



# NURSERY NEWS

## Emerald Ash Borer Found in Oregon; Ash Tree Imports No Longer Allowed

On June 30, 2022, emerald ash borer (EAB) was detected in Forest Grove, Oregon. This is the farthest west detection in the United States, and it has likely been there for at least 3-5 years before detection. Oregon is continuing to survey to determine the full extent of the infestation, but it was likely imported via nursery stock from the infested east. Forest Grove is west of Portland, in the heart of nursery grower country.

That said, the North Dakota Department of Agriculture (NDDA) has maintained an exterior quarantine for EAB since federal deregulation in early 2021. This quarantine restricts the movement of articles that could be infested with EAB, including nursery stock. Ash nursery stock is prohibited from all known infested areas, now including the whole state of Oregon. For the list of quarantined areas or more information about the quarantine, please visit [www.nd.gov/ndda/firewood](http://www.nd.gov/ndda/firewood).

If you have ash trees in stock at your nursery, be sure to maintain all inspection documentation to trace the plants back to the source. If origin cannot be traced, ash nursery stock will need to be restricted from sale until the source can be proven. If the source cannot be determined, the nursery stock may be ordered to be destroyed.



### How to Beat the Nursery Inspector

#### *Commonly cited issues found during nursery inspections and how to maintain compliance*

The NDDA has two staff nursery inspectors. While most nurseries are visited on a rotating basis, the NDDA tries to follow a risk-based inspection rotation. Some nurseries may be visited annually, while others (especially those who do not maintain nursery stock on site), may not see the nursery inspector for several years. A nursery may always request an inspection, and the NDDA inspectors do their best to make a visit in a given year.



## INSPECTION, CONT'D FROM PAGE 1 THE PURPOSE OF INSPECTIONS

There are many reasons for inspections. These include verification that requirements of law have been met, inspection for harmful plant pests, cooperative trace surveys with USDA or other states when a known pest is accidentally (or intentionally) transported into the state, and consumer and/or nursery protection. The inspector's goal is not to find as many violations as they can, but to assist the nursery with compliance, protect North Dakota's environment from damaging pests, and protect consumers.

## THE THINGS THAT STAND OUT IN INSPECTIONS

When inspectors travel the state each spring and summer, there are a number of things that are regular violations or stand out when inspections are conducted. Below is a listing of the top 5 and how they can easily be corrected.

**Nonhardy plants not labeled** – By far the most common violation is plants on the NDDA nonhardy plants list not being correctly labeled at the nursery. This provision of law has been supported by the nursery industry for many years, and it is an easy provision to meet with little effort. If a nursery wants to push the envelope on hardiness or works for a dealer that doesn't have a say in what corporate buyers send to the nursery, all that needs to be done is to label the nursery stock with a sticker that says "Nonhardy in North Dakota." These plants may then be legally sold. Font size on the nonhardy sticker must be at least 12 points. The most current list of nonhardy plants is housed on the NDDA website, noted at the end of this article.

If the plan is to offer things like Japanese maple; miniature, exotic evergreens; or boxwoods, they must be labeled as nonhardy to avoid a violation.

**Plants not labeled ... at all** – All nursery stock for sale and available to the consumer must



Example of certification documentation.

be labeled with its correct common and/or botanical name. This is not only good practice, but it is the law. A buyer is more likely to purchase a plant if they know what it is. Unlabeled plants can get mixed up with other similar cultivars or confuse customers on pricing.

**Inspection certificates not on file** – Nurseries are required to maintain certification paperwork

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## INSPECTION, CONT'D FROM PAGE 2

from nursery stock that is purchased from other nurseries. Nursery stock brought to North Dakota is required to have been inspected and certified at origin before it can be sold, and this paperwork proves that the nursery stock met these conditions. This may be attached to the invoice or printed directly on it. It's often attached to packaging as well. Without this documentation, inspectors will assume the nursery stock is not inspected and may require the stock held from sale until documentation can be produced or order it destroyed.

