THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

South Dakota Agricultural Experiment Station

Whereas there has been presented to the
Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY
REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE
APPLICATION AND EXHIBITS, A COPY OF WHICH IS HERETO ATTACHED AND MADE A PART HEREOF, AND THE
VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE
TITLE THEREOF IS FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT IS
INDICATED IN THE SAID COPY, AND WHEREAS UPON THE EXAMINATION MADE, THE SAID APPLICANT IS AND IS
ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UPON THE SAID APPLICANT
AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT FOR THE TERM OF TWENTY YEARS FROM THE
DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLACEMENT OF VIABLE
SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM
SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR
CONDITIONING IT FOR PROPAGATION OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN
INDUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY
PROTECTION ACT, IN THE UNITED STATES SEED OF THIS VARIETY (I) SHALL BE SOLD BY VARIETY NAME ONLY AS A
CERTIFIED SEED AND (II) SHALL CONFORM TO THE NUMBER OF GENERATIONS SPECIFIED BY THE OWNER OF
(84 STAT. 1540, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

SOYBEAN

'Surge'

In testimony whereof, I have hereunto set my hand
and caused the seal of the Plant Variety
Protection Office to be affixed at the City of
Washington, D.C. this twentieth day of
September, in the year two thousand two.

[Signature]

Commissioner,
Plant Variety Protection Office
Agricultural Marketing Service
APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

1. NAME OF APPLICANT(s) as it is to appear on the Certificate
South Dakota Agricultural Experiment Station

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER
SD(M)92-1233

3. VARIETY NAME
Surge

4. ADDRESS (Street and No., or R.F.D., No., City, State, and Zip Code, and Country)
South Dakota State University Agricultural Hall 129 Brookings SD 57007

5. TELEPHONE (Include area code)
(605) 688-4149

6. FAX (Include area code)
(605) 688-6065

7. GENUS AND SPECIES NAME
Glycine max

8. FAMILY NAME (Botanical)
Leguminocae

9. CROP KIND NAME (Common name)
Soybean

10. IF THE APPLICANT NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) (Common name)
State Agricultural Experiment Station

11. IF INCORPORATED, GIVE STATE OF INCORPORATION

12. DATE OF INCORPORATION

13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVES, IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS
Dr. Fred A. Cholick, Director
South Dakota Agricultural Experiment Station
Agricultural Hall 129, Box 2307
Brookings, SD 57007-2307

14. TELEPHONE (Include area code)
(605) 688-1749

15. FAX (Include area code)
(605) 688-4452

16. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)

a. Exhibit A. Origin and Breeding History of the Variety
b. Exhibit B. Statement of Distinctness
c. Exhibit C. Objective Description of the Variety
d. Exhibit D. Additional Description of the Variety (Optional)
e. Exhibit E. Statement of the Basis of the Applicant's Ownership
f. Exhibit F. Voucher Sample (2,600 viable untreated seeds, or, for tuber propagated varieties verification that tissue culture will be deposited and maintained in an approved public repository)
g. Exhibit H. Filing and Examination Fee ($4,200), made payable to "Treasurer of the United States" (Mail to PVPO)

17. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY WILL BE SOLD BY VARIETY NAME ONLY, AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act)
YES [ ] NO [ ]

18. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY WILL BE LIMITED AS TO NUMBER OF GENERATIONS?
YES [ ] NO [ ]

19. IF "YES" TO ITEM 18, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED?

20. HAS THE VARIETY OR A HYBRID PRODUCED FROM THE VARIETY BEEN RELEASED, USED, OFFERED FOR SALE, OR MARKETED IN THE U.S. OR OTHER COUNTRIES?
YES [ ] NO [ ]

U.S.A., March 1, 1997

Fred A. Cholick
CAPACITY OR TITLE
Director, South Dakota Agricultural Experiment Station
DATE 2/19/98

(See reverse for instructions and information collection burden statement)
GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) completed application form signed by the owner; (2) completed Exhibits A, B, C, D, E, F; (3) at least 2,500 viable untreated seeds, or for tuber reproduced varieties verification that a viable [in the sense that it will reproduce an entire plant] tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for $2,450 ($300 filing fee and $2,150 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice); Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfiled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 500, NAL Building, 10301 Baltimore Blvd., Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self-explanatory unless noted below. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of $300 for issuance of the Certificate.

Plant Variety Protection Office
Telephone: (301) 504-5518

ITEM

16a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) evidence of uniformity and stability; and (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified.

16b. Give a summary of the variety’s distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:

(1) identify these varieties and state all differences objectively;

(2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences;

(3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.

