

Pest Exclusion / Nursery Program
1220 N Street, Room A-372
Sacramento, California 95814
(916) 654-0435

REGULATIONS FOR REGISTRATION AND CERTIFICATION OF GRAPEVINES

3024. Disclaimer of Warranties and Financial Responsibility.

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

Note: Authority: Sections 407 and 5823, Food and Agricultural Code.
Reference: Sections 5821 and 5822, Food and Agricultural Code.

3024.1 Definitions

Comment [snk1]: Definitions in red underline are new.

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

(b) "Budding" means uniting a single bud and a rootstock cutting or growing grapevine so that both parts produce tissue and form a union that allows the bud to survive and grow.

~~(a)~~(c) "Cancelled" means registration status is permanently withdrawn from grapevine(s) entered in the program and may no longer serve as a source of foundation, registered, or certified stock.

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

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

~~(e)~~(f) "Common stock" means plant materials from grapevines not registered in the California Grapevine Registration and Certification Program.

~~(d)~~(g) "Department" means the California Department of Food and Agriculture.

~~(e)~~(h) "Departmental approval" means written consent from the Department.

~~(f)~~(i) "Diseased" means infected with a pathogen or pathogenic agent listed in section

3024.5.

~~(g)~~(j) "Disease agent" means a pathogen listed in section 3024.5.

~~(h)~~(k) "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.

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

~~(m)~~ "Foundation Plant Services" or "FPS" is a self supporting service unit in the College of Agriculture and Environmental Sciences at University of California, Davis

~~(j)~~(n) "Foundation stock" means propagation materials or grapevines propagated from registered grapevines in a foundation block.

~~(o)~~ "Grafting" means uniting a short detached piece of stem tissue with several buds (graft stick) and a rootstock cutting or growing grapevine so that both parts produce tissue and form a union that allows the buds on the graft stick to survive and grow.

~~(k)~~(p) "Grapevine" or "vine" means a rooted grape plant.

~~(q)~~ "Intermediate source vine" means a grapevine growing in a California registered increase block that serves as a source for propagation materials used to make another vine or topwork another vine planted in the same registered increase block or in a secondary increase block.

~~(r)~~(r) "Notify" means communicate information in writing, in person, by phone, email, or by Fax.

~~(m)~~(s) "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.

~~(n)~~(t) "Participant" means any person or legal entity who agrees to fulfill the responsibilities of the participant described in section 3024.21(b), who has submitted an application to the Department and whose application has been accepted by the Department.

~~(u)~~ "Primary increase block" means a planting of grapevines established initially with foundation stock, registered with the Department and planted in 1993 or later.

~~(e)~~(v) "Propagative materials" means cuttings, buds, budsticks, or graftsticks taken from a grapevine.

- | ~~(p)~~(w) “Provisional foundation stock” means propagative materials taken from grapevines planted in the foundation block before trueness to variety verification has been completed.

- | ~~(q)~~(x) “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.

- | ~~(r)~~(y) “Registered stock” means propagative materials from registered grapevines in a primary or secondary increase block.

- | (z) “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 or from the foundation block and registered with the Department.

- | ~~(s)~~(aa) “Suspended” means registration status is temporarily withdrawn from grapevine(s) or foundation, registered, and/or certified stock.

- | ~~(t)~~(bb) “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 purposes 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.

- | (cc) “Tissue culture plants” mean plants made from propagation materials using sterile *in vitro* tissue culture techniques.

- | ~~(u)~~(dd) “Top-working” means budding or grafting of another variety on top of existing stock.

- | ~~(v)~~(ee) “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) **Responsibilities of Foundation Plant Service (FPS),**
 - (1) Select source grapevines from which foundation block candidate

Comment [snk2]: The University of California was changed to Foundation Plant Services (FPS) throughout the regs.

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 in accordance with the provisions of this article.
- (3) Select the planting location for foundation block plantings and submit application for site approval to the Department.
- (4) Identify grapevine variety experts who will inspect or test vines in the foundation block for trueness-to-variety; document variety inspection results; and apply to the Department to register grapevines growing in the foundation block after they are reported to be true-to-variety.
- (5) Perform all cultural practices required to maintain health and vigor of foundation vineyard. Conduct visual disease inspections of all grapevines in the foundation block, in accordance with the provisions of this article.
- (6) Maintain an inventory of all registered vines in the foundation block and provide to the Department upon request.
- (7) Maintain records of all grapevines removed from the foundation block or from registration including the specific row and vine location and reason for the removal.
- (8) Maintain records for all grapevines planted in the foundation block including records showing that tests and inspections, in accordance with the provisions of Section 3024.5 of this article, have been completed.
- (9) Upon request provide a report to the Department showing all of the foundation stock that was distributed by FPS and identified with foundation stock tags for a defined period of time. The report shall include the names and addresses of recipients, quantity received, date, tag number, variety, selection number, and foundation mother vine source.
- (10) Notify the Department, and all program participants who are affected, of any grapevines in the Foundation Block that are found to be diseased or off-type.
- (11) At time of sale and upon request from participants, provide participants with documentation for all grape propagation materials and grapevines the participant received from FPS. The documentation shall include: variety name, specific foundation block source, and registration status for all propagation materials and grapevines distributed from FPS to the participant after 1989.

