

DEPARTMENT OF AGRICULTURE

PESTICIDE AND PLANT PESTICIDE MANAGEMENT DIVISION

REGULATION NO. 617. BLACK STEM RUST

(By authority of section 19 of Act No. 189 of the Public Acts of 1931, as amended, being §286.219 of the Michigan Compiled Laws)

R 285.617.1 Black stem rust of small grains.

Rule 1. (1) All species and varieties of the genera Berberis, Mahonia and Mahoberberis and all living parts thereof determined by the director of agriculture to be susceptible alternate hosts for the black stem rust of small grains caused by Puccinia graminis are hereby declared to be a public nuisance and the growing, sale, distribution, transportation, or planting of such plants or living parts thereof is prohibited.

(2) Plants or living parts thereof taken for purposes of propagation of the species and varieties of the genera Berberis, Mahonia and Mahoberberis resistant to the black stem rust of small grains must be certified according to the following provisions before being propagated, transported, distributed, offered for sale, or sold:

(a) Rust-resistant plants of Berberis and Mahoberberis of not less than 2 season's growth on their own roots and Mahonia plants of 1 season's growth will be eligible for movement after certification; provided plants of Berberis and Mahoberberis of 1 season's growth may be received by a nurseryman so licensed under section 9 of Act No. 189 of the Public Acts of 1931, as amended, being §286.209 of the Michigan Compiled Laws, as amended by Act No. 255 of the Public Acts of 1955, from a source approved by the director of agriculture or the United States department of agriculture.

(b) Plants of Berberis and Mahoberberis of 1 season's growth received by a nurseryman from an approved source must be retained by the nurseryman for at least 2 growing seasons and must be maintained separate from certified plants or those eligible for certification.

(c) The transportation, distribution or sale of seeds and fruits of Berberis and Mahonia shall be restricted to those seeds and fruits obtained from plants certified to be rust-resistant by the director of agriculture or the United States department of agriculture. Such seeds or fruits must be accompanied by a certificate attesting to the rust-resistance of the parent plants when being transported, distributed or sold.

(3) Any nurseryman, person, firm, partnership, or corporation, upon making application in writing for the rust-resistant certification of plants or living parts thereof of Berberis, Mahonia, or Mahoberberis, shall furnish evidence of the source, species, and variety of the plants or parts thereof to be certified, and any other information deemed necessary by the director of agriculture for the proper identification, inspection, and certification of the plants or parts thereof.

History: 1954 ACS 11, Eff. Aug. 14, 1957; 1979 AC.