

Section 3024. ~~Disclaimer of Warranties and Financial Responsibility.~~ Definitions.

~~The provisions of Section 3069 shall apply to this article.~~

(a) "Apical microshoot tip culture" means that an *in vitro* plant is created from pieces of plant 0.5mm or less in length, consisting of a meristem and a few leaf primordia.

(b) "Applicant" means any person or legal entity whose application has been submitted to but not yet accepted by the Department.

(c) "Approved by the Department" means written consent from the Department.

(d) "Budding" means uniting a single bud and a rootstock cutting or growing grapevine so that both parts produce tissue and form a union that allows the bud to survive and grow.

(e) "Cancelled" means registration status is permanently withdrawn from grapevine(s) entered in the program and they may no longer serve as a source of foundation, registered, or certified stock.

(f) "Certified Nursery planting" means a planting of grapevines propagated from foundation or registered stock and maintained in accordance with the provisions of this article.

(g) "Certified stock" means propagative materials or grapevines propagated from foundation or registered stock in accordance with the provisions of this article.

(h) "Common stock" means plant materials from grapevines not registered in the California Grapevine Registration and Certification Program.

(i) "Contiguous planting" means a planting of grapevines on land that is physically intact, without any separations by a public road or by any land used for a purpose unrelated to the planting.

(j) "Department" means the California Department of Food and Agriculture.

(k) "Disease agent" means a pathogen listed in Section 3024.5.

(l) "Diseased" means infected with a pathogen or pathogenic agent listed in Section 3024.5.

(m) “Foundation block” means a planting of grapevines propagated and maintained by the University of California in accordance with the provisions of this article and registered with the Department as a source of foundation stock.

(n) “Foundation block candidate grapevines” means grapevines that will be planted in the foundation block if all requirements specified in Section 3024.5 are met.

(o) “Foundation Plant Services” or “FPS” is a self-supporting service unit in the College of Agricultural and Environmental Sciences at University of California, Davis.

(p) “Foundation stock” means propagation materials or grapevines propagated from registered grapevines in a foundation block.

(q) “Grafting” means uniting a short detached piece of stem tissue with several buds (graft stick) and a rootstock cutting or growing grapevine so that both parts produce tissue and form a union that allows the buds on the graft stick to survive and grow.

(r) “Grapevine” or “vine” means a rooted grape plant.

(s) “Intermediate source vine” means a grapevine growing in a California registered increase block that serves as a source for propagation materials used to make another vine or topwork another vine planted in the same registered increase block or in a secondary increase block.

(t) “Notify” means communicate information in writing, in person, by phone, email, or by fax.

(u) “Off-type” means different from the variety of the selection listed on the application for registration or certification or exhibiting characteristics of a genetic disorder.

(v) “Participant” means any person or legal entity who agrees to fulfill the responsibilities of the participant described in Section 3024.2(b), who has submitted an application to the Department and whose application has been accepted by the Department.

(w) “Primary increase block” means a planting of grapevines established with foundation stock and registered with the Department.

(x) “Propagative materials” means cuttings, buds, budsticks, or graftsticks taken from a grapevine.

(y) “Provisional foundation stock” means propagative materials taken from grapevines planted in the foundation block that have completed all the required disease tests but have yet to have true to variety status verified.

(z) “Registered” means the Department has approved a grapevine or propagative material that has been propagated, planted, inspected, tested, and documented in accordance with the provisions of this article to serve as a source of California foundation, registered, or certified stock.

(aa) “Registered stock” means propagative materials from registered grapevines in a primary or secondary increase block.

(bb) “Secondary increase block” means a planting of grapevines established by a participant with propagative materials from one or more of that participant’s primary increase blocks or from the foundation block and registered with the Department.

(cc) “Suspended” means registration status is temporarily withdrawn from grapevine(s) or foundation, registered, and/or certified stock.

(dd) “Testing” means any test procedure using plant material or its extracts to determine the presence or absence of a disease or disease agent in or on the tested plant material. For the purposes of this article, testing will be in accordance with the procedures adopted by the Department for diseases and disease agents listed in Section 3024.5.

(ee) “Topworking” means budding or grafting of another variety on top of existing stock.

(ff) “True-to-variety” means the same as the variety listed on the application for registration or certification.

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

Reference: Sections 5821 and 5822, Food and Agricultural Code.

