

**RULES
OF
DEPARTMENT OF AGRICULTURE**

**CHAPTER 0080-6-17
MALUS/PYRUS/PRUNUS VIRUS - FREE CERTIFICATION**

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0080-6-17-.01 DEFINITIONS. As used in this chapter, unless the context otherwise requires: “department” means the Tennessee Department of Agriculture; “director” means the Director of Plant Industries Division of the Tennessee Department of Agriculture or his duly authorized representative.

Authority: T.C.A. §43-6-104. *Administrative History:* Original rule filed February 28, 1979; effective April 16, 1979. Repeal and new rule filed June 17, 1982; effective September 30, 1982.

0080-6-17-.02 REQUIREMENTS OF CERTIFICATION. No malus, pyrus, or prunus spp. shall be sold, offered for sale, held or stored as certified Virus-free stock unless they shall have been certified as being true to name (scientific name Genus-species-and variety and/or approved common name) and as being apparently free of viruses, virus-like (myco-plasma) plant diseases and insect pests by the Director of Plant Industries Division of the Tennessee Department of Agriculture. Certification of Pyrus spp. shall likewise contemplate freedom from the following virus diseases although they are not presently known to occur in Tennessee:

- (1) Pear bark split (rough spot) or blister canker;
- (2) Pear moria (decline); and
- (3) Pear stoney pit.

Sanitation measures will be followed in all segments of cultural practices in this program. Requirements for certification shall be determined in accordance with this chapter.

Authority: T.C.A. §§43-6-104 and 43-6-106. *Administrative History:* Original rule filed February 28, 1979; effective April 16, 1979. Repeal and new rule filed June 17, 1982; effective September 30, 1982. Amendment filed March 15, 1985; effective June 14, 1985.

0080-6-17-.03 UNDERSTOCK SOURCE.

- (1) Understock for Malus or Pyrus spp. certified as virus-free must be produced from seed of registered parent trees and approved by the Department. Prunus spp. offered for certification as Premium Prunus spp. will be produced on seedlings grown from certified virus-free seeds. Prunus spp. offered for certification as Standard Prunus spp. may be produced on seedlings grown from seeds approved by the Department.
- (2) Seeds or seedlings which are transported must arrive adequately labeled inside and outside of parcel to insure identification in transit. Seeds or seedlings must be shipped in an individual parcel. Parcels

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must remain unopened until an authorized representative of the Department is present. Understock must be stored in an approved manner to prevent contamination.

Authority: T.C.A. §43-6-104. **Administrative History:** Original rule filed February 28, 1979; effective April 16, 1979. Repeal and new rule filed June 17, 1982; effective September 30, 1982.

0080-6-17-.04 SCION SOURCE. Scion for trees certified as virus-free must be approved by the Department. *Malus* spp. material must be from a registered source certified to be apparently free from stem grooving, ringspot, rough skin, scar skin, rubbery wood, mosaic and flat limb. Scion for *Malus*, *Pyrus*, and *Prunus* spp. must be from virus-free registered parent trees or registered scion block trees. All propagating material must arrive in individual parcels and no other plant material will be allowed in the same parcel. This propagating material must be properly labeled by genus, species, and variety, with each variety isolated from others to prevent contamination. The identity as virus-free propagation material must accompany each Plant variety and quantity of said variety in the lot. The Department must be notified a minimum of two (2) days prior to arrival of virus-free tree propagation material. An authorized representative of the Department must be present for inspection of the material upon arrival. *Malus*, *Pyrus* and *Prunus* spp. propagating material must be stored in a manner approved by the Department.

Authority: T.C.A. §43-6-104. **Administrative History:** Original rule filed February 28, 1979; effective April 16, 1979. Repeal and new rule filed June 17, 1982; effective September 30, 1982. Repeal and new rule filed June 17, 1982; effective September 30, 1982.

0080-6-17-.05 APPLICATION. Application for certification of virus-free *Malus*, *Pyrus* and *Prunus* spp. must be made to the Director by August 30th of each calendar year.

Authority: T.C.A. §43-6-104. **Administrative History:** Original rule February 28, 1979; effective April 16, 1979. Repeal and new rule filed June 17, 1982; effective September 30, 1982.

0080-6-17-. 06 PLANTING SITE

- (1) Fields offered for the growing of certified virus-free *Malus*, *Pyrus* and *Prunus* spp. must not have been in *Malus*, *Pyrus* or *Prunus* spp. within the preceding two (2) years, or in soybeans within the preceding three (3) years. Fields must be essentially free of harmful insects, nematodes and diseases. *Malus* or *Pyrus* spp. that are being grown for certified virus-free trees must be maintained at a minimum distance of one hundred and fifty (150) feet and *Prunus* spp. five hundred (500) feet from non-certified sources, with a fifteen (15) foot clean cultivated border around the block.
- (2) Virus-free rootstock will be planted in soil known to be apparently free of virus-vector nematodes or other plant parasitic nematodes. Fields offered for growing *Malus*, *Pyrus* and *Prunus* spp. as virus-free for certification will be sampled for nematodes by the Department's Division of Plant Industries personnel prior to plant site approval and again during the growing season. Fields found infested with virus-vector nematodes will not be eligible.
- (3) Fields infested with plant parasitic pests shall be treated prior to planting with an approved pesticide if it is deemed necessary by the Director.
- (4) Fields offered for *Malus*, *Pyrus*, or *Prunus* spp. virus-free certification production must be maintained essentially free of weeds and grasses.

