REGULATIONS FOR REGISTRATION AND CERTIFICATION OF GRAPEVINES


The provisions of Section 3069, Title 3, California Code of Regulations shall apply to this article.


3024.1 Definitions

(a) "Applicant" means any person or legal entity whose application has been submitted to but not yet accepted by the Department.

(b) "Canceled" means registration status is permanently withdrawn from grapevine(s) entered in the program and may no longer serve as a source of foundation, registered, or certified stock.

(c) "Certified stock" means propagative materials or grapevines propagated from foundation, or registered stock, in accordance with the provisions of this article.

(d) "Common stock" means plant materials from grapevines not registered in the California Grapevine Registration and Certification program.

(e) "Department" means the California Department of Food and Agriculture.

(f) "Departmental approval" means written consent from the Department.

(g) "Disease" means infected with a pathogen or pathogenic agent listed in section 3024.5.

(h) "Disease agent" means a pathogen, listed in section 3024.5.

(i) "Foundation block" means a planting of grapevines propagated and maintained by the University of California in accordance with the provisions of this article and registered with the Department as a source of foundation stock.

(j) "Foundation block candidate grapevines" means grapevines that will be planted in the foundation block if all requirements specified in section 3024.5 are met.

(k) "Foundation stock" means propagation materials, or grapevines propagated from registered grapevines in a foundation block.

(l) "Grapevine" means a rooted grape plant.
(m) "Notify" means communicate information in writing, in person, by phone, or by Fax.

(n) "Nursery planting" means a planting of grapevines propagated from foundation or registered stock and maintained in accordance with the provisions of this article. These grapevines are qualified to be identified as certified stock.

(o) "Off-type" means different from the variety of the selection listed on the application for registration or certification or exhibiting characteristics of a genetic disorder.

(p) "Participant" means any person or legal entity who has submitted an application and the application has been accepted by the Department.

(q) "Primary increase block" means a planting of grapevines established initially with foundation stock and registered with the Department.

(r) "Propagative materials" means cuttings, buds, budsticks, or grafsticks taken from a grapevine.

(s) "Provisional foundation stock" means propagative materials taken from grapevines planted in the foundation block before trueness to variety verification has been completed.

(t) "Registered" means the Department has approved a grapevine or propagative material that has been propagated, planted, inspected, tested, and documented in accordance with the provisions of this article to serve as a source of California foundation, registered, or certified stock.

(u) "Registered stock" means propagative materials from registered grapevines in a primary or secondary increase block.

(v) "Secondary increase block" means a planting of grapevines established by a participant with propagative materials from one or more of that participant's primary increase blocks and registered with the Department.

(w) "Suspension" means registration status is temporarily withdrawn from grapevine(s), or foundation registered, and/or certified stock.

(x) "Testing" means any test procedure using plant material or its extracts to determine the presence or absence of a disease or disease agent in or on the tested plant material. For the purpose of this article, testing will be in accordance with the procedures adopted by the Department for diseases and disease agents listed in section 3024.5.

(y) "Top-working" means grafting of another variety on top of existing stock.

(z) "True-to-variety" means the same as the variety listed on the application for registration or certification.
3024.2. General Provisions

Participation in this program is voluntary and may be withdrawn at the option of the participant. The participant shall annually sign and file a participant agreement, provided by the Department, acknowledging the responsibilities of participation in this program. Approvals, supervision, inspections, tests, determinations, registration and certification shall be conducted by the Department or its authorized agents.

3024.21. Program Responsibilities

(a) Responsibility of the University of California.

(1) Select source grapevines from which foundation block candidate grapevines are propagated.

(2) Conduct tests, in accordance with Section 3024.5 of this article, to qualify foundation block candidate grapevines for planting in the foundation block. Also, test established grapevines in the foundation block on a regular basis in accordance with this article.

(3) Select the planting location for foundation block plantings and submit application for site approval.

(4) Identify grapevine variety experts and arrange for inspections of vines in the foundation block to verify trueness to variety.

(5) Perform all cultural practices required to maintain health and vigor of foundation vineyard. Conduct visual disease inspections of all vines in the foundation block, in accordance with this article.

