

CHAPTER 46
CROP PESTS

[Prior to 7/27/88 see Agriculture Department 30—Ch 26]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

21—46.1(177A) Nursery stock. Hardy, cultivated or wild woody plants, such as trees, evergreens, shrubs and vines, and small fruits such as strawberries and raspberries. Nursery stock dug from the wild and offered for sale or movement should be so labeled.

21—46.2(177A) Hardy. Capable of surviving the normal winter temperatures of Iowa.

21—46.3(177A) Person. Any individual or combination of individuals, corporation, society, association, partnership, institution or public agency.

21—46.4(177A) Nursery growers. A person who grows or propagates nursery stock for sale or distribution.

21—46.5(177A) Nursery. Any grounds or premises, on or in which nursery stock is propagated or grown for sale or distribution, including any grounds or premises on or in which nursery stock is being fumigated, treated, stored or packed for sale or movement.

21—46.6(177A) Nursery dealer. Any person who does not grow nursery stock, but who obtains, takes title to and possession of nursery stock, and moves it or offers it for movement to the ownership of other persons.

21—46.7(177A) Out-of-state nursery growers and nursery dealers. Any person desiring to ship nursery stock into Iowa shall:

46.7(1) File with the state entomologist's office an official certificate of inspection showing that the nursery from which the plants originated has been inspected and certified by the plant regulatory officials of that state. This information may be communicated to the state entomologist's office by the filing of an official list of certified nurseries by the plant regulatory official of the state of origin.

46.7(2) Provide a valid copy of the certificate of inspection of the state of origin which will accompany each shipment of nursery stock into Iowa.

46.7(3) No fee shall be charged out-of-state nursery growers or dealers who ship nursery stock directly from their out-of-state location to Iowa purchasers, unless the state in which the shipping nursery is located charges a fee to Iowa nursery growers and dealers. In this case, a fee equivalent to that charged Iowa nursery growers or dealers shipping into that state shall be charged.

21—46.8(177A) Nursery inspection. Each nursery within the state of Iowa shall be inspected at least annually to ascertain if they are infested with insect pests or infected with plant diseases. If insect pests or diseases are found, control or cleanup measures shall be required. Certificates will be issued only for stock found apparently free from insect pests and diseases. Cleanup measures will be required if excessive weeds in the nursery make an adequate inspection impossible.

21—46.9(177A) Nursery dealer certificate. Nursery dealers shall secure a nursery dealer's certificate from the state entomologist before they carry on their business within the state. Each separate sales location shall operate under its own certificate. Nurseries that sell stock from more than one location shall obtain a nursery dealer certificate for those additional locations.

21—46.10(177A) Proper facilities. Individuals, firms or corporations who offer nursery stock for sale at nursery grounds, stores, roadside stands, public market places, or any other place, shall have and maintain proper facilities for keeping all nursery stock in a viable condition; shall keep such stock in a viable

condition pending sale; and shall display at the sales location the proper kind of certificate showing that they have the right to offer nursery stock for sale. Proper facilities should include a storage and display area for the nursery stock which prevents excessive drying of plant tissues and a ready access to a water supply.

21—46.11(177A) Storage and display. All nursery stock offered for sale or distribution shall be stored and displayed as follows:

46.11(1) Balled and burlapped stock shall be kept moist at all times and shall be kept in sawdust, shingle tow, peat, sphagnum moss or other moisture-holding material not toxic to plants, of sufficient depth to cover the top of the ball of earth.

46.11(2) Container stock shall be watered sufficiently to maintain the viability and vigor of the stock. Potting soil shall be maintained at a depth so as to cover all roots of the plants.

46.11(3) Bare-root stock shall be kept under conditions of temperature and moisture to retard etiolated or otherwise abnormal growth and maintain viability. Moisture must be supplied to the root system by high humidity conditions in storage or by covering the roots with soil, sawdust, peat, wood shavings or other moisture-holding materials not toxic to plants. Such material is to be kept moist at all times. Roots of healed-in stock must be covered with well packed soil at least one inch above the crown of the plant.

46.11(4) Stock with roots packaged in moisture-retaining plastic, peat, wood shavings or other material not toxic to plants must be stored and displayed under conditions that will retard etiolated or otherwise abnormal growth and will ensure an adequate supply of moisture to the roots at all times.

46.11(5) Nursery stock offered for sale or movement at locations with hard surfaced areas, such as concrete or asphalt parking lots, must not be in constant, direct contact with the hard surfaced area; but must be so displayed that the roots of the stock are protected from excessive heat, drying, or other adverse conditions associated with contact from hard surfaced areas.

21—46.12(177A) Nursery stock viability qualifications. All nursery stock offered for sale or distribution, not meeting the following minimum indices of viability, shall be removed from public view and not offered for sale.

46.12(1) Woody stemmed deciduous stock shall have moist, green, cambium tissue in the stems and branches and shall have viable buds or normal, green, unwilted growth. Etiolated growth from individual buds shall be no more than four inches. In the case of rose bushes, each stem must show moist, green, undamaged cambium in at least the first six inches above the graft. Any single stem on a rose bush not meeting this specification shall disqualify the entire plant; however, a bush may be pruned to remove dead or damaged canes and the plant can then be sold at the proper grade according to Standards of the American Association of Nurserymen.

