

## Regulations for California Certified Strawberry Plants

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 9. Regulations for California Certified Strawberry Plants

### 3049. 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.

#### 3049.1. Definitions.

- (a) "Virus infected" means infected by a virus or having symptoms or behavior characteristic of a virus disease listed in Section 3049.3(a)(1)(B).
- (b) "Index" means to test for virus infection by making a graft with tissue from the plant to be tested to an indicator plant or by other methods approved by the director. Information regarding such other methods may be obtained from the Department's Pest Exclusion Unit.
- (c) "Off-type" means any strawberry plant different from the variety stated on the application for approval or certification.
- (d) "Nuclear stock" means strawberry plants which were originally indexed and their progeny, which have been regularly reindexed and protected continuously from virus infection by Federal or State agencies.
- (e) "Foundation stock" means strawberry plants that are first year propagation from plants that have been approved on the basis of annual indexing.
- (f) "Registered stock" means strawberry plants that are first year propagation from foundation stock.
- (g) "Certified stock" means strawberry plants that are first year propagation from registered stock.
- (h) "Foundation block" means a planting of strawberry plants for the production of foundation stock.
- (i) "Increase block" means a planting of strawberry plants for the production of registered stock.
- (j) "Certified block" means a planting of strawberry plants for the production of certified stock.
- (k) "Nuclear meristem stock" means strawberry plants which were propagated with meristematic tissue from a plant which had heat therapy and were originally index-tested and found free of known viruses by Federal or State agencies.
- (l) "Clone" means a progeny of an individual strawberry plant which was produced asexually.



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

### **3049.2. General Provisions.**

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.

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

(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) Notifying the Department at least one week in advance of planting and harvesting as to when they will commence and notifying the Department of the location where the plants will be trimmed and stored.

(4) Maintaining the identity of each lot of plants in the participant's possession and placing the required information on each certification tag furnished by the Department.

(c) Location of Plantings.

(1) General. Each planting location shall be in an area which is isolated from plantings for strawberry fruit production to prevent spread of infectious pests or virus diseases. Any land planted shall have been free of strawberry plants for the previous year, except when treated for soil-borne pests in an approved manner under the supervision of the Department. Any planting may be enclosed by an approved insect-proof greenhouse, and when this is done the distance from other plantings or plants as specified in this article to minimize spread of virus diseases shall not be required providing varieties, plant blocks and plants to be indexed are kept separate in an approved manner to maintain plant identity. Native strawberry plants presenting no evidence of virus infection are excluded from required isolation distances for planting.

(2) Foundation blocks shall be located at least one mile from any other strawberry plants except those in foundation blocks determined to be of equal pest status. Foundation blocks shall be clone planted. Each plant in a foundation block selected for testing by indexing together with its runners shall be kept separate from all other plants in the block by an open space of 12 inches or by an artificial barrier to maintain plant identity.

(3) Increase blocks shall be located at least one mile from any other strawberry plants to prevent spread of virus disease. When danger of possible spread of virus diseases from one block to another does not appear to exist the one mile distance may be waived and increase blocks and certified blocks may be planted adjacent to each other.

(4) Certified blocks shall be located at least one mile from any strawberry plants maintained for the purpose of commercial fruit production and not less than 500 feet from any other strawberry plants not entered in the program to maintain plant identity and prevent spread of virus diseases.

(d) Maintenance of Plantings.

(1) Any planting entered in this program shall be kept in a thrifty growing condition and pests shall be kept under intensive control. To maintain plant identity, each variety shall be planted at

least 12 feet from any other variety and runners shall not be permitted to cross over an open space of 12 inches maintained between such varieties. If a screenhouse is used for any planting, it shall be maintained in such condition that insect vectors cannot enter. Plants of each variety shall be harvested separately from all other varieties and continuously kept separate. In a foundation block each plant that has been tested by indexing, together with its runner plants, shall be harvested separately. Plants must be harvested after one growing season in order to be eligible for approval or certification.

(2) Any plant found to be off-type shall together with its runner plants be removed immediately from any planting.

(e) Eligibility for Planting.

(1) In a foundation block: To be acceptable for planting in a foundation block, a plant shall be (A) nuclear meristem stock; (B) nuclear stock; (C) foundation stock; or (D) registered stock, certified stock, or plants determined to have an equivalent known history providing each plant in the foundation block is to be tested by indexing or by other approved methods for the detection of virus infection. More than one variety may be planted in a foundation block providing they are of equal pest status.

(2) In an increase block: To be acceptable for planting in an increase block a plant shall be first year propagation from foundation stock produced in a foundation block.

(3) In a certified block: To be acceptable for planting in a certified block a plant shall be first year propagation from registered stock produced in an increase block or first year propagation from foundation stock produced in a foundation block.