(6) Provide to the Department an inventory of all registered vines in the foundation block annually.

(7) Maintain records of all vines removed from the foundation block or from registration in the preceding year, the specific row and vine location and reason for the removal.

(8) Maintain records of all qualified vines in the foundation block to be newly registered along with records showing that tests and inspections, in accordance with Section 3024.5 of this article, have been completed.

(9) Maintain records of all foundation stock distributed, including the names and addresses of purchasers, quantity purchased, date, tag number, variety, clone and foundation block source. Annually submit a report to the department of all foundation grape stock distributed in any previous year.

(10) Notify the Department if any vines in the Foundation Block are found to be diseased or off-type.
**Responsibility of the participant.**

1. Pay all costs associated with fulfilling the responsibilities of the participant.
2. Select the planting location for primary increase block(s), secondary increase block(s), and/or nursery planting(s), submit application to the Department for site approval and obtain written permission from the Department to plant in that site.
3. Procure qualified propagative materials for planting in the primary and/or secondary increase block(s) and/or nursery plantings. Prior to planting, notify the Department of the source of plant material and the intended use.
4. Notify the Department at least two weeks before planting, replanting, roguing, removal of grapevines, and harvesting of propagation materials.
5. Apply to the Department for grapevine registration within twelve months of planting grapevines in the participant's primary increase block(s), and/or secondary increase block(s). Submit records showing that vines are qualified for registration along with the application.
6. Apply to the Department for grapevine registration within two months of planting vines in the participant's nursery planting(s). Submit records showing that grapevines are qualified for registration along with the application.
7. Notify the Department of intent to re-register qualified, suspended grapevines in the participant's primary increase block(s), secondary increase block(s), and/or nursery planting(s). Arrange for testing, required by the Department, to requalify suspended grapevines.
8. Provide the Department with an annual inventory of all grapevines registered in the participant's primary and secondary increase block, no later than June 30. Submit a separate inventory for each block and include the following information:
   - Owner/company name
   - Block location
   - Type of planting (primary or secondary increase block)
   - Program: Grapevine Registration and Certification Program
   - Total number of grapevines
   - For each grapevine show the:
     - Variety name and selection number
     - Block, row, and grapevine location or greenhouse location
     - Date of planting, replanting, or top-working variety
     - Foundation vineyard block, row, and grapevine source
     - Copies of foundation tags for source materials
     - Optional: immediate grapevine source (if different from the foundation vineyard source)
9. Provide the Department with a list annually of all grapevines in the participant's primary and secondary increase block(s), and/or nursery planting(s) which have been removed from registration in the preceding year, reason for the removal and specific location of removed grapevines.
Grapevine Regulations Final Draft (with suggestions from 8/14/97 meeting)

(10) Use propagation, farming, and sanitation practices as required in section 3024.4.

(11) Physically identify registered grapevines in the participant’s primary increase block(s) and secondary increase block(s) as required by the Department.

(12) Maintain records for all registered stock produced and sold between nurseries by the participants including disposition of such stock, name and address of customer, tag number, date, number of units identified by each tag, plant type, variety, selection of scion, and nursery block identification.

(13) Maintain records for certified stock produced and sold by the participant including disposition of such stock, name and address of customer, tag number, date, number of units identified by each tag, variety, selection of scion, and nursery planting block number.

(14) Remove grapevines in the participant’s primary increase and secondary increase block(s), which have been canceled or identified as off-type by the Department.

(15) Facilitate Department inspections.

(16) Pay user fees legally due to Foundation Plant Materials Service.

(c) Responsibility of the Department

(1) Maintain records of all foundation blocks, primary increase blocks, secondary increase blocks, and nursery plantings in the State of California.

(2) Process applications from applicants and/or requests for records in a timely manner.

(3) Approve qualified planting sites for foundation blocks, primary increase blocks, secondary increase blocks, and nursery plantings.

(4) Inspect and test participant’s primary and secondary increase blocks, and nursery plantings in accordance with the provisions of this article and as required by the Department.

(5) Suspend registration or certification of grapevines suspected of being diseased, off-type, and/or that have been produced out of compliance with the provisions of this article.

