



Plant Industries Division
West Virginia Department of Agriculture
1900 Kanawha Blvd. E., Charleston, WV 25305
304-558-2212

Kent Leonhardt
Commissioner

Application for Nursery / Nursery Dealer Registration

The West Virginia Plant Pest Act (Chapter 19, Article 12 of the Code of West Virginia, as amended) governs the sale and distribution of plant material in West Virginia. Under the provisions of the Plant Pest Act, **hardy, woody-stemmed perennial plants, like trees, shrubs and woody vines (with the exception of cut Christmas trees), as well as sod and sod-producing plants are defined as NURSERY STOCK** and are regulated by the West Virginia Department of Agriculture. It is unlawful for anyone to expose or offer for sale, sell, deliver or give away any plants or parts of plants commonly known as nursery stock unless that person has first secured a certificate of registration from the Commissioner of Agriculture.

There are 3 different registration classes that may pertain to your establishment:

- 1). **Nursery Dealer** - Individuals who sell, offer for sale, expose for sale, or distribute nursery stock, they themselves did not grow from seeds, cuttings, liners or similar propagative material but which was either bought, received on consignment or otherwise acquired and is in their possession. Examples: Retail garden centers, landscapers, chain stores, roadside plant vendors. *Complete Sections 1, 2, and 4.*
- 2). **Nursery** – Individuals who sell or distribute nursery stock they themselves have grown from seeds, cuttings, liners or similar propagative material. Examples: Wholesale nurseries, Christmas tree farms that dig trees, sod farms. *Complete Sections 1, 3, and 4.*
- 3). **Nursery AND Nursery Dealer** - If BOTH of the above definitions describe your establishment, you must register as a Nursery **and** a Nursery Dealer. *Complete Sections 1, 2, 3, and 4.*

SECTION 1:

Business Name _____ **IS THIS A RENEWAL?** Yes No

If the name of your business has changed since last year, please indicate previous name: _____

Proprietor _____ **FEIN No.** _____

Mailing Address _____ **Phone** _____

City _____ **State** _____ **Zip Code** _____ **County** _____

Location (if different from mailing address)

If you are out of business and/or no longer distributing nursery stock check here and return to Plant Industries Division.

In compliance with the State Code of West Virginia, Chapter 19, Article 12, I (We) hereby apply for the registration(s) listed below:

SECTION 2: **NURSERY DEALER REGISTRATION - \$60.00 REGISTRATION FEE PER DEALERSHIP up to and including five (5) dealerships and eighty dollars (\$80.00) for each dealership thereafter.* Example: 5 dealerships = \$300.00; 6 dealerships = \$380.00; 7 dealerships = \$460.00.**

If location of outlet differs from mailing address, or if you are applying for multiple nursery dealer registrations, use the reverse side of this form or a separate sheet to list the address/location and county of each dealership in which nursery stock is located:
State law requires nursery dealers to list source(s) of nursery stock. Please list below.
APPLICATIONS WITHOUT SOURCES LISTED WILL BE RETURNED FOR COMPLETION.

Name of Supplier	Address	State
1.		
2.		
3.		
4.		
5.		

If you have more than 5 sources of nursery stock, please use the reverse side of this form or a separate sheet to list the additional sources.

SECTION 3: **NURSERY REGISTRATION & INSPECTION - \$30.00 REGISTRATION FEE***
Please include directions for locating your nursery stock. Please draw a map on the back of this form. If this is a renewal and you have not added to your acreage of stock in production, a copy of an old map may be attached.

Indicate the type(s) and acreage of nursery stock you have in production, and the county in which it is located.			
General Ornamentals	Seedlings	Ground Covers	Christmas Trees
Bush Fruits/Brambles	Sod	Evergreens	Fruit Trees
Gooseberry/Currants	Ash	Other:	
Total Acreage in Production:		County in which nursery stock is grown:	

SECTION 4:

Date: _____ **Signature:** _____ **Title:** _____

HOW TO PROPERLY APPLY FOR REGISTRATION

The West Virginia Plant Pest Act (Chapter 19, Article 12 of the Code of West Virginia, as amended) requires the registration of anyone distributing nursery stock. How you register depends on the manner in which you distribute nursery stock. When applying for a Nursery, Nursery Dealer, or Nursery and Nursery Dealer registration, be sure to furnish all the information requested.

