

VIRGINIA

SUMMARY OF PLANT PROTECTION LAWS AND REGULATIONS Updated March, 2021

Virginia Department of Agriculture and Consumer Services
Division of Consumer Protection
Office of Plant Industry Services
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Additional information on VDACS Office of Plant Industry Services may be found at
<http://www.vdacs.virginia.gov/plant-industry-services.shtml>

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Notification of nursery stock shipments, when required, should be sent to David Gianino by mail, fax, or email at:

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The information, as provided, is for informational purposes only and should not be interpreted as complete, nor should it be considered legally binding. Coordination with both your state and the destination state plant regulatory agency listed above may be necessary to stay up-to-date on revised requirements.

NURSERY STOCK DEFINITION

Nursery stock is defined as all trees, shrubs, and woody vines (including ornamentals), bush fruits, grapevines, fruit trees and nut trees, whether cultivated, native or wild, and all buds, grafts, scions and cuttings from such plants; and any container, soil, and other packing material with such plants or plant products.

GENERAL SHIPPING REQUIREMENTS

All nursery stock being delivered, shipped, or transported within or into the Commonwealth of Virginia must have been inspected and found apparently free from plant pests. Nursery stock delivered, shipped, or transported within or into the Commonwealth must be accompanied by an inspection certificate that is plainly attached to each carload, truckload, box, bale, or package.

Valid inspection certificates must be issued by the proper official of the country, state, territory, district or county from which the nursery stock was shipped showing that such nursery stock, including soil, was found to be free from plant pests.

Nursery stock brought into the Commonwealth under an inspection certificate as required above, may be sold and moved by a properly licensed Virginia nurseryman or dealer or agent, but this shall not preclude inspection at any time within the Commonwealth. Any person who possesses nursery stock or plant products for sale or distribution must present those items for inspection and provide full information related to origin, number, and destination of such items.

INDUSTRIAL HEMP REGULATIONS

At this time, VDACS continues to administer the Virginia Industrial Hemp Grower, Dealer, and Processor Registration Programs in accordance with the Virginia Industrial Hemp Law. VDACS will notify Registered Industrial Hemp Growers, Dealers, and Processors of all changes to Virginia's Industrial Hemp Program that are made in response to USDA's Interim Final Rule when USDA has approved Virginia's hemp production plan.

The amendments to the Virginia Industrial Hemp Law that became effective on March 21, 2019, eliminate the requirement that hemp be grown for research purposes and permits the commercial production of industrial hemp.

To legally possess hemp plants, viable hemp seed, hemp microgreens, hemp leaves, or hemp flowers in Virginia, you must be a registered Industrial Hemp Grower, Dealer, or Processor or an agent of one of these registrants for the purpose of growing, dealing or processing.

NOXIOUS WEEDS

The movement of any listed noxious weed or any article or means of conveyance known to be infested or determined by an inspector to present a risk of spreading a listed noxious weed is prohibited, unless accompanied by a valid certificate or limited permit.

STATE LISTED NOXIOUS WEEDS:

Tier 1, Tier 2, and Tier 3 Noxious Weeds.

"Tier 1 noxious weed" means any noxious weed that is not known to be present in the Commonwealth.

"Tier 2 noxious weed" means any noxious weed that is present in the Commonwealth and for which successful eradication or suppression is feasible.

"Tier 3 noxious weed" means any noxious weed (i) that is present in the Commonwealth, (ii) whose spread may be slowed by restrictions on its movement, and (iii) for which successful eradication or suppression is not feasible.

A. The following plants are listed as Tier 1 noxious weeds

1. *Salvinia molesta*, Giant salvinia.
2. *Solanum viarum*, Tropical soda apple.
3. *Heracleum mantegazzianum*, Giant hogweed.

B. The following plants are listed as Tier 2 noxious weeds

1. *Imperata cylindrica*, Cogon grass.
2. *Lythrum salicaria*, Purple loosestrife.
3. *Ipomoea aquatica*, Water spinach.
4. *Vitex rotundifolia*, Beach vitex.
5. *Oplismenus hirtellus* spp. undulatifolius, Wavyleaf basketgrass.
6. *Corydalis incisa*, Incised fumewort.

C. The following plants are listed as Tier 3 noxious weeds.

1. *Ailanthus altissima*, Tree of heaven.
2. *Ampelopsis brevipedunculata*, Porcelain berry.
3. *Celastrus orbiculatus*, Oriental bittersweet.
4. *Hydrilla verticillata*, Hydrilla.
5. *Persicaria perfoliata*, Mile-a-minute weed.

QUARANTINES OR ADDITIONAL REQUIREMENTS

COTTON BOLL WEEVIL QUARANTINE

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PEST: Boll Weevil (*Anthonomus grandis*)

STATES REGULATED: All

MATERIALS REGULATED: The boll weevil in any living stage, gin trash, cotton seed, cotton plants and used cotton harvesting equipment.

RESTRICTIONS: Certificates and permits may be issued to move regulated articles if an inspector certifies that: (1) the articles have not been exposed to infestation, (2) the articles have been inspected and found to be free of infestation, (3) the articles have been treated by approved methods, or (4) the articles were produced or handled to prevent infestation.

EUROPEAN BLACK CURRANT REGULATION

PEST: White Pine Blister Rust (*Cronartium ribicola*)

STATES REGULATED: All

MATERIALS REGULATED: European black currant plants (*Ribes nigrum*)

RESTRICTIONS: Since European black currant plants, *Ribes nigrum*, are capable of harboring and disseminating the destructive disease of white pine, commonly known as White Pine Blister Rust, *Cronartium ribicola*, European black currant plants may not be moved to any destination in Virginia.