(6) Cancel registration or certification of grapevines that are found to be infected with diseases listed in Section 3024.3, or are highly likely to be infected, off-type, and/or that have been produced out of compliance with the provisions of this article.

(7) Develop delimitation, re-qualification, or cancellation standards for suspended stock.

(8) Notify participants of suspension or cancellation of grapevines and propagative materials in the foundation block reported to be diseased or off type.
(9) Enforce suspension or cancellation of registered or certified vines and propulsive materials.

3024.3. Eligibility Requirements

To be acceptable for approval of registration or certification or to be eligible for any planting entered in this program, a grapevine shall have been inspected and/or tested as provided in Section 3024.5 and protected from possible infection by disease agents of concern in an approved manner.

(a) Foundation Block

(1) To be eligible for planting, foundation block candidate grapevines must have passed all required disease tests and have been maintained in a greenhouse or greenhouse since they were propagated and while qualifying tests were in progress. Propulsive materials from existing foundation block vines will also be qualified for planting in a foundation block.

(2) Green and hardwood cuttings from registered or provisional foundation stock will be eligible for planting in a greenhouse foundation block.

(3) Grapevines must be verified true to variety before they are registered in the foundation block.

(4) No topworking will be allowed in the foundation block.

(b) Primary Increase Block

(1) To be eligible for planting, propulsive materials and/or grapevines must be foundation stock, provisional foundation stock, or from registered grapevines in the same contiguous primary increase block. In addition, the participant must provide records that show the original foundation block single grapevine source for all materials used to plant a primary increase block.

(2) Top-working will only be allowed with permission from the Department.

(3) Increase blocks established prior to January 1, 199X will be designated Primary if they pass criterion.

(c) Secondary Increase Block

(1) To be eligible for planting, propulsive materials and/or grapevines must be foundation, provisional foundation, or registered stock from a primary increase block which has been tested within the last 5 years, or obtained as a foundation stock within the last 5 years, or from registered grapevines in the same contiguous secondary block.

(2) Propulsive materials only from a participants own primary increase block shall be eligible for planting in a secondary increase block.
Grapevine Regulations Final Draft (with suggestions from 8/14/97 meeting)

(3) Top working will only be allowed with permission from the Department.

(d) Nursery planting

(1) To be eligible for a nursery planting propagative materials must be of foundation or registered status. Rootstocks may be budded or grafted in place in a nursery planting.

(2) Certified stock may stay in a nursery planting no more than two years.

3024.31. Propagation by Tissue Culture.

Grapevine nursery stock may be propagated by tissue culture methods from foundation stock upon prior approval of the tissue culture protocols by the Department. Propagative materials generated by tissue culture must meet all the requirements of this article for a primary increase block and shall be considered as registered stock. The participant shall be responsible for verification of trueeness to variety and selection/clone.

3024.4. Planting Location and Maintenance Requirements.

(a) Foundation, primary increase, and secondary increase blocks, and nursery plantings will be located so that:

(1) All planting sites must be in the state of California.

(2) Planting locations must be apparently free from the likelihood of contamination by drainage, flooding, irrigation, or other means. Registered stock of individual vine source propagated or grown in greenhouses must be maintained in separate, suitably identified containers.

(3) Nonregistered or disease infested grapevines may not have been grown in the ground at new field planting sites in the last 10 years.

(4) Non-soil medium may be used for registered greenhouse grapevines. If a soil based medium is used it must be treated in accordance with section 3055.5 of the California Code of Regulations.

(5) Planting sites for foundation, primary increase and secondary increase blocks shall be separated, by at least 100 feet, from nonregistered grapevines and sites where nonregistered grapevines have been grown in the last 10 years. Certain sites may be exempted by the Department. Registered foundation, primary, or secondary grapevines in a greenhouse must be separated and delineated from nonregistered grapevines.

(6) Certified nursery plantings shall be separated from noncertified grapevines by at least 10 feet where soil has not been treated for nematode control.

(b) California certified grapevine nursery stock, including propagation materials and grapevines, shall be stored, heeled-in, or callused in nonsoil media or beds as defined by the Department, or the Department may require such treatment as necessary to protect against infection or infestation with pests.
(c) All plantings entered in this program shall be kept in good growing condition and pests shall be kept under effective control. Any grapevine found to be off-type shall be removed.

