

Chapter Ag 21

Stock
NURSERY INSPECTION

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Ag 21.01 Inspection required. No nursery stock, including trees, shrubs, vines, and strawberry plants may be sold or shipped unless they have been examined and found free from insects and disease. A copy of the valid inspection certificate must be attached to each package sold or shipped.

Ag 21.02 Certificate tags. The certificate tags required by section 94.62, Wis. Stats., will, if requested, be supplied by the department at cost. Nurseries making their own arrangements for tags will submit proof to the department in advance and will use certificate tags only after approval by the department.

Ag 21.03 Fees. The minimum fee for all nurseries applying for certificate is \$5. This fee covers the inspection of one acre or less of nursery stock and it must accompany the application which must be filed before June 1 of each year. The remainder of the fee, if any, must be paid by October 1 at which date the certificates are issued, or as soon thereafter as the amount due has been determined. No certificate will be issued until the full amount of the fee has been paid. In case the nursery fails to pass the inspection the minimum fee filed with the application will not be refunded but no additional charges will be made. The fee for additional acreage of actual nursery stock shall be as follows:

- (1) Strawberries, only, 50 cents per acre or fraction thereof.
- (2) All other nursery stock, or other nursery stock and strawberries, \$1 per acre or fraction thereof for the next nine acres, and 50 cents per acre for all additional acres.
- (3) Scattered nursery stock, such as native trees in wood lots, aquatic plants, etc., may be charged for at the rate of \$1 for each ten acres inspected.

Ag 21.04 Transportation. Transportation between different plots of a nursery, separated by one mile or more, if not furnished by the nurseryman may be charged for at the rate of 10 cents for each mile actually traveled. This shall be in addition to the regular fee.

Ag 21.05 Special inspections. (1) The charge for special inspections at the request of the nurseryman may be an amount sufficient to cover the actual traveling expenses of the inspector in addition to the regular fee.

(2) No fee will be charged for second inspections, packing house inspections, etc., made at the convenience of the inspector, unless made necessary by the negligence of the nurseryman in carrying out the instructions of the inspector.

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Ag 21.06 Grower permits. Permits for the local distribution of plants by growers who are not nurserymen and who do not advertise the plants in any publication may be issued provided the plants are free from dangerous insect pests and plant diseases.

(1) Application for such permits should be made before the first of June of each year and the inspection will be made at the convenience of the inspector.

(2) The fee for such inspections will be based on the actual cost but shall not exceed \$2.50 for the first acre or fraction and 50 cents per acre for each additional acre or fraction.

(3) Such growers will not be issued nursery certificates but tags will be issued to them as they are needed. A reasonable number of these permit tags will be furnished gratis where a fee has been paid, otherwise a charge of 10 cents will be made for each tag issued. No postage stamps can be accepted.

(4) The charge for special inspections at the request of the grower may be an amount sufficient to cover the actual traveling expenses of the inspector.

Ag 21.07 Single bundle inspections. If only a single bundle of nursery stock is to be shipped by the applicant, it may be sent, express prepaid, for inspection, to the State Entomologist, Division of Plant Industry, State Department of Agriculture, Madison, Wisconsin. If it contains no prohibited plants, and is found free from insect pests and plant diseases, it will be transmitted, express collect, to any destination desired. Tourists who desire to transport trees or plants are required to secure the permission of the owner of the land from which the trees or plants are taken, and then to ship the bundle for inspection, as described in this paragraph. Carrying uninspected trees in vehicles is prohibited by law.

Ag 21.08 Inspections limited. No package or dormant-season inspections of raspberry plants, currant or gooseberry bushes, white pine trees or narcissus bulbs will be made, as the more important diseases can be detected satisfactorily only in the field during the growing season. No inspection certificate 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 within the meaning of section 94.54, Wis. Stats.

Ag 21.09 Federal certificate. State nursery inspection certificates do not authorize the interstate transportation of white pine trees, currant or gooseberry bushes or narcissus bulbs. Special federal inspection and certification of all these plants will be arranged, however, if application is received before June 1, except that no arrangements can be made for the shipment of white pine to any states except Michigan, Minnesota, New Jersey, New York, Pennsylvania, and the New England states.

Ag 21.10 Narcissus bulbs. Narcissus bulbs will be inspected twice, first during the blossoming season, second in storage. If found free from bulb flies and eelworms, certification will be made, but if an infestation is discovered, disinfection will be required. The sale of uncertified narcissus bulbs is prohibited.

Ag 21.11 Dealers. Dealers who are not growers may secure certificates authorizing them to buy and sell inspected nursery stock by filing an affidavit showing all sources from which their stock is secured and upon the payment of a registration fee as provided by statute. Agents must carry a copy of the certificate held by their principal.

Ag 21.12 Prohibitions. Only sound healthy nursery stock stored or displayed under conditions which will maintain its vigor shall be offered for sale. Offering for sale of dead nursery stock or of stock so seriously weakened by drying, excessive heat or cold, or any other condition, that makes it unable to grow satisfactorily when given reasonable care is deemed a violation under the meaning of section 94.60, Wis. Stats. Nursery stock not generally recognized as being hardy in Wisconsin must have its relative hardiness indicated.

Ag 21.13 Interstate movement. No person shall transport into the state of Wisconsin any nursery stock unless it has been inspected by an official inspector and certified to be apparently free from injurious insect pests and plant diseases, and unless each bundle, bale, box or carload lot shall have attached to it a copy of a certificate to that effect.

Ag 21.14 Inspection liability. (1) Whenever a common carrier shall receive or any person import or transport into Wisconsin any nursery stock without such a certificate attached, it shall be forwarded for inspection to the Department of Agriculture, State Capitol, Madison, Wisconsin, at the expense of the owner, unless the owner shall direct that it be destroyed or returned to the point of origin without inspection.

(2) When such stock is received at Madison for inspection, any infested or infected plants and any plants or material shipped in violation of any Wisconsin law or regulation or order of the department will be removed from the bundle or box and destroyed. Other plants will be forwarded, charges collect, to destination.

Ag 21.15 Federal quarantines invoked. Federal plant quarantines numbered 3, 5, 7, 13, 20, 24, 37, 38, 41, 43, 44, 45, 48, 53, 56, 57, 58, 59, 60, 62, 63, 65, and 68 established under the authority of the act of Congress of August 20, 1912 (37th United States Statutes, at Large, page 315), and amendments thereto, 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.

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