#### Section 3024.1. Definitions. General Provisions.

~~(a) “Virus infected” means infected by a graft transmissible disease listed in Section 3024.3(a).~~

~~(b) “Index tested” means tested for specific graft transmissible diseases using indicator plants as specified in Section 3024.3(a).~~

~~(c) “Off type” means different from the variety which is registered in the foundation block.~~

~~(d) "Registered" means that a grapevine in a foundation block or in an increase block has qualified as a propagative source by meeting the inspection and testing required in this article.~~

~~(e) "Foundation block" means a planting of grapevines propagated from indexed sources and maintained by the University of California in which each vine has been registered to serve as a source of foundation stock.~~

~~(f) "Increase block" means a planting of grapevines, established with stock from a foundation block, which serves as a propagation source for the production of California Certified Grape Nursery Stock.~~

~~(g) "Foundation stock" means plants which have been produced in a foundation block.~~

~~(h) "Registered stock" means plants which have been produced in an increase block.~~

~~(i) "Progeny vine" means a vine propagated from a rootstock and/or a top stock source that is indexed and is intended for planting in a foundation block.~~

~~(j) "California Certified Grape Nursery Stock" means vines, rootings, cuttings, grafts or buds taken or propagated from foundation or registered stock and certified in accordance with the provisions of this article.~~

Participation in this program is voluntary and may be withdrawn at the option of the participant. The participant shall annually sign and file a California Nursery Stock Registration and/or Certification Program Agreement, provided by the Department, acknowledging the responsibilities of participation in this program according to, Title 3, Division 4, Section 3069, California Code of Regulations. Approvals, supervision, inspections, tests, determinations, registration and certification shall be conducted by the Department or its authorized agents.

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

#### Section 3024.2. General Provisions-Program Responsibilities.

~~Participation in this program is voluntary and may be withdrawn at the option of the applicant. With the exception of the foundation block, registration, certification, approvals, and supervision shall be conducted by the Department.~~

~~Indexing tests and inspections performed by the University of California on original source vines followed by visual inspections of vines from each subsequent planting in the participant's approved planting sites form the basis for certification by the Department.~~

~~(a) Responsibility of the University of California. The University of California shall be responsible for the selection of source vines, index testing, trueness to varietal identity, and disease status of the foundation stock.~~

The University shall notify all current participants in the registration and certification program when foundation stock which participants are using is found to be disease infected.

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

~~(1) The selection of the location and the proper maintenance of a planting being grown under the provisions of this article.~~

~~(2) Maintaining the identity of all nursery stock entered in the program.~~

~~(3) Submitting the application for certification.~~

~~(4) Farming and sanitation practices.~~

~~(5) Notifying the Department at least one week in advance of the harvesting as to when it will commence.~~

~~(6) Placing the information required on each certification tag furnished by the Department.~~

~~(7) Maintaining records, on an inventory sheet provided by the Department, of the certification tags used and the stock produced and sold.~~

~~(c) Location of Plantings. Each planting shall be located in an area where contamination by soil-borne virus diseases of grapes from drainage, flooding, irrigation or other means is not likely to occur.~~

~~Each planting shall be located at least 100 feet from any land on which grapevines have grown within the past ten years, and shall be in a location approved by the Department. The 100-foot distance may be waived provided stock planted within the 100-foot area is foundation, registered, or certified stock.~~

~~Treatment to eliminate soil-borne pests in a manner approved by and under supervision of the Department may be required.~~

~~(d) Maintenance of Plantings. Any planting entered in this program shall be kept in a thrifty growing condition, and pests shall be kept under intensive control. 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.~~

~~The Department shall be notified in advance of the planting, replanting, grafting, budding, rebudding, pruning, removal of nursery stock, or removal of vines in any planting entered in this program in order that necessary inspections may be made or approval granted before the work is done.~~

~~Any plant found to be off type shall be removed from any planting.~~

~~Nursery stock, including cuttings, produced under the provisions of this article shall be stored, heeled-in, or calloused in media, beds, or storage areas approved by the Department. The Department may require such treatment as may be necessary to protect against infection or infestation with pests.~~

~~(e) Eligibility for Planting.~~

~~(1) In a Foundation Block. To be acceptable for planting in a foundation block, a plant shall be foundation stock, or its rootstock and top stock sources and the plant itself shall have been inspected and tested and not found to be virus infected or off type, as provided in Sections 3024.3(a) and (f). The index readings shall have been completed within 24 months, or the plant shall have an equivalent known history approved by the Department. The plant shall have been protected from possible virus infection in an approved manner from the time it was originally propagated until it is planted in a foundation block.~~

~~(2) In an Increase Block. Foundation stock shall be acceptable for planting in an increase block. When approved by the Department, propagating wood from a field planted permanent increase block may be planted in the same increase block to increase its size or as replacements.~~

~~(3) In a Nursery Planting. Foundation or registered stock shall be acceptable for planting or propagation in a nursery planting for certification. Vines in a field nursery planting for certification which are 12 months old or less from time of propagation may be used as a supplemental source of cuttings for production of additional certified stock after inspection and approval by the Department.~~

(a) Responsibilities of Foundation Plant Services (FPS).

