



**WEST VIRGINIA DEPARTMENT OF AGRICULTURE  
PLANT INDUSTRIES DIVISION  
PLANT PEST REGULATORY PROGRAM  
1900 KANAWHA BOULEVARD, EAST  
CHARLESTON, WV 25305-0191  
(304) 558-2212**

Gus R. Douglass  
Commissioner

**Application for Nursery / Nursery Dealer Registration**

The West Virginia Plant Pest Act (Chapter 19, Article 12 of the Code of West Virginia, as amended) governs the sale and distribution of plant material in West Virginia. Under the provisions of the Plant Pest Act, hardy, woody-stemmed perennial plants, like trees, shrubs and woody vines (with the exception of cut Christmas trees), as well as sod and sod-producing plants are defined as NURSERY STOCK and are regulated by the West Virginia Department of Agriculture. It is unlawful for anyone to expose or offer for sale, sell, deliver or give away any plants or parts of plants commonly known as nursery stock unless that person has first secured a certificate of registration from the Commissioner of Agriculture.

**There are 3 different registration classes that may pertain to your establishment:**

- 1). **Nursery Dealer** - Individuals who sell, offer for sale, expose for sale, or distribute nursery stock, they themselves did not grow from seeds, cuttings, liners or similar propagative material but which was either bought, received on consignment or otherwise acquired and is in their possession. Examples: Retail garden centers, landscapers, chain stores, roadside plant vendors. *Complete Sections 1, 2, and 4.*
- 2). **Nursery** – Individuals who sell or distribute nursery stock they themselves have grown from seeds, cuttings, liners or similar propagative material. Examples: Wholesale nurseries, Christmas tree farms that dig trees, sod farms. *Complete Sections 1, 3, and 4.*
- 3). **Nursery AND Nursery Dealer** - If BOTH of the above definitions describe your establishment, you must register as a Nursery **and** a Nursery Dealer. *Complete Sections 1, 2, 3, and 4.*

**SECTION 1:**

**Business Name** \_\_\_\_\_ **IS THIS A RENEWAL?**     Yes     No

If the name of your business has changed since last year, please indicate previous name: \_\_\_\_\_

**Proprietor** \_\_\_\_\_ **FEIN No.** \_\_\_\_\_

**Mailing Address** \_\_\_\_\_ **Phone** \_\_\_\_\_

**City** \_\_\_\_\_ **State** \_\_\_\_\_ **Zip Code** \_\_\_\_\_ **County** \_\_\_\_\_

Location (if different from mailing address)

If you are out of business and/or no longer distributing nursery stock check here and return to Plant Industries Division.   

In compliance with the State Code of West Virginia, Chapter 19, Article 12, I (We) hereby apply for the registration(s) listed below:

**SECTION 2:**

**NURSERY DEALER REGISTRATION - \$60.00 REGISTRATION FEE PER DEALERSHIP up to and including five (5) dealerships and eighty dollars (\$80.00) for each dealership thereafter.\* Example: 5 dealerships = \$300.00; 6 dealerships = \$380.00; 7 dealerships = \$460.00.**

If location of outlet differs from mailing address, or if you are applying for multiple nursery dealer registrations, use the reverse side of this form or a separate sheet to list the address/location and county of each dealership in which nursery stock is located:

**State law requires nursery dealers to list source(s) of nursery stock. Please list below.  
APPLICATIONS WITHOUT SOURCES LISTED WILL BE RETURNED FOR COMPLETION.**

Name of Supplier	Address	State
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

If you have more than 5 sources of nursery stock, please use the reverse side of this form or a separate sheet to list the additional sources.

**SECTION 3:**

**NURSERY REGISTRATION & INSPECTION - \$30.00 REGISTRATION FEE\***  
**Please include directions for locating your nursery stock. Please draw a map on the back of this form. If this a renewal and you have not added to your acreage of stock in production, a copy of an old map may be attached.**

Indicate the type(s) and acreage of nursery stock you have in production, and the county in which it is located.

- |   |                                    |  |  |
|---|------------------------------------|--|--|
| <input type="checkbox"/> General Ornamentals  | <input type="checkbox"/> Seedlings | <input type="checkbox"/> Ground Covers | <input type="checkbox"/> Christmas Trees |
| <input type="checkbox"/> Bush Fruits/Brambles | <input type="checkbox"/> Sod       | <input type="checkbox"/> Evergreens    | <input type="checkbox"/> Fruit Trees     |
| <input type="checkbox"/> Gooseberry/Currants  | <input type="checkbox"/> Ash       | <input type="checkbox"/> Barberry**    | Other: _____                             |

Total Acreage in Production \_\_\_\_\_ County in which your nursery stock is grown \_\_\_\_\_

**SECTION 4:**

Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Title: \_\_\_\_\_

\*Make check or money order payable to **West Virginia Department of Agriculture** and return with this application.

If you have any questions or need assistance please call (304) 558-2212 or email [mbrown@ag.state.wv.us](mailto:mbrown@ag.state.wv.us) or [ewing@ag.state.wv.us](mailto:ewing@ag.state.wv.us).

