

**CHAPTER 119. INSPECTION AND CERTIFICATION OF
NURSERY STOCK**

Sec.	
119.1.	Dealers' certificates.
119.2.	Inspection of commercially grown and collected stock.
119.3.	Certification of inspection.
119.4.	Penalty for not providing for inspection.
119.5.	Labeling stock.
119.6.	Post-entry quarantine.

Authority

The provisions of this Chapter 119 issued under The Pennsylvania Plant Pest Act of 1937 (3 P. S. §§ 214-1—214-25), unless otherwise noted.

Source

The provisions of this Chapter 119 adopted January 22, 1962, unless otherwise noted.

§ 119.1. Dealers' certificates.

Persons collecting native nursery stock in this Commonwealth apply for and receive a dealer's certificate prior to actually digging or selling any collected stock, unless the persons are already certified as nurserymen.

§ 119.2. Inspection of commercially grown and collected stock.

(a) Persons who anticipate the digging or sale of collected native nursery stock shall make proper application to the Bureau of Plant Industry for inspection prior to collecting each individual shipment.

(b) Inspectors will designate the time and place where the dug plants shall be assembled for inspection.

(c) Notice will be given to the inspector when the plants are assembled.

(d) Uninspected plants shall not be moved from the property where they are collected without a specific written directive from the inspector designating the place to which such plants are to be moved for inspection.

(e) Where an excessive growth of weeds, trash, crowding of stock or other conditions prevent a thorough examination of the nursery stock, the inspector shall notify the nurseryman, stating in writing the requirements for correcting the deficiencies. Upon written response from the nurseryman that the corrective measures have been executed the inspection will be made.

Authority

The provisions of this § 119.2 issued under section 1703 of The Administrative Code of 1929 (71 P. S. § 443); and section 3 of The Pennsylvania Plant Pest Act of 1937 (3 P. S. § 214-3).

Source

The provisions of this § 119.2 amended through February 25, 1977, effective February 26, 1977, 7 Pa.B. 521. Immediately preceding text appears at serial page (27110).

§ 119.3. Certification of inspection.

(a) A certificate of inspection will be given to the collector of native nursery stock for the movement and sale of each shipment of collected plants found to be free of plant pests.

(b) The certification shall cover only the plants inspected and passed at the time of inspection.

(c) Plants not passing inspection shall be destroyed or treated as directed by the inspector.

Source

The provisions of this § 119.3 amended April 2, 1964.

§ 119.4. Penalty for not providing for inspection.

(a) A collector may not transport native stock without first obtaining a written directive from the nursery inspector making provisions for inspection.

(b) A collector failing to comply with this section shall be subject to the maximum penalty provided under The Pennsylvania Plant Pest Act (3 P. S. § 214-21).

§ 119.5. Labeling stock.

(a) The Pennsylvania Plant Pest Act (3 P. S. § 214-14) requires that tags or posters containing a printed copy of the certificate of the nurseryman making the original sale shall be attached to all of the following:

- (1) Wholesale lots.
- (2) Lots to be forwarded by common carrier.
- (3) Lots to be moved over state lines.

(b) Nursery stock exposed or offered for sale by retailers may not be required to carry a certification tag.

(c) Certificates received from the wholesaler, together with invoices governing the purchase of the lot of nursery stock, shall be kept available by the retailer for examination by the Department for at least one year.

(d) Retailers shall be required to display their certificates at each place of business.

(e) The tag or poster which shall accompany lots of nursery stock, as required in subsections (a) and (b), shall contain in printing an exact copy of the valid nursery certificate. Additions or erasures (including dates) shall constitute alterations of the tag or poster.

§ 119.6. Post-entry quarantine.

(a) In cooperation with the United States Department of Agriculture, certain imported plants arriving at points of destination in this Commonwealth shall be placed under the provisions of post entry quarantine.

(b) The following requirements shall govern the procedure of receipt, handling, growing and propagation of plants placed under the quarantine:

(1) Prompt notice shall be given to the Department of Agriculture of the arrival of the material, under The Pennsylvania Plant Pest Act of 1937 (3 P. S. § 214-15).

(2) The plot of ground for post-entry planting shall meet the approval of the State inspector.

(3) The identity of any lot of quarantined plants shall be established by the labeling in a manner acceptable to the inspector.

(4) There shall be no distribution of quarantined plants, their increases, bloom, fruit or seed during the time covered by the quarantine.

(5) Quarantined material shall remain under The Pennsylvania Plant Pest Act of 1937 (3 P. S. § 214-20) for at least two growing seasons, or a longer period as the Secretary of Agriculture may deem advisable.

(6) Quarantined plants may be inspected at any time by an authorized inspector. If evidence of the presence of a plant pest is found they shall be ordered either treated or destroyed.

[Next page is 120-1.]

119-4

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