

## Registration and Certification of Pome Fruit Tree Nursery Stock

The following sections are extracts from the California Code of Regulations. They have been prepared by the Nursery, Seed, and Cotton Program, Pest Exclusion Branch, California Department of Food and Agriculture. These extracts are provided for information purposes only. For the official text, the user should consult the California Code of Regulations published by Barclays Law Publishers.

### California Code of Regulations

#### Title 3. Food and Agriculture

#### Division 4. Plant Industry

#### Chapter 3. Entomology and Plant Quarantine

#### Subchapter 2. Nursery Stock

#### Article 4. Registration and Certification of Pome Fruit Tree Nursery Stock

### 3020. Disclaimer of Warranties and Financial Responsibility.

The provisions of Section 3069 shall apply to this article.

Note: Authority cited: Sections 407 and 5823, Food and Agricultural Code.  
Reference: Sections 5821 and 5822, Food and Agricultural Code.

#### 3020.1. Definitions.

- (a) "Certified block" means a planting of nursery stock for the production of certified nursery stock.
- (b) "Certified nursery stock" means yearling or younger trees propagated from registered stock and certified in accordance with the provisions of this article.
- (c) "Foundation block" means a planting of trees, maintained by federal or state agencies, which are registered or are to be registered to serve as a primary source of propagating material.
- (d) "Foundation stock" means propagative material from the foundation block.
- (e) "Index" means testing a plant for virus infection by grafting with tissue from the plant to an indicator plant or by other approved means.
- (f) "Mother block" means a planting of trees to be registered and maintained by an applicant as a source for establishing an increase block and as a propagative source for growing certified nursery stock.
- (g) "Nuclear stock" means plants which were propagated from indexed sources and which have been regularly re-indexed and protected continuously from virus infection by federal or state agencies.
- (h) "Nursery increase block" means a planting of nursery stock, maintained by the applicant, which may be used as a propagating source to produce registered stock for growing of certified nursery stock, or which may be used for growing trees which may be planted in a mother block.
- (i) "Off-type" means different from the variety or selection listed on the application for registration or certification.
- (j) "Registered" means that a registration number has been assigned by the Department to a tree that has been inspected and tested in accordance with the provisions of this article to serve as a source of propagating material to produce certified nursery stock.
- (k) "Registered stock" means propagating material produced in a mother, nursery increase, or from



registered rootstock stool blocks.

(l) "Registered rootstock stool block" means a planting of vegetatively propagated rootstocks, maintained by the applicant, propagated from foundation stock.

(m) "Virus-infected" means infected by a virus or having symptoms or behavior characteristics of a virus disease.

Note: Authority cited: Sections 407 and 5823, Food and Agricultural Code.  
Reference: Sections 5821 and 5822, Food and Agricultural Code.

### **3020.2. Requirements for Plantings and Stock**

(a) Generally. Participation in this program is voluntary and may be cancelled at the option of the applicant.

Registration, certification, approvals, and supervision shall be conducted by the Department.

Except as otherwise provided, certification is based solely on visual inspections of sample plants from each variety in a planting.

(b) Responsibility of the Applicant: The applicant shall be responsible for:

- (1) The selection of the location and the proper maintenance of the plantings being grown under the provisions of this article.
- (2) Maintaining the identity of all plants entered in the program.
- (3) Notifying the Department in advance of any planting, propagating, or pruning operation or removal of nursery stock or trees in any planting entered in this program so that approval can be granted before the work is done.
- (4) The application for registry or re-registry of the plants being grown under the provisions of this article.
- (5) Farming and sanitation practices.
- (6) Notifying the Department of the date of and material used for all pest control treatments in the plantings for which inspections must be made.
- (7) Notifying the Department at least one week in advance of the harvesting as to when it will commence.
- (8) Placing the information required on each certification tag furnished by the Department including the participant's name and the block number.

