

## Plant Diseases Act

R.R.O. 1990, REGULATION 924

### GENERAL

Consolidation Period: From September 18, 1992 to the e-Laws currency date.

Last amendment: O. Reg. 563/92.

This is the English version of a bilingual regulation.

### Designation of Plant Diseases

1. The diseases named in the Schedule are designated plant diseases within the meaning of the Act.  
R.R.O. 1990, Reg. 924, s. 1.

### Duties of Provincial Entomologist

2. The Provincial Entomologist shall,

(a) instruct inspectors in methods of controlling or eradicating plant diseases;

(b) assist inspectors by supplying information in respect of plant diseases;

(c) supervise the work of the inspectors; and

(d) carry out the duties prescribed by the Act and this Regulation. R.R.O. 1990, Reg. 924, s. 2.

#### Duties of Inspectors

3. Inspectors shall,

(a) carry out such duties as are assigned to them by the Director and the Provincial Entomologist under the Act and this Regulation; and

(b) report on inspections with respect to the control or eradication of plant diseases to the Director and the Provincial Entomologist. R.R.O. 1990, Reg. 924, s. 3.

#### Licences

4. (1) An application for a licence to operate a nursery or an application for a licence as a dealer in nursery stock shall be made to the Director on a form provided by the Director.

(2) A licence described in subsection (1) expires with the 31st day of December of the year for which the licence is issued. R.R.O. 1990, Reg. 924, s. 4.

#### Establishment of Plant Disease Control Areas

5. (1) One or more persons may petition the Director for the establishment of a plant disease control area for any designated plant disease and the petition shall include,

(a) the defined limits of the area;

(b) the name of the plant disease;

(c) the names and addresses of all owners or occupiers of land within the area; and

(d) the names and addresses of all persons petitioning.

(2) A petition shall be on a form provided by the Director.

(3) On receipt of a petition under subsection (1), the Director shall obtain a report from the Provincial Entomologist or an inspector in respect of the establishment of the plant disease control area petitioned for.

(4) The Director may by order establish the area petitioned for as a plant disease control area with such variations and for such period of time as the Director considers proper.

(5) Where a plant disease control area has been established for a plant disease, every person owning or occupying land within the area shall carry out the provisions of the Act and this Regulation with respect to the control or eradication of the plant disease on the person's land. R.R.O. 1990, Reg. 924, s. 5.

#### Control or Eradication of Plant Diseases

6. (1) No person who operates a nursery shall,

(a) take stock or permit stock to be taken for the purpose of propagation from any tree or shrub infected with a plant disease; or

(b) use or permit to be used stock taken for the purpose of propagation from any tree or shrub infected with a plant disease.

(2) No person who operates a nursery or is a dealer in nursery stock shall sell or permit to be sold nursery stock propagated from stock obtained for purposes of propagation from any tree or shrub infected with a plant disease. R.R.O. 1990, Reg. 924, s. 6.

7. (1) Every person licensed to operate a nursery or to be a dealer in nursery stock may attach to,

(a) any plant; and

(b) where more than one plant is packaged in a box or other container, the box or other container,

a certificate as to the freedom from plant disease of the plant or plants, as the case may be.

(2) Upon the report of an inspector, the Provincial Entomologist may issue the certificate to the licensee. R.R.O. 1990, Reg. 924, s. 7.

#### Apple Maggot

8. Every person who is the owner or occupant of land on which there are apple trees or hawthorn trees in a plant disease control area for apple maggot, or in a municipality having a by-law designating maggot as a plant disease under section 12 of the Act, shall,

(a) spray the trees during the apple growing season in a manner and with such materials as are prescribed by the Director and at such intervals of time, but at least twice during the season, as will ensure destruction of apple maggot; or

(b) cut down and destroy before the 30th day of June all hawthorn trees or apple trees growing on the land. R.R.O. 1990, Reg.924, s. 8.

#### Bacterial Ring Rot

9. (1) Subject to subsection (2), where bacterial ring rot is found in potatoes, the owner or person in possession of the potatoes shall dispose of all potatoes on the premises in the manner set out in subsections (4) and (5),

(a) where the bacterial ring rot is found on or before the 15th day of February, not later than the 15th day of March next following; and

(b) where the bacterial ring rot is found after the 15th day of February, within two weeks of the finding of bacterial ring rot or before the 15th day of March, whichever is the later.

(2) Subsection (1) does not apply to potatoes that are treated before the 15th day of February with maleic hydrazide and that after the treatment show no evidence of sprouting at any time.

(3) Potatoes infected with bacterial ring rot may be disposed of for any purpose other than for seed.