46.12(2) Balled and burlapped stock in addition to 46.12(1) above regarding aerial parts, shall have unbroken earth balls of a size specified by the American Association of Nurserymen's American Standard for Nursery Stock.

46.12(3) Colored waxes or other materials used to coat the aerial parts of plants that change the appearance of the plant surface so as to prevent adequate inspection, are prohibited.

21—46.13(177A) Certificates. Certificates issued to nursery growers, nursery dealers or signees of compliance agreements pertaining to regulated articles are nontransferable and are for the exclusive use of the one to whom they are issued. Certificates may be revoked by the state entomologist for a failure to comply with regulatory requirements.

[ARC 9190B, IAB 11/3/10, effective 1/1/11]

21—46.14(177A) Miscellaneous and service inspections. Any person wanting to move plants or plant products to any destination outside of Iowa may apply to the state entomologist for inspection of the plants or plant products and certification as to the presence or absence of plant pests and diseases likely to prevent the acceptance of those plants or plant products at the destination. The application must be made as far in advance as possible. Upon receipt of the application, the state entomologist will arrange for the inspection to be made as early as conveniently practical. The plants or plant products to be inspected shall be assembled and held in such a manner as to enable a proper and adequate inspection to be made. If

destination requirements regarding plant pests and diseases are met, certification can be made in accordance with Iowa Code section 177A.9. Fees for the inspection will be set to cover in full any expenses incurred by the state entomologist or authorized inspectors who made the inspection.

Any plants or plant parts capable of propagation, not classified as nursery stock, which originate outside the state, may be subject to inspection to determine whether those plants or plant parts are infested or infected with insect pests or diseases. If inspections reveal the presence of insect pests or diseases, such plants or plant parts will be treated or destroyed. If no infestations are discovered, a certification report may be issued by the inspector to the person offering the plants or plant parts for sale or movement. Inspection of these plants or plant parts shall be subject to the same rules and fees as nursery stock.

21—46.15(177A) Insect pests and diseases. To comply with Iowa Code section 177A.5, there are listed below the insect pests and diseases which the state entomologist finds should be prevented from being introduced into or disseminated within Iowa, in order to safeguard the plants and plant products likely to become infested or infected with such insect pests and diseases.

Insect pests:

Asian gypsy moth (*Lymantria dispar dispar* (Linnaeus))
 Asian longhorned beetle (*Anoplophora glabripennis*)
 Blue alfalfa aphid (*Acyrtosiphon kondoi*)
 Emerald ash borer (*Agrilus planipennis*)
 European woodwasp (*Sirex noctilio*)
 Gypsy (European) moth (*Lymantria dispar*)
 Gypsy moth (European X Asian) (*Lymantria dispar x hybrid*)
 Khapra beetle (*Trogoderma granarium*)
 Rosy (pink) gypsy moth (*Lymantria mathura*)
 Viburnum leaf beetle (*Pyrrhalta viburni*)
 Walnut twig beetle (*Pityophthorus juglandis*)

Diseases:

Black stem rust of wheat (*Puccinia graminis*)
 Corn late wilt or black bundle disease of corn (*Harpophora (Cephalosporium) maydis*)
 Oat cyst nematode (*Biddera avenae*)
 Golden nematode (*Globodera rostochiensis*)
 Corn cyst nematode (*Heterodera zaeae*)
 Columbia root-knot nematode (*Meloidogyne chitwoodi*)
 Mexican corn cyst (*Punctodera chalconensis*)
 Head smut of corn (*Sphacelotheca reiliana*)
 Sudden oak death (*Phytophthora ramorum*)
 Thousand cankers disease of black walnut (*Geosmithia*, sp.)
 White potato cyst nematode (*Globodera pallida*)

[ARC 8293B, IAB 11/18/09, effective 12/23/09]

21—46.16(177A) Firewood labeling. Every package of firewood offered for sale, sold or distributed must include the harvest location of the wood by county and state. The harvest location of wood sold in bulk must be included on the delivery ticket. These provisions apply to any length of tree that has been cut. A limited permit may be issued by the state entomologist, or a compliance agreement may specify the regulations which would allow the movement of the wood. The limited permit or compliance agreement is not transferable and may be revoked by the state entomologist for noncompliance or failure to comply with regulatory requirements.

[ARC 9190B, IAB 11/3/10, effective 1/1/11]

These rules are intended to implement Iowa Code chapter 177A.

[Filed 1/15/82, Notice 12/9/81—published 2/3/82, effective 3/10/82]

[Filed 1/13/84, Notice 12/7/83—published 2/1/84, effective 3/7/84]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed ARC 8293B (Notice ARC 8022B, IAB 7/29/09), IAB 11/18/09, effective 12/23/09]

[Filed ARC 9190B (Notice ARC 8911B, IAB 6/30/10), IAB 11/3/10, effective 1/1/11]