in the next three years. The program plans to research and assess other World Intellectual Property Organization (WIPO) approved repositories in the US. These are the Fort Collins ARS facility in Fort Collins, Colorado, and the American Type Culture Collection (ATCC) in Manassas, Virginia. The goal is to develop and provide germplasm deposit resource list for applicants, before the requirement becomes effective in January 2023.

Comments were received from the PVP Board members regarding the current working relationship with the EU, program finances, the use of ATCC for germplasm deposits, the PVP Board nomination process and timeline, onsite DUS examinations by the PVPO and an update on the number of hemp applications received by the program.

The working relationship with the EU has improved by more interaction with UPOV by attending the technical working group meetings, the joint lettuce project with the Netherlands, and providing webinars on the US implementation of asexually reproduced varieties.

As stated previously, the PVPO is researching the WIPO approved germplasm repositories in the US and will provide a deposit resource list for applicants before the requirement of asexually reproduced variety deposits become effective in January 2023. The three repositories that are being researched are Bigelow Laboratory in Maine, ARS in Colorado, and ATCC in Virginia.

The PVP Board nomination process is ongoing for reconstituting the board later this year. The nominees have been vetted and the board package has been assembled to be submitted to the Secretary of Agriculture for review and selections.

The PVPO is working on a project plan to pilot on-site DUS examinations on domestic asexually reproduced and select seed propagated varieties. The program will work with one or more customers to pilot on-site DUS examinations of these varieties in the near future. The goal is to produce DUS reports that will be accepted by other countries to reduce the need for additional DUS trials.

PVPO has received a total of six seed propagated and one asexually reproduced hemp varieties since April 24, 2019. Three of the hemp varieties have been approved for protection and will be issued certificates of protection. The other four hemp varieties are under examination.

The program thanks the PVP Board for their two years of service to the office, the Department and the public. The thoughtful and useful feedback was used to refine and improve operations. This concludes the current PVP Board terms. The PVPO looks forward to working with the next PVP Board to continue the collaborative interaction with the program stakeholders.

2:00 pm Adjourn