

800 Plant Industries

803 Rules and Regulations for the Control and Supression of the White Pine Blister Rust

1.0 Authority

These regulations are promulgated pursuant to the authority of Section 1102 of Title 3 of the **Delaware Code**.

2.0 Purpose

- 2.1 It is an established fact that White Pine Blister Rust requires alternate host plants of the genus *Ribes* to perpetuate itself and spread from one white pine tree to another, and that White Pine trees are valued as a landscape and ornamental tree. Therefore, the importation and cultivation of *Ribes* species is prohibited except as outlined in this regulation.
- 2.2 These regulations govern the permitting process and cultivation of plants of the genus *Ribes* within the State of Delaware. The Plant Industries Administrator or her or his designee shall have the authority to administer these regulations and shall be solely responsible for making the determinations required herein. These regulations have been developed to allow, as a permitted activity, the cultivation of *Ribes* species in a way that intends to minimize the potential for an outbreak of White Pine Blister Rust, *Cronartium ribicola*.

3.0 Definitions

"Department" means the State of Delaware Department of Agriculture and includes, but is not limited to, its officers, inspectors, employees, agents, or representatives.

"Person" means any individual, governmental entity, firm, partnership, corporation, company, society, association, or any organized group of persons, and every officer, agent, or employee thereof.

"Plant" refers to all plant parts, including whole plants, roots, scions, seeds and/or cuttings.

4.0 Quarantine

- 4.1 No person shall possess or transport the plants *Ribes aurium* (golden currant) or *Ribes nigrum* (black currant) within the State of Delaware. No permits shall be issued for the plants *Ribes aurium* or *Ribes nigrum*.
- 4.2 No person shall possess or transport plants of the genus *Ribes sp.* without a valid permit from the Department of Agriculture.

5.0 Permitted Activities

- 5.1 A permit authorizing shipment, planting and propagation within a specified area may be obtained from the Delaware Department of Agriculture, Plant Industries for *Ribes sp* as specified in Section 4.0 of this regulation.
- 5.2 The permit must include the following information:
 - 5.2.1 name, address, and telephone number of person applying for the permit
 - 5.2.2 number of plants to be grown or imported during permit period, listed by cultivar
 - 5.2.3 detailed map showing where *Ribes* cultivars will be grown during the permit period.
- 5.3 Conditions for the permit are as follows:
 - 5.3.1 the permit shall expire five years from the date of issuance
 - 5.3.2 at the end of the permit period, the permittee shall remove and destroy all permitted plants, unless the permit is amended and approved by the Department.
 - 5.3.3 If any additional *Ribes* plants are received by the permittee during this period, the permittee shall notify the Department in writing, and include variety information and location of plants.
 - 5.3.4 the permit may be revoked at any time, if the Department determines that the permittee did not follow permit conditions, if plants appear to be a risk of spread of white pine blister rust, or if white pine blister rust is discovered near the permitted location.
- 5.4 The application is not valid as a permit, unless signed by an authorized Department official.

6.0 Inspections

- 6.1 Inspections by the Department of Agriculture shall proceed as follows:

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- 6.1.1 the permittee must allow Department access to site where the plants are grown.
- 6.1.2 the Department may inspect plants at least once each year during the permit period to ensure freedom from white pine blister rust disease.
- 6.1.3 If, upon inspection, white pine blister rust is found on the *Ribes* plants, the Department will issue a Control or Destruction order, in accordance with Title 3, Chapter 11, and at the permittee's expense.
- 6.2 Plants used for experimental, educational or scientific purposes are not exempted from these regulations.

7.0 Violations

Any *Ribes* species plants found to have been transported or propagated in violation of these regulations shall be destroyed at the owner's expense by the Department of Agriculture, and the owner assessed a civil penalty, in accordance with §1109(e).

15 DE Reg. 185 (08/01/11)