**Improper storage requirements creating non-viable plants** – While watering can be a challenge to keep up on during the hottest parts of the growing season, one of the biggest issues seen with improper storage is pre-packaged, bareroot plants. Many times, these come to the stores long before they can be planted in the ground in North Dakota. These displays are placed within the store, rather than outdoors to keep the plants dormant, and they start to grow prematurely. This growth is often weak and etiolated (non-green), or the plants will dry out and die before planting time.

**Weed control** – This applies more to the state's nursery growers than dealers, but control of weeds in the nursery is good practice. If weeds are overgrown and obstructing the trees, this is not only bad for plant health, but can become problematic to conducting a nursery inspection. Inspectors have gone to some nursery fields to do an inspection and have a hard time even finding the trees. In this case, the nursery stock will not be certified for sale until a successful nursery inspection can be completed.

While these are the most common violations, there are other things in nursery law and regulations that are worth paying attention to. There are



Improperly stored, actively growing, bareroot, prepackaged nursery stock.

provisions for proper storage of bareroot and B&B (balled and burlap) stock, when an annual inspection is required, what could be exempt from nursery law, and fees and penalties.

If there is trouble with a certain supplier, or infested plant material is being received, reach out to the nursery inspector to inspect the nursery stock and write up a report or rejection notice to the state of origin. Sometimes things can get missed since an annual certification inspection is just a snapshot in time.

For more information, visit [www.nd.gov/ndda/program/nursery-program](http://www.nd.gov/ndda/program/nursery-program).



### **Emerald Ash Borer in North Dakota**

Emerald Ash Borer (EAB) has still NOT been found in North Dakota. North Dakota has placed monitoring traps across the state since 2008. This year, nearly 300 traps were placed in May and June and removed in August. No suspect beetles were submitted. As a reminder, NDDA maintains a quarantine regulating articles that could spread EAB into North Dakota. For more information, see [www.nd.gov/ndda/firewood](http://www.nd.gov/ndda/firewood).



### **Japanese Beetle Update**

Since catching Japanese beetles (JB) in traps as part of an annual survey in 2012, NDDA continues to trap JB. While it appears numbers are declined, NDDA still has a couple traps that have increased numbers. Usually these can be tied to nursery stock introductions. In 2022, NDDA and volunteers placed 524 traps statewide. When traps were collected in October, 481 beetles were recorded. Grand Forks county led the way with 311 beetles caught. This capture is under investigation as a possible nursery stock non-compliance issue. NDDA will continue to trap for Japanese beetle for years to come. Thank you to the nurseries that allow us to place traps on their properties. The annual Japanese beetle report will be available at [www.nd.gov/ndda](http://www.nd.gov/ndda), search for Japanese beetle.



Adult Japanese beetle

## **2022 NURSERY PROGRAM REVIEW**

In 2022, 243 nursery licenses were issued. This number includes 40 grower locations covering approximately 850 acres of field-grown nursery stock. North Dakota Department of Agriculture (NDDA) nursery staff inspected and 40 grower locations as well as 80 nursery dealers during the season. All growers were inspected and certified as required by North Dakota Century Code. The department assessed \$1,300 in penalties for 2022 inspection season. Many nurseries inspected did not keep possession of certificates of inspection from nursery stock sources.



## IMPORTING NURSERY STOCK FROM CANADA

Over the past year, NDDA has received several requests for assistance to obtain an import permit for North Dakota nurseries to purchase specific nursery stock from Canada have come in. While some wholesale nurseries have significantly increased minimum purchase requirements, having the option to buy nursery stock from nurseries in Canada may expand options for sourcing hardy nursery stock. Applying for the permit is a free and relatively easy process. The following genera of plants require an import permit: *Malus*, *Prunus*, *Pinus*, *Pyrus*, *Rubus*, *Vitis*, *Fraxinus*, *Cydonia*, *Abelmoschus*, and *Chaenomeles* (apple, plum/cherry, pine, pear, raspberry/brambles, grape, ash, flowering quince, okra, and fruiting quince). An import permit may be sought online or by mail. The online link can be found at <https://efile.aphis.usda.gov/s/>. From there, select PPQ 587 from the dropdown list and click to get started. An eFile account needs to be created, but the system should show the steps to do so. If a business would rather fill out a form and mail it in, that can be accessed here: <https://www.aphis.usda.gov/library/forms/pdf/PPQ587.pdf>. The NDDA has been told it is faster to apply online. Feel free to reach out with any questions, and someone will try to assist or direct you to someone at USDA who can help if the NDDA is not able to.