(1) Select source grapevines from which foundation block candidate grapevines are propagated.

(2) Conduct tests, in accordance with Section 3024.5 of this article, to qualify foundation block candidate grapevines for planting in the foundation block, and test established grapevines in the foundation block in accordance with the provisions of this article.

(3) Apical microshoot tip culture is reserved for FPS and will be used as determined by FPS to be beneficial to the program.

(4) Select the planting location for foundation block plantings and submit application for site approval to the Department.

(5) Identify grapevine variety experts who will inspect or test vines in the foundation block for trueness-to-variety; document variety inspection results; and apply to the Department to register grapevines growing in the foundation block after they are reported to be true-to-variety.

(6) Perform all cultural practices required to maintain health and vigor of foundation vineyard. Conduct visual disease inspections of all grapevines in the foundation block, in accordance with the provisions of this article.

(7) Maintain an inventory of all registered vines in the foundation block and provide to the Department upon request.

(8) Maintain records of all grapevines removed from the foundation block or from registration including the specific row and vine location and reason for the removal.

(9) Maintain records for all grapevines planted in the foundation block including records showing that tests and inspections, in accordance with the provisions of Section 3024.5 of this article, have been completed.

(10) Upon request provide a report to the Department showing all of the foundation stock that was distributed by FPS and identified with foundation stock tags. The report shall include the names and addresses of recipients, quantity received, date, tag number, variety, selection number, and foundation vine source.

(11) Notify the Department, and all program participants who are affected, of any grapevines in the foundation block that are found to be diseased or off-type.

(12) At time of sale of provisional foundation stock or foundation stock, provide participants with documentation for all grape propagation materials and grapevines the participant received from FPS. The documentation shall include: variety name, FPS selection number, specific foundation block source, and registration status for all propagation materials and grapevines distributed from FPS to the participant after 1986.

(13) Notify the Department and recipients of provisional foundation stock when the trueness to variety testing has been completed and if the provisional foundation stock qualifies as foundation stock.

(b) Responsibilities of the participant.

(1) Pay all costs associated with fulfilling the responsibilities of the participant.

(2) Select the planting location for primary increase block(s), secondary increase block(s), and/or certified nursery planting(s), submit application to the Department for site approval and obtain written permission from the Department to plant in that site.

(3) Procure qualified propagative materials for planting in the primary and/or-secondary increase block(s) and/or nursery plantings.

(4) Apply to the Department to register grapevines within six months of planting or topworking grapevines in the participant's primary increase block(s), and planting grapevines in the participant's secondary increase block(s). Submit with the application records showing that the grapevines are eligible for registration.

(5) Apply to the Department for grapevine registration within two months of planting vines in the participant's certified nursery planting(s). Submit with the application records showing that grapevines are eligible for registration.

(6) Maintain, and provide, within five working days, to the Department upon request, a record of all grapevines registered in the participant's primary and secondary increase block(s). For increase block vines planted before July 1, 2010, source documentation previously approved by the Department shall be accepted. Submit a separate report for each block containing the following information in a format prescribed by the Department:

(A) General Information:

1. Name of participant
2. Block location
3. Block #

(B) Current inventory—provide the following information for each grapevine in the block:

1. Variety name and FPS selection number
2. Block, row, and grapevine location in field plantings or greenhouse location for potted grapevines
3. Date of planting, replanting (if applicable), and topworking (if applicable)
4. For all primary increase block vines, identify the original foundation block row and vine source and all intermediate source vines. All sources for primary increase block vines shall be reported as a single vine in each generation.

5. For all secondary increase block vines identify the original foundation block row and vine source and all intermediate source vines. Intermediate sources for secondary increase blocks may be reported by designating a group of vines of the same FPS selection number.

(7) Maintain, and provide, within five working days, to the Department upon request, records of all grapevines in the participant's primary and secondary increase block(s), and/or certified nursery planting(s) which have been removed from registration; reason for the removal; and location of grapevine before removal.

(8) Maintain, and provide, within five working days, to the Department upon request, records of all grapevines in the participant's primary increase blocks that have been top worked.

(9) Use propagation, farming, and sanitation practices as required in Section 3024.4.

