

Connecticut
Agricultural Experiment Station
New Haven

LAW AND REGULATIONS CONCERNING THE
INSPECTION AND SHIPMENT OF NURSERY
STOCK IN CONNECTICUT*

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THE PRESENT LAW governing the inspection and transportation of nursery stock was enacted in 1925, and published as Chapter 265, Public Acts of 1925. In the revision of the General Statutes of 1930, this law appears in slightly different form in Sections 2135 to 2140, inclusive, as follows:

Sec. 2135. Certificate of inspection of imported nursery stock. All nursery stock shipped into this state shall bear on each package a certificate that the contents of such package have been inspected by a state or government officer and that such contents appear free from all dangerous insects and diseases. If nursery stock shall have been brought into the state without such a certificate, the express, freight or other transportation company or person shall, before delivering shipment to consignee, notify the state entomologist of the facts, giving name and address of consignee, origin of shipment and approximate number of cars, boxes or packages and probable date of delivery to the consignee. The state entomologist may cause the inspection and, if infested, the treatment of the stock. No person, firm or corporation shall unpack any woody field-grown nursery or florists' stock brought into this state from foreign countries except in the presence of an inspector unless given permission to do so by the state entomologist or one of his assistants. If such stock shall be found infested with any dangerous pests, the state entomologist may order it treated. Any person violating any of the provisions of this section shall be fined not more than fifty dollars. No pro-

* Revision of Bulletin of Immediate Information No. 50, 1925, Circulars 103 and 104, 1934, and 115, 1936.

vision of section 6132 shall be construed to apply to any bale, box, package or load or to the contents thereof, which shall be transported into this state from outside the state, provided the same shall be labeled in such a manner as to indicate the place from which it shall have been transported and shall be accompanied by the certificate prescribed by this section.

Sec. 2136. Nursery stock; powers of State Entomologist. The state entomologist or his assistants shall, upon application, inspect at least once each year all nurseries at which woody field-grown hardy trees and plants shall be grown for sale or shipment; may inspect any nursery stock when dug, before shipment or at destination; may inspect nurseries at any time for the purpose of controlling plant pests or to ascertain whether such pests exist in nurseries; may prescribe forms for registration, certificates and permits and may make rules and regulations regarding time and methods of inspection; may destroy or treat or order the destruction or treatment of, and prohibit the movement of, plants infested with dangerous pests, may cooperate with agents of the United States department of agriculture in the inspection of nurseries and control of plant pests; may, at reasonable times, enter any public or private grounds in performance of his duties under the provisions of this section and sections 2137 and 2138. In case orders shall be issued for the destruction or treatment of infested plants, the owner, manager or agent of the nursery shall, within a reasonable time from the date of such order, destroy such plants as shall be ordered destroyed and make such treatment within the time specified in the order or be subject to the penalty provided in section 2140.

Sec. 2137. Nurserymen and dealers to register. All nurserymen shall register with the state entomologist each year, on or before July first, and make application for inspection, and furnish such data on such blanks as the state entomologist shall prescribe and furnish. In case a nurseryman shall fail to make such application on or before July first, he shall pay to the state entomologist the cost of such inspection. All firms, stores and individuals who shall sell but shall not grow nursery stock shall be classed as dealers, and shall, each year, on or before March first, register with the state entomologist, giving the chief sources of their nursery stock and such data as he may require, on such forms as he may prescribe and furnish, and the state entomologist may issue a permit allowing such dealer to sell such nursery stock. Each nursery outside the state, before shipping nursery stock into the state, shall file with the state entomologist a copy of a valid inspection certificate and the state entomologist may issue a permit allowing such nursery to ship stock into the state. The state entomologist shall keep a record of all money received as costs for inspection, and such money shall be deposited with the state treasurer.