## HOW TO PROPERLY APPLY FOR REGISTRATION

The West Virginia Plant Pest Act (Chapter 19, Article 12 of the Code of West Virginia, as amended) requires the registration of anyone distributing nursery stock. How you register depends on the manner in which you distribute nursery stock. When applying for a Nursery, Nursery Dealer, or Nursery and Nursery Dealer registration, be sure to furnish all the information requested.

**Nursery Registration** – Prior to distribution of nursery stock you have grown from seeds, cuttings, liners, or similar propagative material, you must register as a **Nursery** (also see **Nursery & Nursery Dealer** section below). For your application to be processed, you must: (1) Indicate the type of nursery stock you produce, (2) Show the approximate acreage of nursery stock you actually have in production and, (3) List the county in which your nursery stock is being grown. Give accurate directions or a map for locating all your nursery stock.

**Nursery Dealer** - If you sell or distribute nursery stock you did not grow from seeds, cuttings, liners or similar propagative material, but which was bought, received on consignment, or otherwise acquired, you must register as a **Nursery Dealer**. The \$60.00 registration fee is payable for each outlet or dealership you operate up to and including five (5) dealerships and \$80.00 for each dealership thereafter. For your application to be processed, you must provide the names and addresses of all your sources of nursery stock. This information is required by law and must accompany all nursery dealer applications.

**Nursery and Nursery Dealer** - If you operate a Nursery where you grow nursery stock from seeds, cuttings, liners or similar propagative material **and also** operate a landscape business, garden center or other outlet where you distribute nursery stock obtained from other sources, you must register as both a **Nursery** and a **Nursery Dealer**. For your application to be processed, you need to supply all the information requested in both Nursery and Nursery Dealer sections of this application form and pay the appropriate registration fees (\$30.00 for the nursery registration and \$60.00 for each nursery dealer outlet you operate up to and including five (5) dealerships and \$80.00 for each dealership thereafter).

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### Barberry Sales

Some varieties of Barberry (*Berberis*), Mahonia or Oregon Grape (*Mahonia*) and Mahoberberis (*Mahoberberis*) are capable of harboring the fungus *Puccinia graminis*, which causes Black Stem Rust, a destructive disease of wheat, oats, rye, and other small grains. The federal government and the State of West Virginia have imposed a quarantine which prohibits the introduction, cultivation, propagation, and sale of barberry, mahonia, and mahoberberis determined to be alternate hosts of Black Stem Rust. No restrictions are placed on varieties designated as "immune" or "rust-resistant" by the United States Department of Agriculture (USDA), except that all shipments of rust-resistant barberry, mahonia, and mahoberberis plants, seeds or propagative parts must be plainly labeled as to botanical species or varieties and must show the name and address of the consignee and cosigner.

\*\*If you raise Barberry (*Berberis* sp.) Mahonia (*Mahonia* sp.) or Mahoberberis (*Mahoberberis* sp.) please indicate the manner in which these plants are cultivated: ( ) Grown from seed you collect. ( ) Grown from cuttings you collect from stock plants. ( ) Grown from seeds, cuttings, liners, etc., obtained from other sources.

For a list of *Berberis*, *Mahonia*, or *Mahoberberis* varieties determined to be rust-resistant by the USDA, contact Plant Industries Division.

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### Intrastate Gypsy Moth Quarantine

The West Virginia Gypsy Moth Quarantine regulates the movement of certain articles that pose a significant threat of moving the gypsy moth, *Lymantria dispar* (L.), to the uninfested areas within the state. Among the articles regulated by the quarantine are trees without roots (cut Christmas trees) and both trees and shrubs with roots and persistent woody stems (nursery stock), except if greenhouse grown throughout the year.

Nursery stock and cut Christmas trees may not be moved from a regulated county to an unregulated county within the state unless a certificate or limited permit has been issued and is attached to the regulated article(s) or to the invoice, waybill or other shipping document which accompanies the regulated articles.

Counties regulated by the quarantine include the following: Barbour, Berkeley, Braxton, Brooke, Calhoun, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Jackson, Jefferson, Lewis, Marion, Marshall, Mineral, Monongalia, Monroe, Morgan, Nicholas, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Webster, Wetzell, Wirt, and Wood.

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### Emerald Ash Borer Quarantine

Emerald ash borer (EAB) was detected in Fayette County in October 2007. A state quarantine for Fayette County was enacted on January 2, 2008 and for Morgan County on May 27, 2009. In an attempt to slow the spread of EAB, regulated articles may not be moved from Fayette or Morgan Counties to any other counties within the state (State Quarantine) or outside of the state (Federal Quarantine) unless a certificate or limited permit has been issued and attached to the regulated article. No certificates or limited permits will be issued for hardwood firewood.

Regulated articles include the EAB in any life stage; firewood of all hardwood (non-coniferous) species; ash (*Fraxinus* spp.) nursery stock (ash seedlings/trees); green (non-heat treated) ash lumber; other living, dead, cut, or fallen material of the genus *Fraxinus*, including logs, stumps, roots, branches and composted and uncomposted wood chips; and, any other ash products.

**ASH (*FRAXINUS* SPP.) NURSERY STOCK MAY NOT BE MOVED OUT OF FAYETTE COUNTY OR MORGAN COUNTY, WEST VIRGINIA.**

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PLEASE DRAW MAP TO YOUR NURSERY BELOW