Comment [snk3]: Reporting records to the Department is a new requirement.

(b) Responsibilities 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.
- (4) Apply to the Department for grapevine registration within six months of planting or top-working grapevines in the participant's primary increase block(s), and/or secondary increase block(s). Submit with the application records showing that the grapevines are eligible for registration.
- (5) Apply to the Department for grapevine registration within two months of planting vines in the participant's certified nursery planting(s). Submit with the application records showing that grapevines are eligible for registration.
- (6) Maintain, and provide to the Department upon request, a record of all grapevines registered in the participant's primary and secondary increase block(s), Submit a separate report for each block containing the following information in a format prescribed by the Department

(i) General Information

- 1.- --name of participant
- 2.- --Block location
- 3.- --Block #

(ii) Current inventory—provide the following information for each grapevine in the block:

- ~~4.-~~1.- -Variety name and FPS selection number
- ~~5.-~~2.- -Block, row, and grapevine location in field plantings or greenhouse location for potted grapevines
- ~~6.-~~3.- -Date of planting, replanting (if applicable), and top-working (if applicable)
- ~~7.-~~4.- -For all primary increase block vines, identify the original Foundation Block Row and Vine source and all

Comment [snk4]: This time period was shortened from 12 months to 6 months

Comment [snk5]: Single foundation and intermediate source vine documentation is required for each vine planted in primary blocks.

intermediate source vines. All sources for primary increase block vines shall be reported as a single vine in each generation.

~~8.5.~~ For all secondary increase block vines identify the original Foundation Block Row and Vine source and all intermediate source vines. Intermediate sources for secondary increase blocks may be reported by designating a group of vines of the same FPS selection number.

Comment [snk6]: Single foundation source vine documentation is required for secondary blocks. Intermediate sources may be designated as groups of vines of the same FPS selection number.

~~(7)~~ Maintain, and provide to the Department upon request, records of all grapevines in the participant's primary and secondary increase block(s), and/or certified nursery planting(s) which have been removed from registration; reason for the removal; and location of grapevine before removal.

Comment [snk7]: Subsections 7 & 8 will replace the old requirement for participants to notify the department 2 weeks before removal

~~(8)~~ Maintain, and provide to the Department upon request, records of all grapevines in the participant's primary increase blocks that have been top worked.

~~(7)(9)~~ Use propagation, farming, and sanitation practices as required in section 3024.4.

~~(8)(10)~~ Verify that all grapevines in participant's primary increase block(s), secondary increase block(s), and certified nursery plantings are true-to-variety and remove off type vines.

~~(9)(11)~~ Physically identify/label registered grapevines in the participant's primary increase block(s) and secondary increase block(s) as required by the Department.

~~(10)(12)~~ Maintain records for all registered and certified stock produced, sold, and/or traded by the participants for at least 5 years after the date of sale and provide to the Department upon request. Records shall include date harvested, 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.

Comment [snk8]: Maintaining records for 5 years is a new requirement

~~(11)(13)~~ Remove grapevines from the participant's primary increase block(s), and secondary increase block(s) which have been canceled or identified as off-type by the Department within a month of notification by the Department. Grapevines, in participant's certified nursery plantings, which have been canceled or identified as off-type by the Department may be

retained and sold as common stock.

(14) Notify the Department at least 24 hours in advance of any pest control treatments in plantings using a pesticide that has reentry or worker safety requirements that would create a health hazard for the Department's employees, or in any manner interfere with the Department's ability to conduct scheduled inspections or other field activities. This subsection only applies when the Department has notified the participant of the date of a planned inspection or other program-related action that would bring the Department's representative(s) into a treated area or into contact with treated plants.

Comment [snk9]: Notifying the department about potential health hazards when an inspection is scheduled is a new requirement.