Sec. 2138. Nursery certificate. Uninspected stock. The state entomologist shall issue to regular nurseries certificates, valid until the first day of August following the date of issue and covering the stock inspected and such other stock as shall have been received under valid certificates of inspection and may issue temporary permits covering certain portions thereof, and permits to dealers. All such certificates and permits may be revoked for cause. Nursery stock which shall not have been inspected or stock from a nursery not holding a valid certificate of inspection shall not be sold or transported, and transportation companies shall refuse to accept any shipment not bearing such certificate or some form of permit issued by the state entomologist, and all nurserymen shall furnish a certificate, and all dealers a permit, to accompany each package of stock sold or transported, but no provision of section 2136, 2137 or 2138 shall prevent or render liable any person or firm transporting stock from one field or property to another field or property belonging to or operated by such person or firm when such stock is not to be immediately sold or offered for sale and when such transportation shall not violate any established federal or state embargo or quarantine regulations.

Sec. 2139. Nursery and nursery stock defined. For the purposes of sections 2136, 2137 and 2138, any place at which hardy trees, shrubs and vines shall be propagated or grown out of doors for commercial purposes shall be considered a nursery, and such stock shall be regarded as nursery stock. Hardy herbaceous perennial plants, including strawberry plants, may be subject to the same provisions regarding inspection and pest control, if, in the opinion of the state entomologist, it shall be desirable to control the movement of such plants. Florists' ordinary plants, unless woody and field-grown, shall not be included.

Sec. 2140. Penalty. Appeal. Any person who shall interfere with the state entomologist or his assistant in the performance of his duties under the provisions of sections 2136, 2137 and 2138, or any person, firm or corporation who shall violate any of the provisions thereof, shall be fined not more than fifty dollars. Any person aggrieved by any order issued under the provisions of sections 2136, 2137 and 2138 may appeal to the superior court, or to any judge thereof if said court shall not be in session, and said court or such judge may grant such relief or issue such order or judgment in the premises as to equity may appear.

Registration

All persons who grow nursery stock for sale or shipment are required to register with the State Entomologist each year before July 1. The annual inspection of nurseries begins in July and nurseries in existence the preceding year must bear the cost of inspection if they fail to register before July 1.

All persons who buy and sell but do not grow nursery stock are also required to register with the State Entomologist and receive a dealer's permit. No inspection is required, but a dealer is supposed to handle only stock procured from regular nurseries holding certificates.

Inspection and Pest Control

In July, after the nurseries have registered, the inspection force examines the nurseries by groups to avoid unnecessary travel, beginning with those that request early attention. In case pests are found, directions for eradicating or controlling them are given by the inspector or sent from the office, and the owner or manager is expected to carry them out promptly and to notify this office when completed. Pests must be eradicated before a certificate can be issued.

Nursery Certificates

The original certificate issued by the State Entomologist under Section 2138 is to be kept in the nurseryman's possession, and is not to be attached to any package of nursery stock. It applies to the whole nursery which has been inspected and to such purchased stock as has been received from other nurseries under the certificate of a state or government officer. If any stock is received from outside the State unaccompanied by such a certificate, the State Entomologist should be notified at once so that it may be inspected.

An exact transcript of the certificate including number and date may be printed on labels or tags for shipping and must be attached to each package sent out of the nursery. An additional statement, made by the owner, that the stock has been fumigated will be required in some states. **The law now requires that the inspection certificate be attached to every package shipped to points both within the State of Connecticut and outside. Please see that a copy always accompanies each sale whether shipped by freight, express, mail, automobile or whether carried away by the purchaser.**

After the date of expiration, which is a part of each certificate, the document becomes invalid and should not be attached to any box, bale or package. The nurseryman has no right to change the date or any other portion of the certificate.

The improper use or abuse of a certificate will not be tolerated, and the certificate may be revoked for cause.

Duplicate copies of certificates for filing in other states will be furnished on request of the nurseryman.

Dealer's Permits

The original permit issued by the State Entomologist under Section 2137 should be kept in the dealer's possession and is not to be attached to any package or shipment of nursery stock, though copies may be made for this purpose. These may be typewritten or printed and a copy must go with each separate sale from stores, and with each shipment or package of nursery stock transported. This copy must be an exact transcript, and must include number, date of issue and of expiration. After the expiration date, the permit becomes invalid and should not be used. The dealer has no right to alter the date or any other portion of the permit. This permit may be revoked for improper use or abuse, and for not complying with the law.

Shipper's Permits

The shipper's permit is issued to nurserymen in other states who file applications and duplicate signed copies of their state inspection certificates. The original permit should be kept, and a copy (typed or printed) together with a copy of the inspection certificate of the state in which the nursery is situated should accompany each shipment into Connecticut.

