



Plant Industries Division
West Virginia Department of Agriculture
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Kent Leonhardt
Commissioner

REGULATIONS GOVERNING THE SHIPMENT OF PLANTS
INTO WEST VIRGINIA

Filing of Certificates - Reciprocal Registration

Nonresident nurserymen and nursery dealers do not have to file a copy of their current license or certificate of registration with the West Virginia Department of Agriculture, provided they are listed in a current directory of certified nurseries and nursery dealers published by the department of agriculture in the state in which they reside, and provided their resident state accepts West Virginia's directory of certified nurseries and nursery dealers in lieu of filing individual certification.

Nursery Stock - Definition

The West Virginia Plant Pest Act (Chapter 19, Article 12 of the code of West Virginia, as amended) governs the sale and distribution of plants in West Virginia. Under the provisions of the Plant Pest Act, hardy, woody-stemmed perennial plants (like trees, shrubs, and woody vines), as well as sod and sod-producing plants are defined as nursery stock and must be inspected before entering West Virginia.

Bedding Plants and Indoor Plants

Bedding plants, bulbs, herbaceous perennials, and indoor plants are not considered to be nursery stock. The only regulation governing the movement of these plants into West Virginia is the non-native plant-feeding snail quarantine.

Vegetable Plants

All vegetable plants shipped into West Virginia must be either certified as having been grown under an official certification program in the state of origin, or inspected and certified as apparently free of injurious insects, nematodes, and plant diseases on the basis of an inspection no more than three (3) days prior to removal from the soil. Vegetable plants are also regulated by the non-native plant-feeding snail quarantine.

Nursery Stock Must Carry Inspection Certificate

Each carload, truckload, box, bale, package or item of nursery stock entering West Virginia must be accompanied by a valid certificate of inspection issued by the proper official of the state from which the nursery stock was shipped.

Noxious Weeds

The following plants have been declared noxious weeds and are not permitted to be shipped into West Virginia without a permit from the Commissioner of Agriculture for the State of West Virginia:

Autumn olive (*Elaeagnus umbellata*)
Honeysuckle, Morrow's (*Lonicera morrowii*)
Honeysuckle, Tartarian (*Lonicera tartarica*)
Japanese barberry (*Berberis thunbergii* DC)
Japanese knotweed (*Polygonum cuspidatum*)
Japanese stiltgrass (*Microstegium vimineum*)
Johnsongrass (*Sorghum halepense*)
Kudzu (*Pueraria thunbergiana* (S and Z) Benth)
Marijuana (*Canabis sativa*)

Mile-a-minute (*Polygonum perfoliatum*)
Multiflora rose (*Rosa multiflora*)
Opium poppy (*Papaver somniferum*)
Poison hemlock (*Conium maculatum*)
Purple loosestrife (*Lythrum salicaria*)
Thistle, curled (*Carduus crispus*)
Thistle, musk (*Carduus nutans*)
Thistle, plumeless (*Carduus acanthoides*)
Tree of Heaven (*Ailanthus altissima*)

Japanese Barberry, *Berberis thunbergii* DC, is considered a noxious weed. However, the Commissioner of Agriculture may exempt certain cultivated varieties of Japanese Barberry upon determination that those varieties are sterile and pose no threat to agriculture in West Virginia.

Multiflora rose, *Rosa multiflora*, is prohibited statewide. Garden roses (hybrid teas and other varieties) may be shipped into West Virginia when they are grafted or budded onto multiflora rose root stock.

West Virginia declares narcotic drug producing plants (as defined under Title 21, USD Section 802) and plants listed as noxious weeds in the Federal Noxious Weed Act [Public Law 93-629 (7 U.S.C. 2801 et seq.; 88 Stat. 2148)] to be noxious weeds and thereby regulated by the West Virginia Noxious Weed Act.

WHITE PINE BLISTER RUST QUARANTINE

As the alternate hosts for the destructive disease of white pine known as white pine blister rust, all species of currants and gooseberries, *Ribes* spp., including any plants, cuttings, viable seeds, or parts of these plants capable of propagation are prohibited from entering the following 23 counties: Barbour, Fayette, Grant, Greenbrier, Hampshire,

Hardy, Harrison, Marion, Mercer, Mineral, Monongalia, Monroe, Nicholas, Pendleton, Pocahontas, Preston, Raleigh, Randolph, Summers, Taylor, Tucker, Upshur, and Webster.

European black currant, *Ribes nigrum*, may not be moved to any destination in West Virginia.

BLACK STEM RUST QUARANTINE

Japanese Barberry, *Berberis thunbergii* DC, is considered a noxious weed and its distribution is prohibited within or into WV.

Other species of *Berberis* (barberry), *Mahonia* (Oregon grape, Mahonia, hollygrape) and *Mahoberberis* (Mahoberberis) are capable of harboring the destructive disease Black Stem Rust, *Puccinia graminis*, of wheat, oats, barley, rye, and many wild and cultivated grasses. Since this disease can result in material financial loss to growers of these crops in West Virginia, a quarantine has been established throughout the State prohibiting the maintenance, propagation, sale, and movement within the State of all species and varieties of *Berberis*, *Mahonia*, and *Mahoberberis* determined to be the alternate hosts of Black Stem Rust, including any plants, cuttings, stocks, scions, buds, fruits, seeds or parts of these plants capable of propagation.

All species and varieties of *Berberis*, *Mahonia*, and *Mahoberberis* are considered rust-susceptible except those tested and designated as rust-resistant or immune by the United States Department of Agriculture (USDA). Except for the noxious weed prohibition of Japanese barberry (*Berberis thunbergii*), no restrictions are placed by these regulations on the movement, planting or growing within the State of any species or varieties of *Berberis*, *Mahonia*, or *Mahoberberis* designated as immune or rust-resistant by the USDA. However, all shipments and/or individual packages of rust-resistant *Berberis*, *Mahonia*, or *Mahoberberis* plants, seeds, or parts capable of propagation, must be plainly labeled or stamped as to the botanical species or variety and must be plainly marked with the name and address of consignee and consignor.

For a list of *Berberis*, *Mahonia*, or *Mahoberberis* varieties determined to be rust-resistant by the USDA, contact Plant Industries Division at (304) 558-2212.

NON-NATIVE PLANT- FEEDING SNAIL QUARANTINE

A quarantine has been established to prevent the introduction of live, non-native, plant-feeding snails into the State of West Virginia. These snails include, but are not limited to, the brown garden snail, Helix aspersa; the green or burrowing snail, H. aperta; the pulmonate snail, H. pomatia; the white garden snail, Theba pisana; the giant African snail, Achatha fulica; the giant South American snail, Megalobulimus oblongus; and the lectea snail, Otala lactea.

Under the provisions of the quarantine, plant material (wild or cultivated nursery stock, annuals, bedding plants, vegetable plants, greenhouse-grown trees, shrubs, vines, bulbous plants and roots, grafts, scions, buds, cut flowers, and decorative plants without roots) is prohibited from the states of Arizona, California, Florida, Hawaii, New Mexico, Oregon, Texas, Utah and Washington unless it is accompanied by a certificate, issued by a duly authorized agricultural official of the state of origin, stating that the plant material is free of live, non-native, plant-feeding snails.

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