(10) Verify that all grapevines in participant's primary increase block(s), secondary increase block(s), and certified nursery plantings are true-to-variety and remove off-type vines.

(11) Identify/label registered grapevines in the participant's primary increase block(s) and secondary increase block(s); and, certified grapevines in the participant's certified blocks with the variety name and with the FPS selection number.

(12) Maintain records for all registered and certified stock produced, sold, and/or traded by the participants for at least five years after the date of disposition and provide, within five working days, to the Department upon request. Records shall include date harvested, disposition of such stock, name and address of customer, tag number, date, number of units identified by each tag, plant type, variety, selection of scion, and nursery block identification.

(13) Remove grapevines from the participant's primary increase block(s), and secondary increase block(s) which have been canceled or identified as off-type by the Department within a month of notification by the Department. Grapevines, in participant's certified nursery plantings, which have been canceled

or identified as off-type by the Department may be retained and sold as common stock.

(14) Notify the Department at least 24 hours in advance of any pest control treatments in plantings using a pesticide that has reentry or worker safety requirements that would create a health hazard for the Department's employees, or in any manner interfere with the Department's ability to conduct scheduled inspections or other field activities. This subsection shall apply when the Department has notified the participant of the date of a planned inspection or other program-related action that would bring the Department's representative(s) into a treated area or into contact with treated plants.

(15) Within fourteen days of receiving notification from the Department, notify in writing all who have received nursery stock from suspended or cancelled vines.

(c) Responsibilities of the Department.

(1) Maintain records of all current foundation blocks, primary increase blocks, secondary increase blocks, and certified nursery plantings in the State of California.

(2) Process applications from applicants and/or requests for records from applicant within 30 days of receipt.

(3) Approve planting sites for foundation blocks, primary increase blocks, secondary increase blocks, and certified nursery plantings.

(4) Inspect and test participant's primary and secondary increase blocks, and certified nursery plantings in accordance with the provisions of this article and as required by the Department.

(5) Suspend registration or certification of grapevines suspected of being diseased, off-type, and/or not produced in compliance with the provisions of this article based on preliminary tests or visual inspections performed by the Department or its designee.

(6) Cancel registration or certification of grapevines that are found to be infected with diseases listed in Section 3024.5, using tests prescribed in Section 3024.5, or are highly likely to be infected because the source vine(s) tested

positive for disease using tests prescribed in Section 3024.5, or the Department determines the vines are off-type, and/or the vines have been produced out of compliance with the provisions of this article.

(7) Notify affected participants of suspension or cancellation of grapevines and propagative materials in the foundation block reported to be diseased or off-type.

(8) Enforce suspension or cancellation of registered or certified vines and propagative materials.

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

~~Section 3024.3. Inspection and Testing Procedures. Eligibility Requirements.~~  
~~Inspection and testing procedures prescribed in this article may be made by the University of California, the United States Department of Agriculture, or the Department, and shall be conducted in a manner and at times determined by the Department as suitable.~~

~~(a) Testing Progeny Vines.~~

~~(1) The rootstock and top stock sources of a progeny vine for which registration is planned and registered foundation vines for retesting shall be index tested by using the specific indicator plants for the diseases as stated in the following table:~~

Indicator	Plant Disease
St. George grapevine	Fan leaf degeneration, fleck, asteroid mosaic, and corky bark
Cabernet franc, LN 33, or Mission grapevine	Leafroll
LN 33 grapevine	Corky bark and leafroll
Chenopodium sp.	Grape decline (yellow vein) and/or fanleaf degeneration

~~(2) Propagating wood to produce the progeny vines for a foundation block shall be taken from the parent rootstock and top stock sources in the same growing season that tissue is taken from the parent sources for indexing. The progeny vines shall be visually inspected at least twice each growing season prior to planting in a foundation block.~~

~~(b) Inspection.~~

~~(1) In a Foundation Block. At least two visual inspections of each vine shall be made by University personnel each growing season.~~

~~(2) In an Increase Block. At least one visual inspection shall be made each year prior to the removal of fruit, if any, from the vines.~~

~~(3) In a Nursery Planting. At least one visual inspection shall be made of grapevines in the nursery row. In addition, nursery stock shall be inspected at the time of digging. To be eligible for certification or for approval as registered stock, nursery stock shall not remain in the nursery row more than two growing seasons.~~

~~(4) Additional inspections or tests may be required if seasonal conditions or other factors tend to obscure disease symptoms or make adequate inspection impossible, or when virus infection is suspected or disease symptoms may be masked in a particular variety. When index testing is required, the indicator plants in subsection (a)(1) shall be used to test for the diseases indicated therein.~~