16c. Exhibit C forms are available from the PVPO for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.

16d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.

16e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant’s ownership. An Exhibit E form is available from the PVPO.

17. If "Yes" is specified (seed of this variety sold by variety name only, as a class of certified seed), the applicant may NOT reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).

20. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment during the life of the application/certificate. There is no charge for filing a change of address. The fee for filing a change of ownership or assignment is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 17.130, 97.131, 97.175(c) of Regulations and Rules of Practice.)

To avoid conflict with other variety names in use, the applicant should check the variety names proposed by contacting: Seed branh, AMS, USDA, Room 213, Building 306, Beltsville Agricultural Research Center-East, Beltsville, MD 20705.

telephone: (301) 504-8089.
Exhibit A

Origin and Breeding History of Surge Soybean

'Surge' soybean traces back to the F₃ progeny of a F₂ plant harvested from a population which was advanced by a modified single seed descent procedure from the cross A86-204022 x Kato. A861204022 has the pedigree Hack x Zane. Bulked seed of the F₃ row was designated SD(M)92-1233, and used for yield testing in 1992 in South Dakota. Additional yield tests were conducted in the F₆ (1993), and F₇ (1994). In the F₇ generation 100 typical plants were harvested individually to initiate purification for visually identifiable traits. A few seeds from each plant were used to screen for different races of phytophthora root rot in the greenhouse, the remainder saved for field purification. In the F₈ generation (1994), SD(M)92-1233 was also entered in the maturity group 0 Regional Soybean Test Northern States. Also in 1994, remnant seed of 78 plants that appeared uniform for resistance reaction to race 1 of phytophthora root rot were grown in plant rows in the field. Forty three of these appeared uniform for plant and seed characteristics, and were bulked to provide breeders seed. In the F₉ (1995) and F₁₀ (1996), SD(M)92-1233 continued testing in the maturity group 0 Regional Soybean Test Northern States. In the F₉ (1995) a small increase of breeders seed was made. In the F₁₀ (1996), Foundation seed was produced by the South Dakota Foundation Seed Stocks Division and shared with other states for increase. In the F₁₁ (1997) seed was increased and SD(M)92-1233 was approved for release as Surge. On March 1, 1997 seed of Surge was released to growers in South Dakota, Minnesota, and North Dakota. No off-type variants were noted during the seed multiplication process of Surge over three generations. The variety breeds true, and meets certification standards.
Exhibit B

Novelty Statement for Surge Soybean

'Surge' soybean is most similar to 'Hendricks' soybean. Hendricks is approximately one day earlier in maturity than Surge. Yield of Hendricks is about 5% lower than Surge. Surge is about 5 cm shorter than Hendricks. Seed size of Hendricks is about 2 grams per 100 seed smaller than Surge. Surge has about 3.4% higher protein and about 1% lower oil than Hendricks. Seed of Surge has imperfect-black hila, while seed of Hendricks has yellow hila.

<table>
<thead>
<tr>
<th>Variety</th>
<th>Maturity Date</th>
<th>Yield (bu/a)</th>
<th>Height (cm)</th>
<th>Lodging score (1-5)</th>
<th>Seed quality score (1-5)</th>
<th>Seed size (g/100)</th>
<th>Protein (%)</th>
<th>Oil (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surge</td>
<td>9/20</td>
<td>50.8</td>
<td>69.0</td>
<td>1.2</td>
<td>1.6</td>
<td>20</td>
<td>43.6</td>
<td>19.9</td>
</tr>
<tr>
<td>Hendricks</td>
<td>9/19</td>
<td>48.3</td>
<td>74.0</td>
<td>1.5</td>
<td>1.8</td>
<td>18</td>
<td>40.2</td>
<td>20.8</td>
</tr>
</tbody>
</table>
**OBJECTIVE DESCRIPTION OF VARIETY**

**SOYBEAN (Glycine max L.)**

<table>
<thead>
<tr>
<th>NAME OF APPLICANT(S)</th>
<th>TEMPORARY DESIGNATION</th>
<th>VARIETY NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Dakota Agricultural Experiment Station</td>
<td>SD(M)92-1233</td>
<td>Surge</td>
</tr>
</tbody>
</table>

**ADDRESS (Street and No., or R.F.D. No., City, State, and Zip Code)**

South Dakota State University
Agricultural Hall 129
Brookings, SD 57007

**FOR OFFICIAL USE ONLY**

PVPO NUMBER: 9800137

Choose the appropriate response which characterizes the variety in the features described below. When the number of significant digits in your answer is fewer than the number of boxes provided, place a zero in the first box when number is 9 or less (e.g., [0 9]). Starred characters ★ are considered fundamental to an adequate soybean variety description. Other characters should be described when information is available.