Nursery Registration – Prior to distribution of nursery stock you have grown from seeds, cuttings, liners, or similar propagative material, you must register as a **Nursery** (also see **Nursery & Nursery Dealer** section below). For your application to be processed, you must: (1) Indicate the type of nursery stock you produce, (2) Show the approximate acreage of nursery stock you actually have in production and, (3) List the county in which your nursery stock is being grown. Give accurate directions or a map for locating all your nursery stock.

Nursery Dealer - If you sell or distribute nursery stock you did not grow from seeds, cuttings, liners or similar propagative material, but which was bought, received on consignment, or otherwise acquired, you must register as a **Nursery Dealer**. The \$60.00 registration fee is payable for each outlet or dealership you operate up to and including five (5) dealerships and \$80.00 for each dealership thereafter. For your application to be processed, you must provide the names and addresses of all your sources of nursery stock. This information is required by law and must accompany all nursery dealer applications.

Nursery and Nursery Dealer - If you operate a Nursery where you grow nursery stock from seeds, cuttings, liners or similar propagative material **and also** operate a landscape business, garden center or other outlet where you distribute nursery stock obtained from other sources, you must register as both a **Nursery** and a **Nursery Dealer**. For your application to be processed, you need to supply all the information requested in both Nursery and Nursery Dealer sections of this application form and pay the appropriate registration fees (\$30.00 for the nursery registration and \$60.00 for each nursery dealer outlet you operate up to and including five (5) dealerships and \$80.00 for each dealership thereafter).

Barberry Sales and Black Stem Rust Quarantine

Beginning July 1, 2020 distribution of Japanese barberry (*Berberis thunbergii*) in WV will be prohibited due to its invasive characteristics.

Other non-Japanese barberry varieties, Mahonia or Oregon Grape (Mahonia) and Mahoberberis (Mahoberberis) are capable of harboring the fungus Puccinia graminis, which causes Black Stem Rust, a destructive disease of wheat, oats, rye, and other small grains. The federal government and the State of West Virginia have imposed a quarantine which prohibits the introduction, cultivation, propagation, and sale of barberry, mahonia, and mahoberberis determined to be alternate hosts of Black Stem Rust. *Except for the noxious weed prohibition of Japanese barberry (*Berberis thunbergii*)*, no restrictions are placed on varieties designated as "immune" or "rust-resistant" by the United States Department of Agriculture (USDA). However, each shipment of rust-resistant barberry, mahonia, and mahoberberis plants, seeds or propagative parts must be plainly labeled as to botanical species or varieties and must show the name and address of the consignee and cosigner.

**If you raise Mahonia (Mahonia sp.) or Mahoberberis (Mahoberberis sp.) please indicate the manner in which these plants are cultivated: () Grown from seed you collect. () Grown from cuttings you collect from stock plants. () Grown from seeds, cuttings, liners, etc., obtained from other sources.

For a list of Berberis, Mahonia, or Mahoberberis varieties determined to be rust-resistant by the USDA, contact Plant Industries Division.

Intrastate Gypsy Moth Quarantine

The West Virginia Gypsy Moth Quarantine regulates the movement of certain articles that pose a significant threat of moving the gypsy moth, *Lymantria dispar* (L.), to the uninfested areas within the state. Among the articles regulated by the quarantine are trees without roots (cut Christmas trees) and both trees and shrubs with roots and persistent woody stems (nursery stock), except if greenhouse grown throughout the year.

Nursery stock and cut Christmas trees may not be moved from a regulated county to an unregulated county within the state unless a certificate or limited permit has been issued and is attached to the regulated article(s) or to the invoice, waybill or other shipping document which accompanies the regulated articles.

Counties regulated by the quarantine include the following: Barbour, Berkeley, Braxton, Brooke, Calhoun, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Jackson, Jefferson, Lewis, Marion, Marshall, McDowell, Mercer, Mineral, Monongalia, Monroe, Morgan, Nicholas, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Raleigh, Randolph, Ritchie, Summers, Taylor, Tucker, Tyler, Upshur, Webster, Wetzel, Wirt, Wood and Wyoming.

PLEASE DRAW MAP TO YOUR NURSERY BELOW