## NEW RESTRICTIONS ON WOODY PLANT IMPORTS FROM CANADA

In 2020, new plant pests of concern were detected in Canada, resulting in import restrictions on several genera of ornamentals. Boxtree moth was found in Ontario, and the strawberry blossom weevil was found in British Columbia. The restrictions that followed have raised questions from nurseries across the state, and it appears suppliers were not conveying the information other than saying they could not ship certain things to the United States.

In May 2021, regulations were put in place prohibiting the imports of boxwood (*Buxus* spp.), holly (*Ilex* spp.), and Euonymus (*Euonymus* spp.). These are considered a high-risk pathway for the introduction of boxtree moth (BTM). BTM is a significant pest of boxwood. It can quickly defoliate boxwood plants, eventually feeding on the stems and killing the plants. BTM was confirmed in Niagara County, New York, in July 2021 and a quarantine was established. It is likely that BTM spread naturally across the river into New York from Canada. In September 2021, regulations were established creating additional steps to the importation of strawberries (*Fragaria* spp.), raspberries (*Rubus* spp.), blackberries (*Rubus* spp.), and roses (*Rosa*



Box tree moth (above), larva (below) (photos USDA)



spp.) from Canada into the United States to prevent the introduction of the strawberry blossom weevil (SBW). The SBW female lays eggs on the unopened flower buds of the host plants. She then chews the bud off the plant. In Europe, SBW has reportedly caused 80% crop loss in berries. Nurseries in Canada wanting to ship these genera to the U.S. need to be certified as a pest free place of production.

## NURSERY LICENSING AVAILABLE ONLINE

In 2020, NDDA launched the nursery portion of the online licensing and exchange database, also known as OLE. Through OLE, nurseries can submit and pay for their nursery licenses, print nursery licenses and barberry permits once approved, review nursery inspection reports, and pay any assessed penalties.

Some nurseries have already used the tool. To get started, go to <https://ole.ndda.nd.gov/>, select 'Nursery', then click log-in. The program accepts a state of North Dakota log-in, and a person may already have a log-in from various other North Dakota programs (tax department, game and fish, etc.). If not, a new log in can be created.

Existing nurseries can connect to their account with a claim code. Nurseries should contact Kim Norton at the number to the right of this article to receive their claim code. This will prefill much of the information required for the nursery license application. From here, the application will move through a series of sections including the 'Dealer' section, 'Grower' section (if applicable), and the 'License' section.

Once all sections are completed, payment can be accepted online via ACH payment or credit card, or a nursery can submit the license online and opt to pay with a check. A convenience fee of 2.5% (\$1.25) is assessed for credit card payments and \$1.00 is assessed for ACH payments. NDDA does not get to keep these fees as they go directly to the payment processor.

Online application instructions can be found on the NDDA website at [www.nd.gov/ndda/program/nursery-program](http://www.nd.gov/ndda/program/nursery-program) along with other valuable information.

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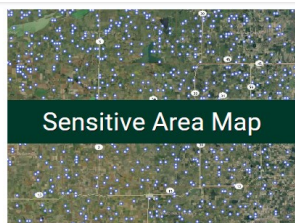
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Sensitive Area Map

Search for existing apiaries and sensitive areas.



Local Foods

Local Foods Map



Nursery

Apply for a nursery dealer or grower license, add dealer locations or growing areas.



Hemp

Apply for a processor license, grower license, or register fields.



Apiary

Create a beekeeper account, register apiary locations, or apply for a license.



Pesticides

Register pesticide applications or sign up for alerts for hive movement.