(4) Subject to subsection (5), where in disposing of potatoes infected with bacterial ring rot the potatoes are removed from the premises in bags or other containers, the bags or other containers shall be marked with the words "table potatoes".

(5) Potatoes infected with bacterial ring rot that are in containers not marked with the words "table potatoes" shall be,

(a) used for processing purposes;

(b) fed to livestock;

(c) removed from the premises for the purpose of processing, feeding to livestock or destruction; or

(d) destroyed so that the premises can be disinfected.

(6) The owner or person in possession of premises on which potatoes infected with bacterial ring rot are found shall, after disposal of all potatoes, disinfect,

(a) all warehouses, cellars, bins and other parts of the premises in which the potatoes were handled or stored;

(b) all machinery, other equipment and tools that come into contact with the potatoes;

(c) all parts of vehicles that were used in the transportation of potatoes and that came into contact with the potatoes;

(d) all bags, crates and baskets used in handling or storing the potatoes; and

(e) all potato planters and other equipment and tools used in the planting of the potato crop in which bacterial ring rot was found.

(7) Except with the written permission of an inspector, disinfection under subsection (6) shall be made before any potatoes are brought upon the premises.

(8) Disinfection under subsection (6) shall be made,

(a) in the case of warehouses, cellars, bins and other parts of premises, and crates and baskets, by spraying thoroughly all surfaces with copper sulphate solution prepared by dissolving copper sulphate in water in the proportion of one pound of copper sulphate to ten gallons of water;

(b) in the case of machinery, other equipment, tools and vehicles, by spraying thoroughly or drenching all exposed surfaces thereof with a solution of formalin prepared by mixing formalin with water in the proportion of one pint of formalin to thirty gallons of water; and

(c) in the case of bags, by soaking them for at least two hours in the solution prescribed in clause (b).

(9) No person shall use or permit to be used machinery, other equipment, tools or vehicles that have been in contact with potatoes infected with bacterial ring rot unless the machinery, other equipment, tools or vehicles have been disinfected.

(10) Every person owning or occupying premises where bacterial ring rot is found in potatoes shall, upon the request of an inspector, report the manner of disposal of all potatoes from the premises and, where the potatoes have been disposed of to other persons, the names and addresses of the persons.

(11) No person shall exhibit potatoes infected with bacterial ring rot at any agricultural fair or exhibition.

(12) No person shall store seed-potatoes in any part of a warehouse or other place of storage where potatoes infected with bacterial ring rot were stored unless that part of the warehouse or other place of storage is disinfected before the seed-potatoes are stored.

(13) No dealer shall store seed-potatoes in any warehouse or other place of storage commonly used for potato storage unless the entire space to be used for storage of the seed-potatoes is disinfected before the seed-potatoes are stored or is used only for the storage of seed-potatoes. R.R.O. 1990, Reg. 924, s. 9.

#### Black Knot

10. Every person who is the owner or occupier of land on which there are trees or shrubs in a plant disease control area for black knot, or in a municipality having a by-law designating black knot as a plant disease under section 12 of the Act, shall,

(a) in the case of infestation by black knot on the trunk of a tree, cut out the area of infestation; and

(b) in the case of infestation by black knot on a shrub, or the limb of a tree, cut off the shrub or limb at least four inches below the area of infestation,

and destroy all infested parts of the tree or shrub by burning. R.R.O. 1990, Reg. 924, s. 10.

## Fire Blight and San Jose Scale

11. Every person who operates a nursery or is a dealer in nursery stock shall break down and destroy by burning all plants infected with fire blight or infested with San Jose scale on the person's premises.  
R.R.O. 1990, Reg. 924, s. 11.

## Little Peach, Peach Yellows, X-Disease

12. Every person who is the owner or occupier of land on which there are peach trees shall cut down and destroy by burning all peach trees infested with little peach, peach yellows or X-disease of peach. R.R.O. 1990, Reg. 924, s. 12.

## Schedule

### Item

Common Name

Scientific Name

1.

Apple maggot

*Rhagoletis pomonella* (Walsh)

2.

Bacterial ring rot

*Corynebacterium sependonium* (Spieck. & Kotth.) Skapt. & Burkh.

3.

Black knot

*Dibotryon morbosum* (Schw.) R. & S.

4.

Fire blight

*Erwinia amylovorus* (Burrill) Winslow et al.

5.

Little peach

Little peach virus

6.

Peach yellows

Peach yellows virus

7.

X-disease of peach

X-disease virus

8.

San Jose scale

*Aspidiotus perniciosus* Comst.

9.

Bulb and stem nematode

*Ditylenchus dipsaci* (Kuhn 1857) Filipjev, 1936

R.R.O. 1990, Reg. 924, Sched.

Français