~~(c) Registration or certification of grapevines entered in this program is based on index testing to detect specific diseases as stated in subsection (a)(1).~~

~~In the event a graft-transmissible disease is detected in the registered foundation vines by index testing, registration shall be suspended on all vines, including foundation, registered increase blocks and certified plantings. In addition, the participant shall notify in writing all recipients of the nursery stock from suspended vines that a graft-transmissible disease has been detected and reported by the University of California. The registration or certification of the nursery stock of the suspended vines will be reinstated upon receipt of an agreement by each grower and/or seller that all invoices, sales slips, and certification tags will clearly specify the virus disease present. This agreement shall be filed with the Department prior to the re-registration or certification of nursery stock produced from suspended vines. Records shall be kept by the seller and/or grower of all sales transactions of nursery stock produced from suspended vines and a copy of the records shall be submitted to the Department.~~

~~Certification of infected stock propagated from suspended vines shall be limited to propagation units already processed to produce nursery stock.~~

~~(d) Refusal of Approval or Cancellation of Registration or Certification. Registration or certification may be refused or cancelled for any plants or planting if:~~

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

~~(2) Any vine in the planting is found virus infected with a soil-borne virus;~~

~~(3) The plant is off type;~~

~~(4) Any vine in the planting is found infected with any of the transmissible diseases listed in subsection (a)(1) that is not known to be soil-borne unless such vine is removed under supervision;~~

~~(5) It is determined that a registered foundation block vine or registered increase block vine is transmissible disease infected and the plants propagated from such source also are liable to be infected;~~

~~(6) The pest cleanliness requirements for nursery stock, in Section 3060.2 of the nursery inspection regulations, have not been met.~~

(a) To be acceptable for approval of registration or certification or to be eligible for any planting entered in this program, a grapevine shall have been inspected and/or tested as provided in Section 3024.5.

(b) Foundation Block.

(1) To be eligible for planting into the foundation block a candidate selection shall pass all required disease tests specified in Section 3024.5 and grape vines of the selection eligible for planting must be maintained in containers in a shadehouse, screenhouse or greenhouse until qualifying tests are completed. Grapevines propagated in a greenhouse, screenhouse or shadehouse from existing foundation block vines will also be eligible for planting in a foundation block.

(2) Cuttings from registered or provisional foundation stock will be eligible for planting in a greenhouse foundation block.

(3) Grapevines shall be verified true-to-variety before they are registered in the foundation block.

(4) No topworking shall be allowed in the foundation block.

(c) Primary Increase Block.

(1) To be eligible for planting, propagative materials and/or grapevines shall be foundation stock, provisional foundation stock, or from registered grapevines in the same contiguous primary increase block.

(2) Rootstock increase blocks may be topworked once for their conversion to scion blocks or a different variety of rootstock. Topworking to a different variety of rootstock requires prior approval by the Department. Scion blocks may be topworked once if the new scion is of a different variety than the under stock. If the increase block vines were topworked before July 1, 2010, then the topworked vines previously approved by the Department shall be allowed.

(d) Secondary Increase Block.

(1) To be eligible for planting in a secondary increase block, propagative materials and/or grapevines shall be foundation stock, provisional foundation stock or registered stock from a primary increase block.

(2) If propagative materials for a secondary increase block come from a primary increase block, then the primary and secondary increase blocks shall be registered by the same participant.

(3) No topworking shall be allowed in secondary increase blocks established after July 1, 2010. If increase block vines were topworked before July

1, 2010, then the topworked vines previously approved by the Department shall be allowed.

(e) Certified Nursery Planting.

(1) Foundation stock and registered stock is eligible for planting in a certified nursery planting. Rootstocks may be budded or grafted in place with foundation stock or registered stock in a nursery planting.

(2) Certified stock may stay in a nursery planting no more than two years.

(3) Cuttings from a certified nursery planting which is less than 12 months old may be used as a supplemental source of cuttings for production of additional certified stock, after inspection and approval by the Department.

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

Reference: Sections 5821 and 5822, Food and Agricultural Code.

Section 3024.4. ~~Application and Fees.~~ Planting Location and Maintenance Requirements.

