

# WEST VIRGINIA BARBERRY AND BLACK STEM RUST QUARANTINE

## WEST VIRGINIA DEPARTMENT OF AGRICULTURE

May 11, 1992

Statutory Authority: Chapter 19, Article 12, Section 6 of the West Virginia Code

Notice is hereby given that the common barberry (**Berberis vulgaris**) and its horticultural varieties, as well as certain other species of **Berberis**, **Mahonia**, and **Mahoberberis**, found growing in West Virginia are capable of harboring the destructive disease black stem rust (**Puccinia graminis**) of wheat, oats, barley, rye and many wild and cultivated grasses, resulting in material financial loss to growers of these crops in West Virginia.

**I. BERBERIS, MAHONIA AND MAHOBERBERIS PROHIBITED.** Under authority of Chapter 19, Article 12, of the State Code of West Virginia, a quarantine is hereby established throughout the State prohibiting the maintenance, propagation, sale and/or 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. Exempted articles are described in Section VI.

**II. DEFINITIONS.** For the purpose of this quarantine the following words, names, and terms shall be construed to mean:

**A. BLACK STEM RUST** - Any stage of development of the organism **Puccinia graminis** which causes the disease known as black stem rust of wheat, oats, barley and rye.

**B. BERBERIS** - Any plants, cuttings, stocks, scions, buds, fruits, seeds, or any parts capable of propagation of any species, variety, or hybrid of the genus **Berberis**, commonly known as barberries.

**C. MAHONIA** - Any plants, cuttings, stocks, scions, buds, fruits, seeds, or any parts capable of propagation of any species, variety, or hybrid of the genus **Mahonia**, commonly known as mahonias, hollygrapes, holly barberries, or Oregon grapes.

**D. MAHOBERBERIS** - Any plants, cuttings, stocks, scions, buds, fruits, seeds, or any parts capable of propagation of any species, variety, or hybrid of the genus **Mahoberberis**, commonly known as mahoberberis.

**E. MOVEMENT** - Transportation by common carrier, truck, private vehicle or otherwise.

**III. ERADICATION OF ALL RUST-SUSCEPTIBLE BERBERIS, MAHONIA AND MAHOBERBERIS PLANTS.** All rust-susceptible species and varieties of **Berberis**, **Mahonia**, and **Mahoberberis** are hereby declared to be a public nuisance and their

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propagation, growth or possession is prohibited. The commissioner, insofar as funds are available, is authorized to enter all premises whatsoever subject to the Plant Pest Act, to destroy or cause to be destroyed such plants, seeds, fruits, or parts capable of propagation of rust-susceptible **Berberis**, **Mahonia** and/or **Mahoberberis**, wherever found, and may cooperate with other agencies and individuals within the State and with the United States Department of Agriculture in the removal of these plants for the control of the black stem rust disease of small grains.

**IV. VARIETIES CLASSIFIED AS RUST-SUSCEPTIBLE.** Until further notice, all species and varieties of **Berberis**, **Mahonia**, and **Mahoberberis** will be considered rust-susceptible except those tested and designated as rust-resistant or immune by the United States Department of Agriculture.

**V. RESTRICTION ON MOVEMENT, PLANTING AND/OR GROWING OF RUST-SUSCEPTIBLE BERBERIS, MAHONIA AND MAHOBERBERIS.** The movement, planting and/or growing of species and varieties of **Berberis**, **Mahonia** and **Mahoberberis**, determined to be alternate hosts of black stem rust (**Puccinia graminis**) are hereby prohibited throughout the State.

**VI. VARIETIES CLASSIFIED AS RUST-RESISTANT OR IMMUNE AND EXEMPT FROM THESE REGULATIONS.** 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 United States Department of Agriculture except as set forth in Section VII.

**VII. ALL PACKAGES TO BE PLAINLY LABELED OR STAMPED FOR SHIPPING.** All shipments and/or individual packages of rust-resistant **Berberis**, **Mahonia**, or **Mahoberberis** plants, seeds, or parts thereof capable of propagation, must be plainly marked with the names and addresses of the consignee and consignor.