(c) Location of Plantings:

- (1) Each planting location shall be subject to approval and shall be in an area having minimal risks for spread of infectious pests by drainage, flooding, irrigation, or by other means.
- (2) A mother block or a planting of nursery stock being grown for planting in a mother block shall be located at least 100 feet from any other plant of the same genus not entered in this program to maintain plant identity and at least 300 feet from any commercial planting of the same genus to minimize disease infection. The ground in such planting and a distance of 25 feet surrounding the planting shall be kept free of other vegetation. Trees in a mother block shall be planted in rows which are at least ten feet apart and trees in each row shall be no less than five feet apart to maintain plant identity.

(3) A nursery increase, certified, seed bed, or a rootstock stool block shall be a separate planting 12 feet apart from other nursery stock to maintain its identity and shall be located at least 300 feet from any commercial planting of the same genera to minimize disease infection.

(d) Maintenance of Plantings:

(1) Plantings entered in this program shall be kept in a thrifty growing condition and pests shall be effectively controlled. Suitable precautions shall be taken in cultivation, irrigation, movement and use of equipment, and in other farming practices to guard against spread of soil-borne pests to plantings entered in this program.

(2) Identification of each registered tree, increase, certified, or stool block entered in the program shall be done in an approved manner.

(3) Any plant found to be off-type or virus-infected may be required to be removed immediately from any planting. Approval may be given to remove off-type parts of a registered tree without revoking registration of the tree.

(e) Eligibility and Planting Requirements. Any kind or variety of pome fruit tree, when approved by the Department, is eligible for entry in this program.

(1) Eligibility of Stock. To be acceptable for registration and/or certification or to be eligible for any planting entered in this program, a plant shall have been inspected and tested, and not found to be virus-infected or off-type, as provided in Section 3020.3 or the plant shall have an equivalent known history which has been approved by the Department. In addition:

(A) Mother block trees shall be propagated by using nuclear or foundation stock scions and eligible rootstocks.

(B) Increase block trees shall be propagated by using nuclear, foundation, or mother stock scion and eligible rootstocks. The rootstock may be seedlings.

(C) Certified block trees shall be propagated by using nuclear foundation, mother, or increase scion wood. The rootstock may be seedlings or stock produced in a registered stool block.

(D) Registered rootstock stool blocks shall be propagated by using either nuclear or foundation rootstocks.

(2) Planting Requirements. Plants eligible for planting and requirements for plantings shall be as follows:

(A) Mother Block. Application for the registration of trees in a mother block shall be filed prior to the planting of the tree in an approved location. Trees in a mother block may be required to be index-tested ten years after planting in the block.

(B) Increase Block. To be eligible as registered stock, scion wood shall be taken from a nursery increase block within five years from the time the scions were initially placed in the nursery increase block.

(C) Certified Block. Any seed source to produce seedling understock may be used as well as understock from a registered stool block.

(D) Registered Rootstock Stool Block. Fumigation of the stool block location is required. The fumigant dosages shall be those prescribed in Schedule "A" of the "Approved Treatments," Item #12 in the Department's Nursery Inspection Procedure Manual. Registration of the block will be for a 10-year period.

Note: Authority cited: Sections 407 and 5823, Food and Agricultural Code.  
Reference: Sections 5821 and 5822, Food and Agricultural Code.

### **3020.3. Inspection and Testing Procedures for Pome Fruit Trees.**

(a) Generally. Inspection and testing procedures prescribed in this article may be made by the University of California, the United States Department of Agriculture, other state agencies with comparable indexing programs, or the Department, and shall be conducted in an approved manner at times determined as suitable by the Department. In the indexing procedures required in this section, the Department may approve the substitution of other indicator plants, if equally suitable, or may approve indexing on a fewer number of indicator plants if the plant being tested is itself a good indicator for a particular disease, or may approve other procedures for testing for virus infection if determined equally suitable. Additional inspections or tests other than provided in this section may be required by the Department if seasonal conditions or other factors tend to obscure virus symptoms or make adequate inspection impossible or when virus infection is suspected, or when virus symptoms may be masked in a particular variety.

(b) Qualification of Stock.

(1) Registered Trees in a Mother Block. Each registered tree may be given a visual inspection annually. Index testing may be required for registered trees in a mother block ten years from the planting date of the trees or sooner if virus infection is suspected.

