

Registration and Certification of Deciduous Fruit and Nut Trees

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 3. Registration and Certification of Deciduous Fruit and Nut Trees

3015. 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.

3015.1. Definitions.

- (a) "Virus-infected" means infected by a virus or having symptoms or behavior characteristic of a virus disease listed in this article.
- (b) "Index" means testing a plant for specific virus infection using specific indicator plants listed in Sections 3015.3 and 3015.4.
- (c) "Off-type" means different from the variety or selection listed on the application for registration or certification.
- (d) "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 for certified nursery stock.
- (e) "Foundation block" means a planting of trees, maintained by the University of California, which are to serve as a primary source of propagating material.
- (f) "Mother block" means a planting of trees to be registered and maintained by an applicant as a source for growing certified nursery stock.
- (g) "Nursery increase block" means a planting of nursery stock which may be used as a propagating source to produce registered stock for the growing of certified nursery stock, or which may be used for growing trees which may be planted in a scion orchard.
- (h) "Scion orchard" means an orchard planting of trees which may be registered to serve as a source of registered scion wood for the growing of certified nursery stock.
- (i) "Certified block" means a planting of nursery stock for the production of certified nursery stock.
- (j) "Foundation stock" means propagative material from the foundation block.
- (k) "Registered stock" means propagating material produced in a mother block, in a nursery increase



block, from registered trees in a scion orchard, and/or seed or liners grown from seed from registered seed source trees.

(l) "Certified nursery stock" means yearling or younger trees propagated from registered stock and certified in accordance with the provisions of this article.

(m) "Virus-tested" means tested for virus or other graft-transmissible disease listed in and using procedures outlined in this article.

(n) "Seed source tree" means a tree which may be tested and registered to produce registered seed.

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

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

3015.2. Requirements for Participants' Plantings and Stock.

(a) Generally. Participation in this program is voluntary and may be withdrawn 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 which are found not to exceed the percentages stated in Section 3015.3(c)(6).

(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 plants entered in the program.

(3) Application for registry or re-registry of plants being grown under the provisions of this article.

(4) Selection of the trees for index-testing for the Prunes ring-spot virus and prune dwarf virus.

(5) Farming and sanitation practices.

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

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

(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 shall be located not less than 300 feet from any other plant of the same genus not entered in this program and not less than 1/2 mile from any commercial planting of the same genus and 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 10 feet apart, and trees in each row shall be at least five feet apart.

(3) A scion orchard, a nursery increase block or a certified block shall be a separate planting sufficiently apart from other nursery stock to maintain its identity and shall be located at least 300 feet from any commercial orchard planting of peach and nectarine.

(4) No restrictions are placed on the location for a registered seed source tree.

(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) To assure that inspections may be made properly and to provide close working knowledge of field operations, the applicant shall notify 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.

(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.

(4) Identification of each registered tree and of nursery stock growing in plantings entered in the program to identify it as to rootstock and scion sources shall be done in an approved manner.

(e) Eligibility and Planting Requirements. Any variety of deciduous fruit and nut tree when approved by the Department is eligible for entry in this program as provided in this article.

(1) Eligibility of Stock. To be acceptable for registration 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 Sections 3015.3 and 3015.4, or the plant shall have an equivalent known history which has been approved. In addition:

(A) Registered stock scion wood shall be taken from a nursery increase block within four years from the time the scions were initially placed in the nursery increase block.

(B) For planting and registration of a tree in a scion orchard, the Department shall be notified at the time of planting of the applicant's intention to seek registration and application for registration shall be filed within six years of the time of the original planting of the scion orchard. Verification of trueness of the fruit shall be the responsibility of the applicant. Prior to registration of a tree in a scion orchard it shall be tested by indexing in a Shirofugen cherry or by other methods approved by the director for the detection of Prunes ring-spot virus and prune dwarf virus and shall be given a visual inspection. Information regarding such other methods may be obtained from the Department's Pest Exclusion Unit.

(2) Plants eligible for planting shall be as follows:

(A) In a Mother Block -Foundation stock. Only mahaleb rootstock shall be used for cherries.

(B) In a Nursery Increase Block -Foundation stock or registered stock scions directly from a registered mother block tree.