Package Certificates

Occasionally individuals and firms not in the nursery business wish to ship a few trees or shrubs but cannot do so without inspection certificates. If such materials can be inspected by our men on their usual trips without extra travel and expense, this will be done on request, as an accommodation. Other inspections may be arranged by special appointment, or plants can be sent to the Station with address and postage for forwarding, and here they will be examined and sent along.

The U. S. Postal Laws and Regulations, Section 595(a), governs the mailing of plants and plant products, and reads as follows:

"Nursery stock, including all field-grown florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products for propagation, except field, vegetable and flower seeds, bedding plants and other herbaceous plants, bulbs and roots, may be admitted to the mails only when accompanied with a certificate from a State or Government inspector to the effect that the nursery or premises from which such stock is shipped has been inspected within a year and found free from injurious insects and plant diseases, and the parcel containing such stock is plainly marked to show the nature of the contents and the name and address of the sender."

Such materials may be mailed without certificate to any Agricultural Experiment Station or to the United States Department of Agriculture. Florists' plants (not woody, field-grown) and vegetable or other annual herbaceous plants do not require certificates but must be plainly marked as to contents, origin and destination. Package certificates apply only to the contents of the packages on which they are placed, and the contents of which have been examined.

Quarantines

The shipment out of Connecticut of nursery stock and forest products is now regulated by five different Federal quarantines, as follows:

Gypsy moth	Federal quarantine No. 45	(Conn. No. 18)	} Federal and State quarantines coincide
Dutch elm disease	" " " 71	(" " 37)	
Japanese beetle	" " " 48	(no State quarantine)	} Federal quarantine covers entire State
White pine blister rust	" " " 63	" " "	
Barberry-grain black stem rust	" " " 38	" " "	

In all except the Dutch elm disease and barberry-grain stem rust quarantines, special certificates are required on shipments going outside the quarantined areas. These two exceptions are absolute embargoes for certain kinds of plants.

In addition to the quarantines mentioned above, many State quarantines on account of the European corn borer prevent the shipment of certain kinds of plants from the infested states to points outside, unless certified. The Federal corn borer quarantine has been revoked but Federal and State inspectors are authorized to make inspections and issue certificates.

Gypsy Moth

There has been no recent change in the gypsy moth quarantine. The restricted area includes all of Windham, New London, Hartford, Tolland and Middlesex counties; the towns of Colebrook, Winchester, Barkhamsted, Torrington, New Hartford, Harwinton, Thomaston and Plymouth in Litchfield County, and the towns of Waterbury, Wolcott, Meriden, North Haven, North Branford, Branford, Guilford and Madison in New Haven County. Woody field-grown nursery stock and forest products from the quarantined area must be inspected and certified before they can be shipped outside the area. Quarantined areas in other states include all of Rhode Island; all of Massachusetts except Berkshire County; in Vermont: All of Windham, Windsor, Orange and Caledonia counties, the towns of Readsboro, Searsburg, Winhall, Peru and Landor in Bennington County, Mount Tabor, Tinmouth, Wallingford, Mount Holly, Ira, Clarendon, Shrewsbury, Rutland, West Rutland, Proctor, Mendon, Sherburne, Pittsfield, Pittsford, and Chittenden in Rutland County, Roxbury, Waitsfield, Northfield, Moretown, Berlin, Barre, Middlesex, Montpelier, East Montpelier, Plainfield, Worcester, Calais, Marshfield, Woodbury and Cabot in Washington County, Elmore and Wolcott in Lamoille County, Concord, Lunenburg, Victory, Granby, Guildhall, East Haven, Maidstone, Ferdinand and Brunswick in Essex County; all of New Hampshire except the northern third of Coos County, and the southwestern third of Maine.

Japanese Beetle

The area quarantined on account of the Japanese beetle now includes all of New England except Maine and the northern half of New Hampshire and Vermont; all of New Jersey, Delaware and the District of Columbia; the southeastern third of New York; all of Pennsylvania except six counties in the extreme northwestern corner, and portions of Maryland and Virginia.

Inspectors

The following inspectors are authorized to make inspections and issue certificates on account of the gypsy moth, the Japanese beetle and the European corn borer. In general, application for inspection should be sent in advance to the nearest inspector.

