

250-RICR-40-10-2

TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 40 - AGRICULTURE AND RESOURCE MARKETING

SUBCHAPTER 10 - NURSERY AND PLANT HEALTH

PART 2 - Rules and Regulations Governing the Suppression of White Pine Blister Rust

2.1 Purpose

A dangerous and injurious plant disease affecting White Pine and plants of the genus *Ribes*, known as the White Pine Blister Rust, *Cronartium ribicola* Fischer, is present in this State. The suppression and control of this disease is necessitated within the State by eradicating wild and cultivated currants and gooseberries, and by limiting the planting of cultivated currants and gooseberries, the alternate host plants of the disease.

2.2 Authority

These Rules and Regulations are promulgated pursuant to R.I. Gen. Laws Chapter 42-17.1, Environmental Management, R.I. Gen. Laws § 2-17.9-16, and in accordance with R.I. Gen. Laws Chapter 42-35, Administrative Procedures.

2.3 Application

The terms and provisions of these Rules and Regulations shall be liberally construed to permit the Department to effectuate the purposes of State law, goals, and policies.

2.4 Severability

If any provision of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

2.5 Superseded Rules and Regulations

On the effective date of these Rules and Regulations, all previous Rules and Regulations, and any policies regarding the administration and enforcement of R.I. Gen. Laws Chapter 42-35 and R.I. Gen. Laws Chapter 2-17.1, shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or the application filed.

2.6 Regulations

- A. The transportation within the State of Rhode Island or the importation of plants of the genus *Ribes* is hereby prohibited except as permitted by State and Federal Laws and Regulations. Application for permit to import or transport should be sent to the Department of Environmental Management, Division of Agriculture, 235 Promenade St., Providence, RI 02908. Applications must include the number and genus, species, and cultivar, if applicable, of the plants to be imported or transported, the source of the plants, the name, address and telephone number of the person requesting the permit, the street address of the destination of the plants, and the name, address, and telephone number of the owner of the property of the destination of the plants. Applications shall be accompanied by a fee of fifty dollars (\$50.00).
- B. Plants of the genus *Ribes* shall be planted in Rhode Island only after a permit for planting has been obtained from the Rhode Island Department of Environmental Management. Applications must include the number and genus, species, and cultivar, if applicable, of the plants to be planted, the source of the plants, the name, address and telephone number of the person requesting the permit, the street address where the plants will be planted, and the name, address, and telephone number of the owner of the property where the plants will be planted. Applications shall be accompanied by a fee of fifty dollars (\$50.00).
- C. The cultivated black currant (*Ribes nigrum* L.) or any variety of this species is hereby declared to be a public nuisance and it shall be unlawful for any person to possess, transport, plant, propagate, sell or offer for sale, plants, roots, scions, seeds or cuttings of these plants in the State of Rhode Island. Such roots, plants, scions, seeds or cuttings may be destroyed by the Director of the Department of Environmental Management or his agents. The planting of flowering currants (*Ribes aureum* and *Ribes odoratum*) anywhere in the State is also prohibited.
- D. The following towns or parts of towns in the State of Rhode Island have been set aside as White Pine Blister Rust control areas: Burrillville except for the closely built up districts (as defined by Section 1, definition 16 of the Motor Vehicle Laws of Rhode Island, published in 1927) in the village of Pascoag and Harrisville, that part of North Smithfield lying west of the city line of Woonsocket and the State highway known as the Farnum Pike (R-104), Glocester, Foster, Scituate, Coventry, West Greenwich, Goddard Memorial Park in the Town of Warwick and that part of Exeter lying west of the State highway known as Nooseneck Hill Road (R-1A) and the possession and planting of all plants, roots, scions, seeds or cuttings of the genus *Ribes* in these areas prohibited.
- E. Any person violating provisions of these regulations shall be fined not exceeding one hundred dollars (\$100.00) as provided in R.I. Gen. Laws § 2-17-15.

- F. Outside of the areas mentioned in § 2.6(D) of this Part, any stands of five-leafed pines comprising one acre or more in extent may also be declared white pine blister rust control areas and possession and planting of plants, roots, scions, seeds or cuttings of the genus *Ribes* within 900 feet of such areas will be prohibited, if in the discretion of the Director, safeguarding of the white pine stand is more important than continued permission to grow *Ribes* within the said area. Nurseries growing five-leafed pine as nursery stock may safeguard this stock by applying to the Rhode Island Department of Environmental Management to have the nursery set aside as a white pine blister rust control area. Each such application must be considered on its own merits and no general regulation covering all cases can be issued.

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