~~(a) Application. The applicant shall furnish 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. Fees established in this article are payable in advance of the work to be done, and are for the sole purpose of defraying expenses incurred in the inspection, approval, registration, and certification procedures herein provided, and are not to obtain any right or privilege.~~

~~(1) 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 vines provided there shall be no expense to the Department other than for observation of the inspection and testing required in this article, and for the keeping of records. When the procedures prescribed in this article are conducted by the University of California, or by the United States Department of Agriculture, they shall not be less than provided in this article and the Department shall be notified each year of the grapevines to be entered or continued in the program.~~

~~(2) The Department shall establish a schedule of fees for services provided in this article.~~

~~(3) Refunds. Fees paid for services that are not rendered shall be refunded to the applicant.~~

(a) Foundation, primary increase, and secondary increase blocks, shall be located and maintained so that:

(1) All planting sites shall be in the State of California.

(2) All planting sites shall be approved in advance of planting by the Department.

(3) Each planting shall be located in an area where contamination by soil-borne virus diseases of grapes from drainage, flooding, irrigation or other means is not likely to occur.

(4) Land planted to nonregistered or disease infected grapevines within 10 years prior to planting is not eligible as a planting site.

(5) Non-soil medium may be used for registered greenhouse grapevines. If a soil based medium is used it must be treated in accordance with Title 3, Division 4, Section 3055.5 of the California Code of Regulations.

(6) Field planting sites shall be separated, by at least 100 feet, from non-registered grapevines and sites where non-registered grapevines have been grown within the past 10 years. Each block shall be a contiguous planting. The Department may waive the 100-foot buffer zone provided that any grapevines planted within the 100-foot buffer zone are foundation, registered or certified stock. Any grapevines planted within the 100-foot buffer zone cannot meet the requirements of this article.

(7) Grapevines growing in containers in a greenhouse shall be grouped separately from certified and non-registered grapevines.

(b) Certified nursery plantings shall be located and maintained so that:

(1) All planting sites shall be in the State of California.

(2) All planting sites shall be approved in advance of planting by the Department.

(3) Each planting shall be located in an area where contamination by soil-borne virus diseases of grapes from drainage, flooding, irrigation or other means is not likely to occur.

(4) Certified grapevines propagated or grown in greenhouses shall be grouped together and separated from registered and non-registered vines.

(5) Certified nursery plantings shall be separated from non-certified grapevines by at least 10 feet where nursery soil has been treated to control nematodes. Certified nursery plantings shall be separated from non-certified grapevines by at least 20 feet where the soil has not been treated for nematodes.

(6) Nursery rows shall be fallowed for at least one year between nursery crops.

(c) California certified grapevine nursery stock, including propagation materials and grapevines, shall be stored, heeled-in, or callused in non-soil media or beds, or the Department may require such treatment as necessary to protect against infection or infestation with pests.

(d) All plantings entered in this program shall be kept in good growing condition and pests shall be kept under effective control. Any grapevine found to be off-type shall be removed.

(e) For the purposes of planting and maintenance, provisional foundation stock will be treated as foundation stock.

(f) Treatment to eliminate soil-borne pests under the supervision of the department may be required.

#### 3024.5. Inspection and Testing Procedures.

(a) Except as otherwise provided, inspection and testing procedures described in this section shall be made by the Department or its authorized agents and shall be conducted at times determined suitable by the Department.

(b) The diseases and associated disease agents of concern to this program are listed below in Table I.

TABLE I: Diseases and Disease Agents of Concern

<u>Diseases of concern for foundation stock obtained from FPS prior to July 1, 2010.</u>	<u>Disease Agent(s)</u>
<u>Grapevine Degeneration</u>	<u>European Nepoviruses, especially Grapevine Fanleaf Virus</u>
<u>Grapevine Decline</u>	<u>American Nepoviruses, especially Tomato Ringspot Virus</u>
<u>Leafroll</u>	<u>Grapevine Leafroll associated Viruses 1, 2, 3, 4</u>
<u>Corky Bark</u>	<u>Grapevine Virus B (GVB)</u>
<u>Fleck</u>	<u>Grapevine Fleck Virus</u>
<u>Additional Diseases of concern for foundation stock obtained from FPS subsequent to July 1, 2010.</u>	
<u>Leafroll</u>	<u>Grapevine leafroll associated viruses 5,6,7,9, 2RG</u>
<u>Kober Stem Grooving</u>	<u>Grapevine Virus A (GVA)</u>

(c) Testing. Tests shall be conducted as described in Table II unless the Department approves or requires changes.

(1) Original Foundation Block planting materials: Propagative materials collected from a single grapevine source shall be used to propagate new foundation block candidate vines and to conduct tests for the diseases shown in Table II. New foundation block candidate grapevines shall be tested by FPS.

(2) Foundation block candidate grapevines shall be maintained in a screenhouse, shadehouse, or greenhouse while qualifying tests are in progress. Candidate grapevines, for which all the tests in Table II are negative, are eligible to be planted in a foundation block.