(12)(15) Notify in writing all recipients of nursery stock from suspended vines that a graft transmissible disease has been detected and reported by FPS;

(13)(16) Pay user fees legally due to Foundation Plant Services (FPS), UC Davis including user fees for any propagative units from primary and secondary increase blocks that are sold, exchanged, or retained by participant.

(c) Responsibilities of the Department

- (1) Maintain records of all current foundation blocks, primary increase blocks, secondary increase blocks, and certified nursery plantings in the State of California.
- (2) Process applications from applicants and/or requests for records from applicant in a timely manner.
- (3) Approve planting sites for foundation blocks, primary increase blocks, secondary increase blocks, and certified 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 not produced in compliance with the provisions of this article based on preliminary tests or visual inspections performed by the Department or its designee.
- (6) Cancel registration or certification of grapevines that are found to be infected with diseases listed in Section 3024.5, using tests prescribed in section 3024.5, or are highly likely to be infected because the source

vine(s) tested positive for disease using tests prescribed in section 3024.5, or the Department determines the vines are off-type, and/or the vines have been produced out of compliance with the provisions of this article.

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

Comment [snk10]: The requirement to publish any variances to the regulations was deleted because CDFA does not plan to issue any variances.

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 into the foundation block a candidate selection shall pass all required disease tests specified in section 3024.5 and grape vines of the selection eligible for planting must be maintained in pots in a shadehouse, screenhouse or greenhouse until qualifying tests are completed. Grapevines propagated in a greenhouse, screenhouse or shadehouse from existing foundation block vines will also be eligible 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 shall be verified true to variety before they are registered in the foundation block.
- (4) No top-working shall be allowed in the foundation block.

(b) Primary Increase Block

- (1) To be eligible for planting, propagative materials and/or grapevines must be foundation stock, provisional foundation stock, or from registered grapevines in the same contiguous primary increase block.
- (2) To be eligible for planting the participant must maintain records documenting the original foundation block single grapevine source and all intermediate sources. For increase block vines planted before [date new regs take effect] source documentation previously approved by the

Comment [snk11]: Documenting single foundation source vines and intermediate source vines is a new requirement.

Comment [snk12]: The Department may accept less source documentation for vines planted before [date new regulations approved].

Department shall be accepted.

~~(1)~~(3) Top-working shall not be allowed for rootstock increase blocks except for their conversion one time to scion blocks. Scion blocks may be top-worked once if the new scion is of a different variety than the under stock. If increase block vines were top-worked before [date new regs take effect] then top-worked vines previously approved by the Department shall be allowed.

Comment [snk13]: These top working restrictions are new

Comment [snk14]: Old top-worked vines previously approved by the Department will remain registered.

(4) A primary Increase block shall have been planted in 1993 or later

Comment [snk15]: Disqualifying old increase blocks is new

~~(2)~~(5) Increase blocks established between 1993 and January 1, 2002 may be designated Primary if they are tested as described in section 3024.5.a.4 in 2007 or later and the results are negative.

Comment [snk16]: The provision to convert old increase blocks to secondary increase block status are new.

(c) Secondary Increase Block

(1) To be eligible for planting in a secondary increase block, propagative materials and/or grapevines shall be

(i) Foundation stock, provisional foundation stock, or registered stock from a primary increase block or

(ii) Plants propagated from a primary increase block in a certified nursery planting isolated by at least 100' from non-certified plantings or

(iii) Certified potted vines from a primary increase block in a greenhouse containing exclusively certified stock or separated from non-certified stock by at least 100'.

Comment [snk17]: Note the increased (10' to 100') isolation required for a Certified nursery row used to produce vines to plant a secondary increase block

(2) If propagative materials for a secondary increase block come from a primary increase block, then the primary and secondary increase blocks shall be registered by the same participant.

Comment [snk18]: NOTE: Participants may not increase the size of a secondary increase block using prop material from the same block.

Comment [snk19]: The participant is not required to own the secondary block they just need to be the participant on record

(3) No top-working shall be allowed in secondary increase blocks established after [date new regs take effect]. If increase block vines were top-worked before [date new regs take effect] then top-worked vines previously approved by the Department shall be allowed.

Comment [snk20]: Old top-worked vines previously approved by the Department will remain registered.

(4) To be eligible for planting the participant must maintain records documenting the original foundation block single grapevine source and all intermediate sources. Intermediate sources for secondary increase blocks may be reported by designating a group of vines of the same FPS selection number.

Formatted: Bullets and Numbering

(5) Increase blocks planted before 1993 that meet the requirements of this

section may be eligible for secondary increase block status if they are tested as described in section 3024.5.a.4 in 2007 or later and the results are negative.

Comment [snk21]: The provision to convert old increase blocks to secondary increase block status are new.

