


Ag 21 to 23

STATE OF WISCONSIN
STATE DEPARTMENT OF AGRICULTURE

I, D. N. McDowell, Director of the State Department of Agriculture of the State of Wisconsin, hereby certify that the attached copy of an order adopting, repealing and recreating, and repealing rules relating to nursery stock, nursery inspection, cranberry plants and raspberry plants (Wis. Adm. Code chapters Ag 21, Ag 22 and Ag 23) is a full, true and correct copy of said order and of the whole thereof.

Dated: January 16, 1959.



Director, State Department
of Agriculture

Docket No. 552.
G. O. 194.

ORDER OF THE STATE DEPARTMENT OF AGRICULTURE
ADOPTING, REPEALING AND RECREATING, AND REPEALING RULES

Pursuant to authority vested in the State Department of Agriculture by sections 93.06 (8), 93.07 (1) and (12) and 227.014 (2), Wis. Stats., the State Department of Agriculture hereby adopts, repeals and recreates, and repeals rules as follows:

SECTION 1. The title of chapter Ag 21 of the Wisconsin administrative code is amended to read "NURSERY STOCK".

SECTION 2. Sections Ag 21.01, Ag 21.02 and Ag 21.03 of the Wisconsin administrative code are repealed and recreated to read:

Ag 21.01 Definitions. As used herein:

(1) "Nursery stock" shall be as defined in section 94.60 (1), Wis. Stats.

(2) "Person" means a "nurseryman", "dealer", or "agent" as defined in section 94.60 (1), Wis. Stats.

Ag 21.02 Misrepresentation. It is misleading, under section 94.60, Wis. Stats., for any person in connection with the

sale of any nursery stock to fail to disclose on the tag or label and in any advertising the following material facts whenever applicable:

(1) That nursery stock was collected from the wild state, unless it has been grown under cultivation in a nursery for at least one growing season.

(2) That roses are greenhouse grown, commonly known as "bench roses".

Ag 21.03 Standards of care. No person possessing nursery stock for sale shall fail to observe the following standards of care:

(1) The roots of nursery stock shall be kept moist at all times.

(2) "Balled and burlapped" nursery stock shall be kept on soil, peat, sawdust, vermiculite, or other moisture-holding material not toxic to plants. Such material shall be at least 3 inches in depth and shall be kept moist at all times. If kept outside, a solid barrier at least 10 inches high shall be placed around such stored stock as a protection against the wind. This subsection shall not apply when such stock is held in an impervious wrapper or container.

(3) Nursery stock with bare roots shall be heeled in the ground, or covered with hay, sphagnum, peat, shingle tow or other moisture-holding material not toxic to plants, or kept in a storage room where temperature and humidity are so controlled that the viability of such stock will be fully maintained. At the time of delivery to the purchaser the roots shall be covered

with such moisture-holding material, which shall be moist, and shall be tightly wrapped to retard desiccation.

(4) Nursery stock which by reason of desiccation, damage or other cause will not grow normally, shall be removed from sale.

SECTION 3. Sections Ag 21.04 to Ag 21.15, inclusive, of the Wisconsin administrative code are repealed.

SECTION 4. The title of chapter Ag 22 of the Wisconsin administrative code is repealed and recreated to read "PLANT QUARANTINES AND INSPECTIONS".

SECTION 5. Section Ag 22.01 of the Wisconsin administrative code is repealed and recreated to read:

Ag 22.01 Federal quarantines invoked. Federal plant quarantines numbered 8, 12, 13, 15, 16, 19, 24, 28, 29, 30, 34, 37, 38, 41, 45, 47, 48, 52, 55, 56, 58, 59, 60, 63, 64, 69, 70, 72, 73, 74, 76, 77, 78, 79, 80 and 81, established under the authority of the Federal Plant Quarantine Act (7 U.S.C.A. 151 et seq.), are necessary to prevent the introduction of dangerous plant diseases or insect infestations into Wisconsin, and they are hereby so designated under the authority of section 94.53 (2), Wis. Stats. Any article or material transported into the state of Wisconsin in violation of these quarantines, or any regulations supplemental thereto, is subject to destruction or return to the point of shipment.

SECTION 6. Sections Ag 22.02, Ag 22.03 and Ag 22.04 of the Wisconsin administrative code are adopted to read:

Ag 22.02 Raspberry plants. (1) Inspection. Orange rust and all diseases of the mosaic type (except the so-called "mild mosaic" of black and purple raspberries) are "injurious systemic diseases", and the presence of any of them constitutes "infection" within the meaning of this section. Nursery inspection certificates covering raspberry plants will be issued only:

(a) When the plantings have been inspected and rogued twice during the previous summer with an interval of at least 30 days between inspections, and less than 2% of the plants have been found infected at the first inspection and less than 1% of the plants have been found infected at the second inspection;

(b) When all visibly infected plants have been eradicated;
and

(c) When no infected plantings occur within 15 rods of those certified, provided that orange rust or streak within 15 rods shall not disqualify red raspberries from certification.

(d) Certificates of the usual form, worded to cover "general nursery stock", "small fruit" or "raspberry plants", authorize the shipment of any raspberry plants growing on the premises described in the certificate, unless certification has been conditioned on the filing of an affidavit, by the owner, agreeing to limit the sale or transportation of raspberry plants to certain specified plantings on the premises.

(2) Import. No raspberry plants shall be imported into the state of Wisconsin:

(a) Unless they have been inspected by an official state

inspector of the state in which they were grown, in conformity with regulations substantially similar to those stated in subsection (1) of this section; and

(b) Unless each bundle, bale, box or carload lot shall have attached to it a copy of a certificate from the said official inspector issued in conformity therewith.

Ag 22.03 Cranberry plants. No cranberry plants shall be transported in or imported into the state of Wisconsin without a certificate showing that the premises from which they come have been inspected by an official nursery inspector and found reasonably free from false blossom. Not more than 1/10 of 1% will be allowed unless a special permit is secured.

Ag 22.04 Inspections limited. No package or dormant-season inspections of raspberry plants, currant or gooseberry bushes, or white pine trees will be made, as the more important diseases can be detected satisfactorily only in the field during the growing season. No inspection certificates will be issued covering the sale or shipment of the European black currant (*Ribes nigrum*) nor of the common or purple barberry (*Berberis vulgaris*) or their varieties, as these plants are hosts of injurious plant diseases.

SECTION 7. Chapter Ag 23 of the Wisconsin administrative code is repealed.

The rules and repeals contained herein shall take effect on March 1, 1959.

Dated: January 16, 1959.

STATE DEPARTMENT OF AGRICULTURE

By D. N. McDowell

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Director