G. M. Hanson, Box 63, telephone 2604, Westerly, R. I.
 J. F. McDevitt, P. O. Box 45, telephone 1613, Middletown, Conn.
 R. L. Emrick, Box 363, Sta. A, telephone 4482, Manchester, Conn.
 L. A. Devaux, Agr. Expt. Station, telephone 5-5078, New Haven, Conn.

Satin Moth

Both Federal and State quarantines against the satin moth were revoked in 1936.

Barberry-grain Stem Rust

The common barberry and its horticultural varieties and certain other uncommon species of *Berberis* and *Mahonia* are prohibited by Federal Quarantine No. 38, from being shipped into Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin and Wyoming. The movement of Japanese barberry is not restricted.

Dutch Elm Disease

Federal Quarantine No. 71, effective February 25, 1935, and State Quarantine No. 37, effective December 9, 1935, prohibit the movement of all species of elm trees, or any parts thereof from the towns of Darien, Fairfield, Greenwich, New Canaan, Norwalk, Stamford and Westport, in Fairfield County to points outside the quarantined areas of Connecticut, New Jersey and New York.

White Pine Blister Rust

In order that five-leaf pines may be grown in blister rust free areas, Connecticut has legally established control areas around twelve nurseries in the following localities: Avon, Barkhamsted, Bristol, Cheshire, Cromwell, Killingly, New Canaan, Southport, Wallingford, Waterford, West Hartford and West Willington.

Five-leaf pines and *Ribes* may be shipped into Connecticut from the other New England States and New York only after obtaining control area permits (Federal Form 415). Five-leaf pines may be shipped out of the New York-New England area only when grown from seed in an area declared officially to be free from *Ribes*.

Five-leaf pines may be shipped at any time of the year if accompanied by a control area permit (Form 415).

The European black currant is outlawed and no permits will be issued for that species.

Red, white and mountain currants and gooseberries may be moved interstate (or shipped from place to place in Connecticut—a state regulation) only in compliance with the following regulations:

1. Plants must be dormant, or they must be dipped just before shipping in lime-sulfur mixture (32° Baumé, one part in eight parts water—dilute test 4, 5 Baumé).
2. Containers shall be plainly marked to show that they contain *Ribes*, name and address of consignor and consignee, State certificate of inspection and control area permit (Form 415).

For control area permits apply to State Horticulturist, Augusta, Me.; Director, Division of Plant Pest Control, State House, Boston, Mass.; State Nursery Inspector, Durham, N. H.; State Entomologist, Providence, R. I.; Forest Commissioner, Montpelier, Vt.; Director, Bureau of Plant Industry, Albany, N. Y.

For control area permits in Connecticut give name and address of consignee, with number of plants and name of each variety, and apply to W. E. Britton, State Entomologist, Agricultural Experiment Station, New Haven; telephone 5-6192.

For inspections of *Ribes* and pines to determine blister rust conditions, and for the establishment of *Ribes* free areas, apply to J. E. Riley, Jr., in charge of Blister Rust Control, Agricultural Experiment Station, New Haven; telephone 5-6192.

European Corn Borer

The Federal corn borer quarantine was repealed in 1932. Since then, 33 states have established quarantines prohibiting the usual host plants from entering those states from the infested area. Most of these host plants are rarely shipped by nurserymen. Hardy chrysanthemums and hollyhocks are handled by nurserymen, and if accompanied by special certificates showing freedom from infestation, may be shipped into the following states:

Arizona	Iowa	Nebraska	South Dakota
Arkansas	Kansas	Nevada	Tennessee
California	Kentucky	New Mexico	Texas
Colorado	Louisiana	North Carolina	Utah
Florida	Maine	Ohio	Virginia
Georgia	Michigan	Oklahoma	Washington
Idaho	Mississippi	Oregon	Wisconsin
Illinois	Missouri	South Carolina	Wyoming
Indiana			

Federal inspectors will be stationed at convenient points to cover the quarantined area of the State. Applications for such inspections may be made to the nearest Federal inspector or to the Office of State Entomologist, Telephone 5-6192, Agricultural Experiment Station, New Haven, Conn.