(d) **Certified Nursery planting**

- (1) Foundation stock and registered stock is eligible for a planting in a certified nursery planting. Rootstocks may be budded or grafted in place with foundation stock or registered stock in a nursery planting.
- (2) Certified stock may stay in a nursery planting no more than two years.
- (3) Rootstock cuttings from a certified nursery planting which is less than 12 months old may be used as a supplemental source of cuttings for production of additional certified stock, after inspection and approval by the Department.

3024.31 Propagation by Tissue Culture.

Comment [snk22]: Allowing propagation by tissue culture is new.

Registered grapevine nursery stock may be propagated from Foundation stock or registered stock using tissue culture protocols approved by the Department and equivalent to requirements described in this article for the production of registered stock from a primary increase block. The participant shall be responsible for verification of trueness to variety and selection/clone.

3024.4. Planting Location and Maintenance Requirements.

(a) Foundation, primary increase, and secondary increase blocks, shall be located and maintained so that:

- (1) All planting sites shall be in the state of California.
- (2) All planting sites shall be approved by the Department.
- ~~(2)~~(3) Each planting shall be located in an area where contamination by soil-borne virus diseases of grapes from drainage, flooding, irrigation or other means is not likely to occur.
- (4) Land planted to nonregistered or disease infected grapevines within 10 years prior to planting is not eligible as a planting site.
- ~~(3)~~(5) Land previously or currently planted with grapevines found to be infected with grapevine fanleaf virus is not eligible as a planting site.

~~(4)~~(6) 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)~~(7) Field planting sites shall be separated, by at least 100 feet, from non-registered grapevines and sites where non-registered grapevines have been grown within the past 10 years. Each block shall be a contiguous planting. The Department may approve field planting sites with less than 100 feet of isolation providing a minimum 100-foot buffer zone of certified grapevines is maintained between non-registered grapevines and the registered block.

Comment [snk23]: The requirement for 100' of isolation for field planting sites will remain.

(8) Grapevines in a greenhouse with foundation, registered, or provisional status shall be separated and delineated from non-registered grapevines.

(b) Certified nursery plantings shall be located and maintained so that:

~~(6)~~(1) All planting sites shall be in the state of California

(2) All planting sites shall be approved by the Department.

(3) Each planting shall be located in an area where contamination by soil-borne virus diseases of grapes from drainage, flooding, irrigation or other means is not likely to occur.

(4) Registered vines propagated or grown in greenhouses shall be maintained in separate, suitably identified containers.

(5) Certified nursery plantings shall be separated from noncertified grapevines by at least 10 feet where nursery soil has been treated to control nematodes. Certified nursery plantings shall be separated from non-certified grapevines by at least 20 feet where the soil has not been treated for nematodes.

Comment [snk24]: The 10' and 20' isolation requirements for a nursery planting are new.

(6) Nursery rows shall be fallowed for at least one year between nursery crops.

Comment [snk25]: Fallowing land for one year between nursery crops is a new requirement.

~~(b)~~(c) California certified grapevine nursery stock, including propagation materials and grapevines, shall be stored, heeled-in, or callused in non-soil 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.

~~(e)~~(d) 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)~~(e) 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 shall be made by the Department or its authorized agents and shall be conducted at times determined suitable by the Department. Additional inspections and tests other than provided in this section may be required by the Department.

(a). The diseases and associated disease agents of concern to this program are listed below in Table I.

TABLE I: Diseases and Disease Agents of Concern

<u>Diseases of concern for foundation stock obtained from FPS prior to [effective date of new regs]</u>	Disease Agent(s)
Grapevine Degeneration	European Nepoviruses, especially Grapevine Fanleaf Virus
Grapevine Decline	American Nepoviruses, especially Tomato Ringspot Virus
Leafroll	Grapevine Leafroll associated Viruses 1, 2, 3, 4
Corky Bark	Grapevine Virus B (GVB)
Fleck	Grapevine Fleck Virus and possible others
<u>Additional Diseases of concern for foundation stock obtained from FPS subsequent to [effective date of new regs]</u>	
Leafroll	Grapevine leafroll associated viruses 5,6,7,9, <u>2RG</u> , and possible others
Kober Stem Grooving	Grapevine Virus A (GVA)

(b).Testing. Tests shall 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 shall 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 shall be tested by FPS.
- (2) Foundation block candidate grapevines shall be maintained in a screenhouse, shadehouse, or greenhouse while qualifying tests are in progress. Candidate grapevines, for which all the tests in Table II are negative, are eligible to be planted in a foundation block.
- (3) Every grapevine in a foundation block shall be periodically retested at least once every five years, by FPS, for grapevine fanleaf virus, tomato ring spot virus, and grapevine leafroll associated viruses.
- (4) Primary and secondary increase blocks shall be tested by the Department for grapevine fanleaf virus, tomato ring spot virus, and leafroll associated viruses at least once every five years.
- (5) Certified nursery plantings may be tested for grapevine fanleaf virus, tomato ring spot virus, and grapevine leafroll associated viruses by the Department.