(2) Nursery Increase Block, Certified Block, Registered Rootstock Stool Block. At least one visual inspection shall be made each year of plants in a nursery increase block, a certified block, and a registered rootstock stool block. A registered rootstock stool block is required to be root sampled for the detection of harmful nematodes each year after the second growing season of the block.

(3) Other Qualified Stock. Pome fruit propagative stock from other state agencies, USDA, and other countries, which were produced under a program with the same requirements as provided in this regulation, will be accepted into this program.

(c) Refusal, Suspension, or Cancellation of Registration or Certification. Registration or certification may be refused, suspended, or cancelled for any plants in part or all of a planting for any of the following reasons:

(1) The requirements of this article have not been met;

(2) The plant is found to be virus-infected or off-type;

(3) A registered tree is found virus-infected and it is determined that plants propagated from it also are liable to be infected;

(4) The pest cleanliness requirements for nursery stock in Section 3060.2 of the nursery inspection regulations have not been met;

(5) For any reason the identity of a plant becomes uncertain or has not been properly maintained; or

(6) A registration number is misused or misrepresented.

Note: Authority cited: Sections 407 and 5823, Food and Agricultural Code.  
Reference: Sections 5821 and 5822, Food and Agricultural Code.

### **3020.4. Foundation Stock Requirements.**

The University of California or other government agencies supplying foundation or nuclear stock are responsible for the selection, propagation, trueness to variety, identification, index-testing and pest cleanliness of the plants.

An inventory of eligible trees in the foundation or nuclear blocks shall be provided to the Department annually. A record of stock distributed shall be provided to the Department within 60 days of the distribution and shall include the names and addresses of the persons to whom the stock was distributed.

To be eligible for foundation or nuclear stock, the plant, including the rootstock if used, shall have been index-tested for and found free of virus infection using the following indicator plants: Virginia crabapple; Spy 27, Russian seedling R12740-7A, Golden Delicious, Lord Lambourne, Gravenstein, and Sparten apples; Quince C7/1; Pyrus veichii; and Hardy, Bartlett, and Bosc pears. A procedure determined equally suitable to detect virus infection may be used instead of index-testing provided the procedure has been approved by the Department.

The following are the location and planting requirements for foundation stock:

The foundation block planting shall be located at least 300 feet from any commercial planting of the same genus to minimize disease infection. The ground in such planting and a distance of 25 feet surrounding the planting shall be kept free of other vegetation.

The foundation block planting shall be located in an area having minimal risks for spread of infectious pests by drainage, flooding, irrigation, or other means.

Trees in a foundation block shall be planted in rows which are at least ten feet apart and trees in each row shall be at least five feet apart to maintain plant identity.

Each tree planted in a foundation block shall be labeled as to variety and source.

Note: Authority cited: Sections 407 and 5823, Food and Agricultural Code.  
Reference: Sections 5821 and 5822, Food and Agricultural Code.

### **3020.5. Application and Fees.**

(a) Application. The applicant shall furnish any information requested and shall give consent to the Department to take plants from any planting for inspection or testing purposes. An application shall be submitted for the acceptance of any planting and for subsequent inspections, approvals, registration or certification therein and it may be refused unless made sufficiently in advance of time of planting to permit the Department to establish the origin of the stock, to determine the suitability of the location, and to supervise any treatment that may be required.

(b) Fees.

(1) The Department shall establish a schedule of fees for the services provided in this article.

(2) Fees shall be paid in advance of the work done. Fees paid by participants are for the sole purpose of defraying expenses incurred in the inspection, approval, registration, and certification services provided and are not to obtain any right or privilege.

(c) Exemption from Fees. No fees shall be charged the University of California or the United States Department of Agriculture for registration or for the inspection and testing of trees provided there is no additional expense to the Department other than for observation of the inspection and testing required in this Article and for record keeping.

Note: Authority cited: Sections 407 and 5823, Food and Agricultural Code.  
Reference: Section 5822, Food and Agricultural Code.