GYPSY MOTH QUARANTINE

PEST: Gypsy Moth (*Lymantria dispar*)

STATES REGULATED: All areas identified as generally infested by USDA/APHIS/PPQ or other state legislation.

ARTICLES REGULATED: Trees and shrubs with roots and persistent woody stems, firewood, cut Christmas trees, logs and pulpwood, mobile homes, recreational vehicles and associated equipment and any other article that could present a risk of spreading gypsy moth.

Regulated articles may be moved from quarantined area by persons operating under a compliance agreement or with a certificate issued by regulatory official if articles meet one of the following conditions: (1) articles have not been exposed to infestation; (2) articles were inspected and found to be free of gypsy moth; (3) articles have been treated

by approved methods; or (4) the materials were produced or handled to prevent infestation.

IMPORTED FIRE ANT QUARANTINE

PEST: Imported Fire Ant (*Solenopsis spp.*)

STATES REGULATED: The entire state or infested portions of: AL, AR, FL, GA, LA, MS, NC, OK, Puerto Rico, SC, TN, and TX

MATERIALS REGULATED: Any plants, soil, equipment or other article which may present a risk of moving the imported fire ant in any living stage of development.

RESTRICTIONS: Certification guidelines are those listed in the USDA, APHIS, PPQ Imported Fire Ant Program Manual.

SPOTTED LANTERNFLY QUARANTINE

PEST: Spotted Lanternfly (*Lycorma delicatula*)

STATES REGULATED: All areas outside of Virginia where a federal or state plant regulatory official has determined Spotted Lanternfly to be present.

ARTICLES REGULATED: 1) Any life stage of the Spotted Lanternfly, *Lycorma delicatula*; 2) The following articles, when such articles have been stored, packed, or handled in a manner that poses a risk of Spotted Lanternfly infestation, are regulated under the provisions of this quarantine: A) All plants or plant parts, including the following: live or dead trees; nursery stock; green lumber; firewood; logs; perennial plants; garden plants or produce; stumps; branches; mulch; or composted or uncomposted chips, bark, or yard waste. B) Outdoor industrial or construction materials or equipment; concrete barriers or structures; stone, quarry material, ornamental stone, or concrete; or construction, landscaping, or remodeling waste. C) Shipping containers, such as wood crates or boxes. D) Outdoor household articles, including the following: recreational vehicles; lawn tractors or mowers; grills; grill or furniture covers; tarps; mobile homes; tile; stone; deck boards; or any equipment, trucks, or vehicles not stored indoors. E) Any means of conveyance utilized for movement of an article; any vehicle; or any trailer, wagon, or other equipment attached thereto. 3) Any other article or means of conveyance that an inspector determines presents a risk of spreading Spotted Lanternfly.

Exemptions include: During the months of January through March, a person conducting business may move a regulated article that originates in an unregulated area through a regulated area without restriction; and the department may enter into a compliance agreement with a person to allow the movement of regulated articles to states or countries

that have additional shipping requirements and where the compliance agreement is needed to comply with such requirements.

RESTRICTIONS: Certificates and permits may be issued to move regulated articles if person: (1) successfully completes spotted lanternfly training, (2) obtains a spotted lanternfly permit, (3) trains staff and maintains training logs, (4) conducts inspections on regulated articles to ensure they are free from spotted lanternfly, and 5) articles are accompanied by an inspection statement and a spotted lanternfly permit.

THOUSAND CANKERS DISEASE

PEST: The fungal pathogen, *Geosmithia morbida*

STATES REGULATED: The entire state or infested portions of: AZ, CA, CO, ID, NV, NM, OH, OR, PA, TN, UT, WA

MATERIALS REGULATED: Any life stage of the walnut twig beetle, *Pityophthorus juglandis*, the fungal pathogen, *Geosmithia morbida*, and all plants and plant parts of the genus *Juglans* including but not limited to nursery stock, budwood, scionwood, green lumber, firewood, and other material living, dead, cut, or fallen including stumps, roots, branches, mulch, and composted and uncomposted chips. The movement of these articles into Virginia from regulated states is prohibited unless prior written consent is received from the Commissioner.

Exemptions include, but are not limited to, nuts, nut meats, hulls, processed lumber (100% bark-free, kiln-dried, with squared edges), and finished wood products without bark, including walnut furniture, instruments, and other items derived from the genus *Juglans*.

APIARY INSPECTION LAW

STATES REGULATED: All

MATERIALS REGULATED: All types and life stages of the honey bee, empty used combs, used hives, or other used apiary appliances

RESTRICTIONS: All bees in combless packages transported into Virginia must be accompanied by a certificate of health issued by the proper official of the state of origin certifying that the apiaries of the producer have been inspected during the current year of the date of shipment and that such apiaries have been found apparently free of American Foulbrood and any other diseases, insects, mites, or bee pests that could cause a departure from a sound state of health of bees.

No person shall bring any bees on combs, empty used combs, used hives, or other used apiary appliances into Virginia without first receiving an entry permit to do so from the State Apiarist. Entry permits will be issued only upon receipt of satisfactory proof that the bees and other items are free from bee diseases, insects, mites, or bee pests that could cause a departure from a sound state of health of bees. Colonies must be brought into the Commonwealth within 60 days from the issuance of the entry permit.

Bees brought into Virginia shall be subject to inspection at any time by the State Apiarist or his representative.