(d) For the purposes of planting and maintenance, Provisional Foundation Stock will be treated as Foundation Stock.

3024.5. Inspection and Testing Procedures

Except as otherwise provided, inspection and testing procedures described in this section will be made by the Department or its authorized agents and shall be conducted at times determined as suitable by the Department. Additional inspections and tests other than provided in this section may be required by the Department. The diseases and associated disease agents of concern to this program are listed below in Table I.

<table>
<thead>
<tr>
<th>Disease</th>
<th>Disease Agent(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grapevine Degeneration</td>
<td>European Nepoviruses, especially Grapevine Fanleaf Virus</td>
</tr>
<tr>
<td>Grapevine Decline</td>
<td>American Nepoviruses, especially Tomato Ringspot Virus</td>
</tr>
<tr>
<td>Leafroll</td>
<td>Grapevine Leafroll associated Viruses 1, 2, 3, 4 and possible others</td>
</tr>
<tr>
<td>Corky Bark</td>
<td>Disease agent not clearly established.</td>
</tr>
<tr>
<td>Fleck</td>
<td>Grapevine Fleck Virus and possible others</td>
</tr>
<tr>
<td>Rupestris Stem Pitting</td>
<td>Disease agent not known.</td>
</tr>
<tr>
<td>Asteroid Mosaic</td>
<td>Disease agent not known.</td>
</tr>
</tbody>
</table>

(a) Testing. Tests will be conducted as described in Table II unless the Department approves or requires changes. The Department may approve or require the substitution or addition of other tests that are determined to detect disease and or disease agents with equal or better reliability than those described in this section.

(1) Original Foundation Block planting materials: Propagative materials collected from a single grapevine source will be used to propagate new foundation block candidate vines and to conduct tests for the diseases shown in Table II. New foundation block candidate grapevines will be tested by the University of California.

Foundation block candidate grapevines will be maintained in a screenhouse or greenhouse while qualifying tests are in progress. Candidate grapevines, for which all the tests in Table II are negative, are qualified to be planted in a foundation block.
TABLE II

<table>
<thead>
<tr>
<th>Test/Indicator Plant</th>
<th>Disease or Disease Agent Tested For</th>
</tr>
</thead>
<tbody>
<tr>
<td>St. George grapevine (field indicator, leaf symptoms)</td>
<td>Grapevine Degeneration, Fleck, Asteroid Mosaic, Rupestris Stem Pitting, and Corky Bark</td>
</tr>
<tr>
<td>Cabernet Franc (field indicator, leaf symptoms)</td>
<td>Leafroll</td>
</tr>
<tr>
<td>LN33 grapevine (field indicator, stem symptoms)</td>
<td>Corky Bark</td>
</tr>
<tr>
<td>Chenopodium sp. (herbaceous indicator)</td>
<td>Grape Decline and Grapevine Degeneration</td>
</tr>
<tr>
<td>Fanleaf ELISA</td>
<td>Grapevine Fanleaf Virus</td>
</tr>
<tr>
<td>Tomato ring spot ELISA</td>
<td>Tomato Ringspot Virus</td>
</tr>
<tr>
<td>Leafroll ELISA</td>
<td>Grapevine Leafroll associated Viruses 1-5</td>
</tr>
</tbody>
</table>

(2) Every grapevine in a foundation block will be periodically retested, no less than every five years, by the University of California, for at least grapevine fanleaf virus, tomato ring spot virus, and grapevine leafroll associated viruses.

(3) Primary and secondary increase blocks will be tested by the Department for at least grapevine fanleaf virus, tomato ring spot virus, and leafroll associated viruses no less than every five years.

(4) Nursery plantings will be tested for grapevine fanleaf virus, tomato ring spot virus, and grapevine leafroll associated viruses by the Department, as deemed necessary and required by the Department.

(b) Inspection. Additional inspections to those listed below may be required if seasonal conditions or other factors tend to obscure disease symptoms, make adequate inspection impossible, if disease/disease agents are suspected, or if disease symptoms may be masked in a particular variety.

(1) In a foundation block, at least two visual disease inspections of each vine shall be made by University personnel under the supervision of the Department during each growing season.