(3) Every grapevine in a foundation block shall be periodically retested at least once every five years, by FPS, for grapevine fanleaf virus, tomato

ring spot virus, and grapevine leafroll associated viruses.

(4) Primary and secondary increase blocks shall be tested by the Department for grapevine fanleaf virus, tomato ring spot virus, and leafroll associated viruses at least once every five years.

(5) Certified nursery plantings may be tested for grapevine fanleaf virus, tomato ring spot virus, and grapevine leafroll associated viruses by the Department.

TABLE II: Tests required for Foundation Stock

<b><u>Test/Indicator Plant(s) required for selections planted in foundation block before July 1, 2010.</u></b>	<b><u>Disease or Disease Agents Tested For</u></b>
St. George grapevine (field indicator, leaf symptoms)	<u>Grapevine Degeneration, Fleck, and Corky Bark</u>
<u>Cabernet Franc (field indicator, leaf symptoms)</u>	<u>Leafroll</u>
<u>LN33 grapevine (field indicator, stem symptoms)</u>	<u>Corky Bark</u>
<u>Herbaceous indicator:</u> <u><i>Chenopodium sp.</i></u>	<u>Grape Decline and Grapevine Degeneration</u>
<b><u>Additional Test/Indicator Plant(s) required for selections planted in foundation block after July 1, 2010.</u></b>	
<u>ELISA/PCR</u>	<u>Grapevine Fanleaf Virus</u>
<u>ELISA/PCR</u>	<u>Tomato Ringspot Virus</u>
<u>ELISA</u>	<u>Grapevine Leafroll associated Viruses 1, 2, 3, 6, 7</u>
<u>Herbaceous indicators:</u> <u><i>Cucumis sativa</i></u> <u><i>Nicotiana clevelandii</i></u>	<u>Grape Decline and Grapevine Degeneration</u>

<u>PCR</u>	<u>Grapevine Leafroll associated Viruses 1, 2, 3, 4, 5, 7, 9, 2RG</u>
<u>Kober 5BB (field indicator, stem symptoms) or PCR to detect GVA</u>	<u>Kober Stem Grooving</u>
<u>PCR</u>	<u>Grapevine Virus B (GVB)</u>

(d) The Department may approve or require the substitution or addition of other tests, under generally accepted standards of scientific analysis, which are of equal or better reliability in detecting the diseases and disease agents of concern in this section.

(e) The Department shall publish a notice of approval of any test method which is substituted or a test in addition to those listed in this section on the Department's Web site.

(f) Inspection. Additional inspections to those listed below may be required if seasonal conditions or other factors tend to obscure disease symptoms, make adequate inspection impossible, if disease/disease agents are suspected, or if disease symptoms may be masked in a particular variety.

(1) In a foundation block, at least two visual disease inspections of each vine shall be made by FPS each growing season.

(2) In primary and secondary increase blocks, one visual inspection of each vine shall be made by the Department each growing season.

(3) In a nursery planting, one visual inspection shall be made by the Department each growing season. In addition, nursery stock shall be inspected at the time of digging.

Note: Authority: Sections 407 and 5823, Food and Agricultural Code.

Reference: Sections 5821 and 5822, Food and Agricultural Code.

#### 3024.6. Refusal, Suspension, or Cancellation of Registration or Certification.

(a) Registration may be suspended for any grapevine plants or planting in a foundation block, primary increase block, or secondary increase block, if any of the conditions listed below apply.

(1) Preliminary tests or visual inspections indicate that the grapevine(s) may be infected with the applicable disease or disease agent of concern listed in Section 3024.5 - Table I; or

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

(3) The grapevine(s) are off-type; or

(4) The pest cleanliness requirements for nursery stock in Title 3, Division 4, Section 3060.2 of California Code of Regulations have not been met; or

(5) The source that the grapevine(s) were propagated from is diseased and the grapevine(s) and their progeny are also suspected of being diseased.

(b) Registration or certification may be canceled or refused approval for any grapevine plants or planting if:

(1) The grapevine(s) are infected with an applicable disease or disease agent of concern listed in Section 3024.5 - Table I and detected using a test listed in Table II;

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

(3) The grapevine(s) are off-type; or

(4) The pest cleanliness requirements for nursery stock in Title 3, Division 4, Section 3060.2 of California Code of Regulations have not been met; or

(5) The source that the grapevine(s) were propagated from is diseased and the grapevine(s) and their progeny are also determined to be diseased.

(c) Disposition of suspended and canceled grapevines.