Comment [snk26]: Regular testing of increase blocks is a new requirement.

Comment [snk27]: Testing at the Certified nursery planting level is new to the program

TABLE II: Tests required to meet the criteria for Foundation Stock

<u>Test/Indicator Plant(s) required for selections planted in foundation block before [effective date of new regs]</u>	<u>Disease or Disease Agent Tested For</u>
<u>St. George grapevine (field indicator, leaf symptoms)</u>	<u>Grapevine Degeneration, Fleck, and Corky Bark</u>
<u>Cabernet Franc (field indicator, leaf symptoms)</u>	<u>Leafroll</u>
<u>LN33 grapevine (field indicator, stem symptoms)</u>	<u>Corky Bark</u>
<u>Herbaceous indicator: <i>Chenopodium sp</i></u>	<u>Grape Decline and Grapevine Degeneration</u>
<u>Additional Test/Indicator Plant(s) required for selections planted in foundation block after [effective date of new regs]</u>	
<u>Appropriate lab based test approved by Department</u>	<u>Grapevine Fanleaf Virus</u>
<u>Appropriate lab based test approved by Department</u>	<u>Tomato Ringspot Virus</u>
<u>Appropriate lab based test approved by Department</u>	<u>Grapevine Leafroll associated Viruses 1, 2, 3, 4</u>

Herbaceous indicators: Cucumis sativa Nicotiana clevelandii	Grape Decline and Grapevine Degeneration
Appropriate lab based test approved by Department	Grapevine Leafroll associated Viruses 5, 6, 7, 9, 2RG, and others
Kober 5BB (field indicator, stem symptoms) or appropriate lab based test to detect GVA approved by Department	Kober Stem Grooving
Appropriate lab based test approved by Department for GVB	GVB

(c) 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 [FPS each](#) growing season.
- (2) In primary and secondary increase blocks, one visual inspection of each vine shall be made by [the](#) Department each growing season.
- (3) In a nursery planting, one visual inspection shall be made [by the Department](#) each [growing season](#). In addition, nursery stock [shall](#) be inspected at the time of digging.

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 [any of the conditions listed below apply](#).

- (1) [Preliminary tests or visual inspections indicate that](#) the grapevine(s) [may be](#) infected with [the applicable](#) 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 FPS user fees.

Comment [snk28]: Paying FPS user fees is a new program requirement.

(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 [an applicable](#) disease or disease agent of concern listed in section 3024.5 - Table I [and detected using a test listed in Table II](#);

(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 FPS 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 [shall](#) be clearly identified and written records maintained.

~~(3)~~ Propagative materials from suspended grapevines may, at the discretion of the Department, retain their registered status while testing to determine their disease status is in progress.

~~(3)(4)~~ Propagative materials from canceled grapevines are considered common stock. They [shall](#) not have foundation, registered, or certified stock status.

~~(5)~~ Canceled grapevines in a foundation block, primary increase block, or secondary increase block [shall](#) be removed by the participant within a time period prescribed by the Department.

Comment [snk29]: The Department will decide the time period based on each individual situation.

~~(4)(6)~~ Grapevines canceled due to nonpayment of FPS user fees are considered common stock but need not be removed.

(d) 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) Primary increase block, secondary increase block, and/or nursery block vines may be reinstated if they test negative for virus shown to be infecting the foundation source vines.

3024.7 Certification of Grapevines By a Second Party – Grapevines produced by a participant in the certification program in accordance with the provisions of the Grapevine Certification Program may be eligible for certification by a second party provided:

Comment [snk30]: Second party certification of grapevines is new to the program.

- (a) The second party submits an application and signs the agreement required by CCR section 3309. In the "Stock Record" section of the application shall be entered "Second Party Certification."
- (b) The certification tags are filled out by the second party with their firm name and address and the block number
- (c) The second part shall submit to the Department an inventory of all grapevines and the sources for second party certification.
- (d) The second party shall inform the Department where the grapevine are stored prior to shipping
- (e) Fees will be the current departmental hourly rate. The rate currently is \$50.00/hour.

3024.8 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 6 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 performed 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.