

# Administrative Rule Analysis



## FRUIT TREE SCIONWOOD, UNDERSTOCK, AND NURSERY STOCK

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**Rule Set No.: 2014-031 AC**

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**Department: Agriculture and Rural Development**

**Agency: Pesticide and Plant Pest Management Division**

**Enabling Statute: Insect Pest and Plant Disease Act (Public Act 189 of 1931), MCL 286.223a**

**Analysis Complete to: 07/27/2016**

### BACKGROUND AND SUMMARY OF PROPOSED RULES

The Public Act 189 of 1931 bill title indicates that the act is intended to regulate the sale and distribution of nursery stock, plants, and plant products and to prevent the introduction into and the dissemination within this state of insect pests and plant diseases. Section 23a of the act gives to the director of the Michigan Department of Agriculture and Rural Development (MDARD) authority to promulgate rules to implement the act as provided under the Administrative Procedures Act. The rules governing fruit tree scionwood, underwood, and nursery stock are established under Regulation 619.

Under authority of the Public Act 189, MDARD has established a program to inspect and certify as virus-free nursery stock. The department indicates the purpose of program and the related administrative rules is to provide standards that ensure that Michigan fruit tree growers have documentation and verification that trees are genetically true-to-type and are virus-free. The department indicates that this is a voluntary program; producers participate because inspection and certification facilitates nursery stock sales by Michigan fruit tree producers, in particular to out-of-state buyers. The program is necessary for producers who wish to promote and sell certified products.

The change to the Regulation 619 only affects Rule 22 dealing with nursery stock, scionwood, and understock and seed certification. The rule had made “trueness to name inspection and certification by the *department*” a prerequisite for certification under the rules. The rule was amended to require that finished stock and understock be labeled and certified as true by the *nursery* as a prerequisite for certification. In effect, the change ended MDARD trueness-to-name inspection.

The department indicates that the change will allow participating nursery businesses to self-certify saving time and cost. The department also indicates that the proposed change would better align Michigan’s program with the national voluntary program.

[Note that the terms “Scionwood” and “Understock” used in the rules refer to parts of trees used in the grafting process. The scion is typically the top part of the grafted plant and produces shoots, leaves, flowers, and fruit. The rootstock or understock is lower portion of the plant onto which the scion is grafted.]

## **FISCAL IMPACT OF PROPOSED RULES**

The department indicates that the rule change will have a minimal impact on the department and no impact on local units of government.

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