1. **SEED SHAPE:**

   1 = Spherical (L/W, L/T, and T/W ratios ≤ 1.2)  
   3 = Elongate (L/T ratio > 1.2; T/W ≤ 1.2)  
   2 = Spherical Flattened (L/W ratio > 1.2; L/T ratio ≤ 1.2)  
   4 = Elongate Flattened (L/T ratio > 1.2; T/W > 1.2)

   ![Seed Shape Options](image)

2. **SEED COAT COLOR:** (Mature Seed)

   1 = Yellow  
   2 = Green  
   3 = Brown  
   4 = Black  
   5 = Other (Specify)

3. **SEED COAT LUSTER:** (Mature Hand Shelled Seed)

   1 = Dull ('Corsoy 79'; 'Braxton')  
   2 = Shiny ('Nebsoy'; 'Gasoy 17')

★ 4. **SEED SIZE:** (Mature Seed)

Grains per 100 seeds: 200

★ 5. **HILUM COLOR:** (Mature Seed)

1 = Buff  
2 = Yellow  
3 = Brown  
4 = Gray  
5 = Imperfect Black  
6 = Black  
7 = Other (Specify)

★ 6. **COTYLEDON COLOR:** (Mature Seed)

1 = Yellow  
2 = Green

★ 7. **SEED PROTEIN PEROXIDASE ACTIVITY:**

1 = Low  
2 = High

★ 8. **SEED PROTEIN ELECTROPHORETIC BAND:**

1 = Type A (SP1<sub>A</sub>)  
2 = Type B (SP1<sub>B</sub>)

★ 9. **HYPOCOTYL COLOR:**

1 = Green only ('Evans'; 'Davis')  
2 = Green with bronze band below cotyledons ('Woodworth'; 'Tracy')  
3 = Light Purple below cotyledons ('Beeson'; 'Pickett 71')  
4 = Dark Purple extending to unifoliate leaves ('Hodgson'; 'Coker Hampton 266A')

★ 10. **LEAFLET SHAPE:**

1 = Lanceolate  
2 = Oval  
3 = Ovalate  
4 = Other (Specify)
11. LEAFLET SIZE:

1 = Small ('Amsoy 71'; 'AS312')
3 = Large ('Crawford'; 'Tracy')
2 = Medium ('Corsoy 79'; 'Gasoy 17')

12. LEAF COLOR:

1 = Light Green ('Weber'; 'York')
3 = Dark Green ('Gnome'; 'Tracy')
2 = Medium Green ('Corsoy 79'; 'Braxton')

13. FLOWER COLOR:

1 = White
2 = Purple
3 = White with purple throat

14. POD COLOR:

1 = Tan
2 = Brown
3 = Black

15. PLANT PUBESECENCE COLOR:

1 = Gray
2 = Brown (Tawny)

16. PLANT TYPES:

1 = Slender ('Essex'; 'Amsoy 71')
3 = Bushy ('Gnome'; 'Govan')
2 = Intermediate ('Amcor'; 'Braxton')

17. PLANT HABIT:

1 = Determinate ('Gnome'; 'Braxton')
3 = Indeterminate ('Nebsoy'; 'Improved Pelican')
2 = Semi-Determinate ('Will')

18. MATURITY GROUP:

0 3
1 = 000
9 = VI
2 = 00
10 = VII
3 = 0
11 = VIII
4 - I
12 - IX
5 = II
13 = X
6 = III
7 - IV
8 = V

19. DISEASE REACTION: (Enter 0 = Not Tested; 1 = Susceptible; 2 = Resistant)

BACTERIAL DISEASES:

0 = Bacterial Pustule ('Xanthomonas phaseoli var. sojensis')
0 = Bacterial Blight ('Pseudomonas glycines')
0 = Wildfire ('Pseudomonas tabaci')

FUNGAL DISEASES:

0 = Brown Spot ('Septoria glycines')
0 = Frogeye Leaf Spot ('Cercospora sojina')
0 = Race 1
0 = Race 2
0 = Race 3
0 = Race 4
0 = Race 5
0 = Other (Specify)
0 = Target Spot ('Corynespora cassicola')
0 = Downy Mildew ('Peronospora trifoliorum var. manshurica')
0 = Powdery Mildew ('Microsphaera diffusa')
0 = Brown Stem Rot ('Cephalosporium gregatum')
0 = Stem Canker ('Diporthe phaseolorum var. caulivora')
19. DISEASE REACTION: (Enter 0 = Not Tested; 1 = Susceptible; 2 = Resistant) (Continued)