(1) Suspended grapevines in a foundation block, primary increase block, or secondary increase block may be retained in the planting.

(2) Suspended grapevines shall be clearly identified and written records maintained.

(3) Propagative materials from suspended grapevines may, at the discretion of the Department, retain their registered status while testing to determine their disease status is in progress.

(4) Propagative materials from canceled grapevines are considered common stock. They shall not have foundation, registered, or certified stock status.

(5) Canceled grapevines in a foundation block, primary increase block, or secondary increase block shall be removed by the participant within a time period prescribed by the Department.

(d) Reinstatement of suspended grapevines.

(1) Registration or certification of suspended grapevines and/or propagative materials in or from foundation blocks, primary increase blocks, secondary increase blocks or nursery plantings may be reinstated if the Department determines that the suspension is no longer necessary. The Department may use testing and/or inspections to make this determination.

(2) Primary increase block, secondary increase block, and/or nursery block vines may be reinstated if they test negative for virus shown to be infecting the foundation source vines.

Note: Authority: Sections 407 and 5823, Food and Agricultural Code.

Reference: Sections 5821 and 5822, Food and Agricultural Code.

#### 3024.7. Certification of Grapevines By a Second Party.

Grapevines produced by a participant in the certification program in accordance with the provisions of the Grapevine Certification Program may be eligible for certification by a second party provided:

(a) The second party submits an application and signs the agreement required by California Code of Regulations, Title 3, Section 3069. In the "Stock Record" section of the application shall be entered "Second Party Certification."

(b) The certification tags are filled out by the second party with their firm name and address and the block number.

(c) The second party shall submit to the Department an inventory of all grapevines and the sources for second party certification.

(d) The second party shall inform the Department where the grapevines are stored prior to shipping.

Note: Authority: Sections 407 and 5823, Food and Agricultural Code.

Reference: Sections 5821 and 5822, Food and Agricultural Code.

3024.8. Application and Fees.

(a) Application. An application shall be submitted for the initial acceptance of any planting, and each year thereafter to request continued registration. Application to register grapevines in any planting or to certify grapevines in a nursery row may be made after the vines have been planted. Upon submitting an application the applicant shall consent to the taking of samples or plants from any planting by the Department for inspection or testing purposes. The applicant shall:

(1) Submit a separate application for each planting site and receive written approval for the site(s) before planting.

(2) Submit a new application every time grapevines are added or topworked in a new or existing, primary or secondary increase block within six months after planting new vines or topworking existing vines.

(3) Submit a new application every time new grapevines are added to a new or existing nursery planting within two months after planting new vines.

(4) Submit an application on a form provided by the Department and provide the following information:

(A) Applicant's name and mailing address;

(B) Applicant's telephone and fax numbers, email address;

(C) Applicant's California Nursery Stock License Number;

(D) County where applicant is located;

(E) Type of block – primary or secondary increase block or certified nursery planting;

(F) Type of planting:

1. Field, including acreage or

2. Greenhouse, including square footage;

(G) Location of planting, including county and a GPS coordinate for one corner of the field;

(H) Planting date(s);

(I) Names of the varieties in block and number of vines of each variety;

(J) Source of propagative stock;

(K) Signature and title of applicant; and

(L) Date application signed.

(b) Fees. Fees are payable for the work done and are for the sole purpose of defraying expenses incurred in the approval, inspection, testing approval, registration and certification procedures herein provided and are not to obtain any right or privilege. Fees, in whole or in part, may be waived if the cost of the services rendered is covered by assessment.

(1) Application fees will be paid by the participant in advance of any work conducted.

(2) A late fee for registration may be charged to the applicant if an application is submitted more than six months after new plantings are made in a primary or secondary increase block or two months after new plantings are made in a nursery planting.

(3) The Department may charge additional fees because of conditions or total acreage entered or number of tests preformed when established minimum fees will not cover the cost of services.

(4) Fees paid for services that are not rendered shall be refunded to the participant. The amounts refunded may be prorated based on the direct costs incurred by the Department in the administration of the requirements of this article.

(5) The Department's established schedule of fees for services provided in this article are found in Title 3, Division 4, Section 4603, Schedule of Charges, subsection (h), Registration and Certification Grapevines Fees, of the California Code of Regulations.

(c) No fees will be charged to the University of California for the inspection, testing or registration of vines in the foundation block provided that there is no expense to the Department other than for observation of the inspection and testing required in this article and for keeping records.

Note: Authority: Sections 407 and 5823, Food and Agricultural Code.

Reference: Sections 5821 and 5822, Food and Agricultural Code.