(C) In a Certified Block -Foundation stock or registered stock.

(D) In a Scion Orchard -Foundation stock produced in a nursery increase block.

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

3015.3. Inspection and Testing Procedures for Prunus Species.

(a) Generally. Inspection and testing procedures prescribed in this article for an applicant's plantings will be made by the Department and shall be conducted 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 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.

(1) At the Department's discretion and under its close supervision, the applicant may provide the Shiro-fugen cherry indicator trees and the labor to collect budwood from selected trees and to perform the budding and related testing tasks. However, the Department shall make all of the disease readings and determinations.

(b) Qualification of Stock.

(1) Registered Trees -Mother Block. Each registered tree in the mother block shall be tested each year by indexing in Shiro-fugen cherry or by other methods approved by the director for the detection of Prunes ring-spot virus and prune dwarf virus and shall be visually inspected prior to stock distribution.

(2) Registered Trees -Scion Orchard. Registered trees in a scion orchard shall be indexed in Shiro-fugen cherry or by other methods approved by the director for the detection of Prunes ring-spot virus and prune dwarf virus and visually inspected each year in which scion wood is harvested.

(3) Seed Source Trees. A Prunes species tree may be registered as a seed source tree after being tested by indexing in Shiro-fugen cherry or by other methods approved by the director for the detection of Prunes ring-spot virus and prune dwarf virus and at least one visual inspection.

(4) Nursery Increase Block, Certified Block. At least one visual inspection shall be made each year of plants in a nursery increase block or in a certified block.

(5) Information regarding other methods approved by the director in (1), (2) and (3) may be obtained from the Department's Pest Exclusion Unit.

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

(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) Yellow leaf roll virus disease of peach is found within 300 feet.

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

(6) An accumulated percentage of more than 1/2 percent of the trees of the same variety on the same kind of rootstock are found virus-infected in an increase block or more than 2 percent in a certified block unless all such virus-infected trees are removed under the supervision of the Department. Either visual inspections or the results of indexing or both may be used as a basis for calculating the number of trees that may be infected.

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

- (8) A registration number is misused or misrepresented.
- (9) Registered stock is not used primarily to produce certified nursery stock.

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

3015.4. Foundation Stock Requirements.

The University of California is responsible for the selection, propagation, trueness to variety, identification, index-testing and pest cleanliness of all plants in the foundation block.

An inventory of eligible trees in the foundation block shall be provided to the Department annually. A record of foundation stock distributed shall be provided to the Department within 60 days following distribution and shall include the names and addresses of the program participants to whom the stock was distributed.

To be eligible for foundation stock, the plant, including the rootstock if used, shall have been index-tested and found free of specific virus diseases by using the specific indicator plants listed in the following table:

Indicator Plant	Disease
Elberta Peach	Peach yellows, little peach, peach rosette, rosette mosaic, phony peach mosaic, x -disease complex, yellow bud mosaic, wart, peach mottle, prunes stem pitting and astroid spot.
Bing Cherry	Western -x, rusty mottle, mottle leaf, rasp leaf, twisted leaf, tatter leaf, small bitter cherry, and peach mottle.
Kwanzan Cherry	Green ring mottle.
Shiro -fugen Cherry	Prunes ring -spot complex and prune dwarf virus.
Tilton Apricot	Ring pox.
Shiro Plum	Line Pattern.

The indicator plants shall be observed for two successive growing seasons, except Shiro-fugen cherry which shall be observed for a minimum of 30 days.

Each tree in a foundation block shall be tested for the Prunes ring-spot virus complex and prune dwarf virus by approved detection methods each year.

Other procedures for virus detection approved by the Department may be used if determined to be equally suitable.

The foundation block shall be located at least 300 feet from any other plant of the same genus not entered in the program and at least one-half mile from any commercial planting of the same genus.

Trees in a foundation block shall not be registered until variety identification is confirmed.

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

3015.5. 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.

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

(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 the keeping of records. When the procedures are conducted by the University of California or by the United States Department of Agriculture, they shall not be less than are provided in this article and the Department shall be notified each year of the trees to be entered or continued in the program.

(d) Refund. Fees paid for services that are not rendered shall be refunded to the applicant.

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