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

**3049.3. Inspection and Testing Procedures; Refusal or Cancellation of Approval or Certification.**

(a) To Determine Eligibility for Approval or Certification:

(1) Inspection and testing procedures prescribed in this article shall be conducted by the Department in a manner and at times determined as suitable. The applicant will be notified of the findings of pests. Any plant in any planting may be tested by indexing or by other approved methods for the detection of virus infection. Testing procedures shall be conducted in a greenhouse.

(A) Each clone in a foundation block and a minimum of 3 percent of the plants planted therein shall be tested one or more times annually by indexing or by other approved methods for the detection of virus infection. All plants in a foundation block shall be tested in such a manner if the source of any of the propagating stock is registered stock or certified stock or has an equivalent known history.

(B) Foundation stock shall be tested for the specific virus diseases using the specific indicator plants listed below:

Indicator Plant	Disease
Fragaria virginiana selection and/or	Mottle, Veinbanding, Leafroll, Witchesbroom
Fragaria (alpine) vesca selection	Crinkle, Pallidosis, Necrotic shock, Tomato ringspot, Latent "C", Feather leaf, Mild yellow edge, Pseudo mild yellow edge

(C) At least two visual inspections shall be made of each planting prior to harvest and in addition plants shall be inspected at digging time. Inspection for the detection of harmful nematode pests may be made using laboratory methods and is required for approval as foundation stock or as registered stock.

(b) Refusal or Cancellation of Approval or Certification:

(1) Failure to comply with the requirements of this article shall be cause for refusal or cancellation of approval of plants as "foundation stock," "registered stock," or certification as "California certified strawberry plants."

(2) The certification or approval as foundation stock or as registered stock of a plant or plants in part or all of a planting shall be refused or cancelled when it is determined that:

(A) The plant is off-type;

(B) The plant, clone or planting is virus infected;

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

Reactions to indicator plants caused by unknown factors may also be cause to disqualify the specific foundation selection tested.

(3) Any plant or clone found virus infected or suspected of virus infection may be required to be rogued or may be refused for further propagation. Any planting in which a plant is found to be virus infected may be refused, if it is determined that spread of the virus may have occurred, except: (A) when the total of virus infected plants in a certified block does not exceed 0.5 percent; (B) aster yellows disease is found in a planting and it is determined that the infected plants are readily identifiable and can be removed under the supervision of the Department.

(4) Any planting in which off-type plants are found to exceed 0.2 percent shall be refused, except that in a planting which has been clone planted, the off-type plants may be removed under the supervision of the Department if it is determined that all of the off-type plants are readily identifiable and can be removed.

(5) Each plant together with all its runner plants shall constitute one unit, and the results of either field inspections or index tests or both may be used, as a basis for calculating percentages.

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

#### **3049.4. Approval and Certification.**

(a) Approval: The Department will approve as "foundation stock" or "registered stock" plants that have met the requirements of this article, and will, for their identification, authorize the use of official tags for "foundation stock" or "registered stock."

(b) Certification: The Department will certify plants that have met the requirements of this article for certification and will authorize for the identification of such stock, the use of official certification tags.

(c) Identity: Any person selling "foundation stock," "registered stock" or "California certified strawberry plants" is responsible for maintaining identity of the nursery stock bearing an official tag while the stock is in possession of the seller and for such nursery stock meeting the requirements of this article.

(d) Accountability: Persons issued tags authorized by this article shall account for stock produced and sold and tags used and shall record such production, sale, and use on an inventory sheet provided by the Department. The inventory sheet shall be submitted to the Department annually.

(e) Certification by a Second Party: Strawberry plants produced by a participant in the certification program in accordance with the provisions of this article may be eligible for certification by a second party provided:

- (1) The second party submits an application, pays the required fees, and signs the agreement required by Section 3069;
- (2) The certification tags are stamped by the second party with his name and address and the block number of the producer of the plants.

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

### **3049.5. Application and Fees.**

(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 or certification and may be refused unless made sufficiently in advance of the time of planting to permit the Department to establish the origin of the stock, determine the history of the location and supervise any treatment that may be required.

(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 and certification services provided and are not to obtain any right or privilege. Fees shall be submitted at the time of application, except that fees may be paid after planting upon prior approval by the Department.

(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 plants provided there shall be no expense to the Department other than for observation of the inspection and testing required in the article, and for the keeping of records. When the procedures prescribed in the 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 plants to be entered or continued in the program.

(2) With respect to all of the fees, the Department may require a larger fee on any or all plantings entered when, because of conditions and total acreages entered, the fees will not cover the cost of the service. This may apply to districts or the entire State.

(c) Refunds. 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.