FUNGAL DISEASES: (Continued)

- Pod and Stem Blight (Diaporthe phaseolorum var. sojae)
- Purple Seed Stain (Cercospora kikuchii)
- Rhizoctonia Root Rot (Rhizoctonia solani)
- Phytophthora Rot (Phytophthora megasperma var. sojae)

- Race 1
- Race 2
- Race 3
- Race 4
- Race 5
- Race 6
- Race 7
- Race 8
- Race 9
- Other (Specify)

VIRAL DISEASES:

- Bud Blight (Tobacco Ringspot Virus)
- Yellow Mosaic (Bean Yellow Mosaic Virus)
- Cowpea Mosaic (Cowpea Chlorotic Virus)
- Pod Mottle (Bean Pod Mottle Virus)
- Seed Mottle (Soybean Mosaic Virus)

NEMATODE DISEASES:

- Soybean Cyst Nematode (Heterodera glycines)

- Race 1
- Race 2
- Race 3
- Race 4
- Other (Specify)

- Lance Nematode (Hoplolaimus Colombus)
- Southern Root Knot Nematode (Meloidogyne incognita)
- Northern Root Knot Nematode (Meloidogyne Hapla)
- Peanut Root Knot Nematode (Meloidogyne arenaria)
- Reniform Nematode (Rotylenchulus reniformis)

OTHER DISEASE NOT ON FORM (Specify):

20. PHYSIOLOGICAL RESPONSES: (Enter 0 = Not Tested; 1 = Susceptible; 2 = Resistant)

- 2
  - Iron Chlorosis on Calcareous Soil

- Other (Specify)

21. INSECT REACTION: (Enter 0 = Not Tested; 1 = Susceptible; 2 = Resistant)

- Mexican Bean Beetle (Epilachna varivestis)
- Potato Leaf Hopper (Empoasca fabae)

- Other (Specify)

22. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED.

<table>
<thead>
<tr>
<th>CHARACTER</th>
<th>NAME OF VARIETY</th>
<th>CHARACTER</th>
<th>NAME OF VARIETY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plant Shape</td>
<td>Hendricks</td>
<td>Seed Coat Luster</td>
<td>Hendricks</td>
</tr>
<tr>
<td>Leaf Shape</td>
<td>Hendricks</td>
<td>Seed Size</td>
<td>Hendricks</td>
</tr>
<tr>
<td>Leaf Color</td>
<td>Hendricks</td>
<td>Seed Shape</td>
<td>Parker</td>
</tr>
<tr>
<td>Leaf Size</td>
<td>Hendricks</td>
<td>Seedling Pigmentation</td>
<td>Hendricks</td>
</tr>
</tbody>
</table>

FORM LMGS-470-57 (6-83)
<table>
<thead>
<tr>
<th>VARIETY</th>
<th>NO. OF DAYS MATURITY</th>
<th>PLANT LODGING SCORE</th>
<th>CM PLANT HEIGHT</th>
<th>LEAFLET SIZE</th>
<th>SEED CONTENT</th>
<th>SEED SIZE G/100 SEEDS</th>
<th>NO. SEEDS/POD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submitted</td>
<td>130</td>
<td>1.2</td>
<td>69</td>
<td>6.3</td>
<td>9.0</td>
<td>44</td>
<td>20</td>
</tr>
<tr>
<td>Hendricks Name of Similar Variety</td>
<td>129</td>
<td>1.5</td>
<td>71</td>
<td>6.5</td>
<td>10.0</td>
<td>40</td>
<td>21</td>
</tr>
</tbody>
</table>

PUBLICATIONS USEFUL AS REFERENCE AIDS FOR COMPLETING THIS FORM:

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S):

   South Dakota Agricultural Experiment Station

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER

   SD(M)92-1233

3. VARIETY NAME

   Surge

4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)

   South Dakota State University
   Agricultural Hall 129
   Brookings SD 57007

5. TELEPHONE (include area code)

   (605) 688-4149

6. FAX (include area code)

   (605) 688-6065

7. PVPO NUMBER

   9800137

8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain.

   [X] YES  [NO]

9. Is the applicant (individual or company) a U.S. national or U.S. based, company?

   If no, give name of country

   [X] YES  [NO]

10. Is the applicant the original owner?  [X] YES  [NO]  If no, please answer the following:

       a. If original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. national(s)?

          [X] YES  [NO] If no, give name of country

       b. If original rights to variety were owned by a company, is the original owner(s) a U.S. based company?

          [X] YES  [NO] If no, give name of country

11. Additional explanation on ownership (If needed, use reverse for extra space):

   

PLEAS NOTE:

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.

2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.

3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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