(2) In primary and secondary increase blocks, one visual inspection of each vine shall be made by Department personnel each growing season.

(3) In a nursery planting, one visual inspection shall be made of grapevines in the nursery row each year. In addition, nursery stock may be inspected at the time of digging.

(4) Any primary and secondary block may be inspected for trueness to variety by an inspector approved by the department.
3024.6. Refusal, suspension, or cancellation of registration or certification

(a) Registration may be suspended for any grapevine in a foundation block, primary increase block, or secondary increase block, if there is suspicion that any of the following apply:
   (1) The grapevine(s) are infected with a disease or disease agent of concern listed in Section 3024.5 - Table I; or
   (2) The requirements of this article have not been met; or
   (3) The grapevine(s) are off-type; or
   (4) The pest cleanliness requirements for nursery stock in section 3060.2 of California Code of Regulations have not been met; or
   (5) The source that the grapevine(s) were propagated from is diseased and the grapevine(s) and their progeny are also suspected of being diseased; or
   (6) Nonpayment of legally due FPMS user fees.

(b) Registration or certification may be canceled or refused approval for any grapevine(s) in a foundation block, primary increase block, secondary increase block, or nursery planting if it is determined that:
   (1) The grapevine(s) are infected with a disease or disease agent of concern listed in section 3024.5 - Table I; or
   (2) The requirements of this article have not been met; or
   (3) The grapevine(s) are off-type; or
   (4) The pest cleanliness requirements for nursery stock in section 3060.2 of California Code of Regulations have not been met; or
   (5) The source that the grapevine(s) were propagated from are diseased and the grapevine(s) and their progeny are also determined to be diseased; or
   (6) Nonpayment of legally due FPMS user fees.

(c) Disposition of suspended and canceled grapevines.
   (1) Suspended grapevines in a foundation block, primary increase block, or secondary increase block may be retained in the planting.
   (2) Suspended grapevines must be clearly identified and written records maintained.
   (3) Propagative materials from suspended or canceled grapevines are considered common stock. They will not have foundation, registered, or certified stock status.
(4) Canceled grapevines in a foundation block, primary increase block, or secondary increase block must be removed by the participant in a timely manner.

(5) Grapevines canceled due to nonpayment of legally due FPMS user fees are considered common stock but need not be removed.

(c) Reinstatement of suspended grapevines.
   (1) Registration of suspended grapevines and/or propagative materials in or from foundation blocks, primary increase blocks, secondary increase blocks or nursery plantings may be reinstated if the Department determines that the suspension is no longer necessary. The Department may use testing and/or inspections to make this determination.

   (2) Registration of grapevines and/or propagative materials in or from primary increase blocks, secondary increase blocks, or nursery plantings suspended because the foundation block source grapevines are diseased may be reinstated if there is evidence to demonstrate that:

      (A) Infection in the source vine(s) occurred after the vine being reinstated was propagated and/or

      (B) Testing, approved by the Department, demonstrates that disease known to occur in the source vine does not occur in the vine being reinstated.

3024.7. Application and Fees

(a) Application. An application shall be submitted for the acceptance of any planting, and for subsequent inspections, approvals, tests, registration or certification therein. Application to register grapevines in any planting or to certify grapevines in a nursery row may be made after the vines have been planted. Upon submitting an application the applicant shall furnish any information requested regarding each planting and shall consent to the taking of samples or plants from any planting by the Department for inspection or testing purposes. The applicant shall:

(1) Submit a separate application for each planting site and receive written approval for the site(s) before planting.

(2) Submit a new application every time new grapevines are added to a new or existing, primary or secondary increase block within 12 months after planting new vines.

(3) Submit a new application every time new grapevines are added to a new or existing nursery planting within two months after planting new vines.

(b) Fees. Fees established by this article are payable for the work done and are for the sole purpose of defraying expenses incurred in the approval, inspection, testing, approval, registration and certification procedures herein provided and are not to obtain any right or privilege. Fees, in whole or in part, may be waived if the cost of the services rendered is covered by assessment.
(1) Application fees will be paid by the participant in advance of any work conducted.