Authority: T.C.A. §43-6-104. **Administrative History:** Original rule filed February 28, 1979; effective April 16, 1979. Repeal and new rule filed June 17, 1982; effective September 30, 1982.

0080-6-17-.07 PLANTING

- (1) Malus, Pyrus or Prunus spp. must be spaced apart in such a manner as to have clean cultivation and to prevent root grafts. Varieties must be labeled in field and any varietal change within a row will require a ten (10) foot separation. No other plants or plant parts other than approved Malus, Pyrus or Prunus spp. will be permitted in a block or field offered for certification. Container grown plants will follow the same growing procedures as outlined for field stock.
- (2) Virus-free scion (see 0080-6-17-.04 Scion Source) may be rooted in isolated sterilized beds with approval from the Department. Varieties will have a ten (10) foot clean space between them. Malus, Pyrus or Prunus spp. will be one hundred and fifty (150) feet from any Rosaceae. Prunus spp. will be five hundred (500) feet from other non virus-free Prunus spp.

Authority: T.C.A. §43-6-104. **Administrative History:** Original rule filed February 28, 1979; effective April 16, 1979. Repeal and new rule filed June 17, 1982; effective September 30, 1982.

0080-6-17-.08 INSPECTION

- (1) Malus, Pyrus or Prunus spp. subject to virus-free certification will be inspected by the Department twice each year or as deemed necessary by the Department.
- (2) A pesticide spray schedule will be followed as approved by the Director or his duly authorized representative.
- (3) Any Malus, Pyrus or Prunus spp. tree that demonstrates symptoms characteristic of virus diseases or that is found to be irregular in growth or color will be removed and all trees subject to contamination will be removed.
- (4) Budding, grafting or top working of Malus, Pyrus or Prunus spp. will not be permitted unless the scion is from virus-free registered parent trees or registered scion stock trees.

Authority: T.C.A. §43-6-104. **Administrative History:** Original rule filed February 28, 1979; effective April 16, 1979. Repeal and new rule filed June 17, 1982; effective September 30, 1982.

0080-6-17-.09 DIGGING. It shall be the responsibility of the owner or producer to notify the Director a minimum of two (2) days prior to digging of Malus, Pyrus or Prunus spp. virus-free trees offered for certification. All trees to be certified will be marked for varietal identification prior to digging by paint or tagging and an inventory of such trees will be recorded. The digging will be observed by personnel of the Department.

Authority: T.C.A. §43-6-104. **Administrative History:** Original rule filed February 28, 1979; effective April 16, 1979. Repeal and new rule filed June 17, 1982; effective September 30, 1982.

0080-6-17-.10 STORAGE. Malus, Pyrus or Prunus spp. virus-free trees will be stored in a separate chamber isolated from all other plant storage.

Authority: T.C.A. §43-6-104. **Administrative History:** Original rule filed February 28, 1979; effective April 16, 1979. Repeal and new rule filed June 17, 1982; effective September 30, 1982.

0080-6-17-.11 RECORDS. Nurseries will maintain written records of all Malus, Pyrus or Prunus spp. plants being grown for virus-free certification. Such records shall include sources of scion, rootstock, placement in field, pesticide application and all dates relating to these activities. Failure or refusal to comply with specified requirements may disqualify the field or block from certification or result in the cancellation of any certification then in effect.

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Authority: T.C.A. §43-6-104. **Administrative History:** Original rule filed February 28, 1979; effective April 16, 1979. Repeal and new rule filed June 17, 1982; effective September 30, 1982.

0080-6-17-.12 CERTIFICATES AND TAGS.

- (1) Virus-Free Plant Certificates will be issued to growers who meet the requirements of this chapter. The certificate will contain a list of virus-free varieties of the grower. Certificate color will be blue. Malus, Pyrus and Premium Prunus Virus-Free Certification Tags will be blue. Standard Prunus Virus-Free Certification Tags will be red.
- (2) Virus-free certified plants shipped, sold, delivered or transported for sale shall have affixed to each plant, labels indicating:
 - (a) Virus-free certification; and
 - (b) Genus, species and variety.

Virus-free certification tags will be purchased from the Department.

Authority: T.C.A. §43-6-104. **Administrative History:** Original rule filed February 28, 1979; effective April 16, 1979. Repeal and new rule filed June 17, 1982; effective September 30, 1982.

0080-6-17-.13 SUSPENSION AND REVOCATION.

- (1) Certificates may be suspended or revoked in accordance with the Uniform Administrative Procedures Act whenever:
 - (a) Stock covered by the certificate is determined to be in a non-certifiable status in accordance with the provisions of these regulations.
 - (b) Certificate tags are misused, transferred, sold, loaned, used on stock not covered by the certificate, or otherwise handled or used in violation of these regulations.
 - (c) Any of the provisions of the Tennessee Plant Pest Act of 1955, §43-6-101 et seq. as amended of Tennessee Code Annotated, or any of the regulations promulgated thereunder are violated by the holder of said certificate, or whenever the certificate is used in violation of any applicable quarantines.
- (2) Certificates may be immediately suspended or revoked pending a hearing upon a finding by the Director that the public health, safety, or welfare imperatively requires emergency action in accordance with T.C.A. §43-6-106.

Authority: T.C.A. §43-6-104. **Administrative History:** Original rule filed February 28, 1979; effective April 16, 1979. Repeal and new rule filed June 17, 1982; effective September 30, 1982.