(2) A late fee for registration may be charged to the applicant if an application is submitted more than 12 months after new plantings are made in a primary or secondary block or 2 months after new plantings are made in a nursery planting.

(3) The Department may charge additional fees because of conditions or total acreage entered or number of tests preformed when established minimum fees will not cover the cost of services.

(4) Fees paid for services that are not rendered shall be refunded to the participant. The amounts refunded may be prorated based on the direct costs incurred by the Department in the administration of the requirements of this article.

(5) No fees will be charged to the University of California for the inspection, testing or registration of vines in the foundation block provided that there is no expense to the Department other than for observation of the inspection and testing required in this article and for keeping records.

By authority of section 5822 of the California Food and Agriculture Code \textit{(and section 3049.4(b) ?)} of the California Code of Regulations the Department has established a schedule of minimum fees for the services provided as described below:

(1) Site inspection: $100.00

(2) Primary and Secondary Increase Blocks.

   (A) 1 - 50 acres: $35.00 for the first acre or portion thereof and $20.00 per acre for additional area thereafter with similar plantings and in the same locality.

   (B) 51 - 100 acres: $1,000.00 for the first acre or portion thereof and $10.00 per acre for additional area thereafter with similar plantings and in the same locality.

   (C) Over 100 acres: $1,500.00 for the first acre or portion thereof and $6.00 per acre for additional area thereafter with similar plantings and in the same locality.

(3) Nursery Planting fee: $30.00 per year for each quarter acre or portion thereof with similar plantings and in the same locality.

(4) Greenhouse or other non-field Plantings: $100.00 per year for each 20,000 square feet or portion thereof used to produce stock with similar plantings and in the same locality.

(5) Hourly rate for additional work: $80.00 per hour with a $150.00 minimum per locality

(6) The Department may charge additional fees because of conditions or total acreage entered or number of tests performed, when the established minimum
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fees will not cover the cost of the service.

(c) Participants delinquent in paying FPMS user fees may be dropped from the program.

Note: Authority: Sections 407 and 5823, Food and Agricultural Code.
Reference: Sections 5822 Food and Agricultural Code.
<table>
<thead>
<tr>
<th>Activity/Block</th>
<th>Existing Fee (1978)</th>
<th>Possible Fee (1997)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Site Inspection</td>
<td>Nil</td>
<td>$100.00*</td>
</tr>
<tr>
<td>2 Primary &amp; Secondary Increase Blocks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A 1 - 50 acres</td>
<td>$35.00 for the first acre or portion thereof + $20.00 for each additional acre.</td>
<td>$50.00 for the first acre or portion thereof + $25.00 for each additional acre.</td>
</tr>
<tr>
<td>B 51 - 100 acres</td>
<td>$1,000.00 for the first 50 acres + $10.00 for each additional acre or portion thereof.</td>
<td>$1,275.00 for the first 50 acres or portion thereof + $12.00 for each additional acre.</td>
</tr>
<tr>
<td>C Over 100 acres</td>
<td>$1,500.00 for the first 100 acres + $6.00 for each additional acre or portion thereof.</td>
<td>$1,875.00 for the first 100 acres + $8.00 for each additional acre or portion thereof.</td>
</tr>
<tr>
<td>4 Nursery Planting</td>
<td>$30.00 / year for each quarter acre or portion thereof.</td>
<td>$30.00 per year for each quarter acre or portion thereof.</td>
</tr>
<tr>
<td>5 Greenhouse Increase Blocks</td>
<td>Nil</td>
<td>$10.00 per initial vine from FPMS, with a $100.00 minimum per locality.</td>
</tr>
<tr>
<td>6 Greenhouse Nursery Planting</td>
<td>$100.00 / year for 20,000 sq. ft. or portion thereof.</td>
<td>$100.00 / year for 10,000 sq. ft. or portion thereof.</td>
</tr>
<tr>
<td>7 Hourly rate for additional work</td>
<td>Not quoted</td>
<td>$50.00 / hour, with a $150.00 minimum per locality.</td>
</tr>
</tbody>
</table>

* Site approval is valid for up to two years only. If a Block is planted within two years of site approval, $50.00 will be credited towards the registration of Primary Increase Block of the first year.