330 CMR: DEPARTMENT OF AGRICULTURAL RESOURCES

330 CMR 9.00: PLANT QUARANTINES

Section

9.01: Purpose
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9.03: Currant and Gooseberry Quarantine
9.04: Revocation of Licenses or Certificates

9.01: Purpose

The purpose of 330 CMR 9.00 is to prevent the spread of white pine blister rust, Cronartium ribicola, a disease affecting white pine trees.

9.02: Black Currant Quarantine

No person shall transport into or within the Commonwealth any black currant (Ribes nigrum) plant, root, scion, seed or cutting. This prohibition shall not apply to the transport, delivery, or possession of the fruit of black currant for the sole purpose of processing the fruit. In no event, however, shall the fruit of black currant be transported, delivered, or used for the purpose of extracting seed for planting.

9.03: Currant and Gooseberry Quarantine

(1) No person shall transport into or within the Commonwealth any currant or gooseberry (Ribes spp.) plant, root, scion, seed or cutting unless a control area permit has been issued by the Department of Agricultural Resources. This prohibition shall not apply to the transport, delivery, or possession of the fruit of any currant or gooseberry for the sole purpose of processing the fruit. In no event, however, shall the fruit of red currants or gooseberries be transported, delivered, or used for the purpose of extracting seed for planting.

(2) Control area permits will not be issued for any shipment with a destination in any of the following municipalities:

Acton  Cummington  Haverhill  Newburyport
Alford  Deerfield  Hawley  Norfolk
Amesbury  Dover  Heath  North Andover
Andover  Dracut  Hubbardston  North Reading
Ashburnham  Dunstable  Huntington  Northfield
Ashby  Duxbury  Ipswich  Norton
Ashfield  East Bridgewater  Kingston  Norwell
Athol  Easton  Lakeville  Orange
Ayer  Egremont  Lancaster  Otis
Barre  Erving  Lee  Pembroke
Becket  Essex  Lenox  Peperell
Berkley  Foxboro  Leverett  Petersham
Bernardston  Freetown  Leyden  Phillipston
Billerica  Gardner  Littleton  Plainfield
Blandford  Georgetown  Manchester  Plymouth
Bolton  Gill  Mansfield  Plympton
Boxboro  Gloucester  Marshfield  Princeton
Boxford  Goschen  Medfield  Raynham
Bridgewater  Granville  Merrimac  Rochester
Buckland  Great Barrington  Methuen  Rowley
Canton  Greenfield  Middleboro  Royalston
Carlisle  Groton  Middlefield  Salisbury
Carver  Groveland  Middletown  Sandisfield
Charlemont  Halifax  Millis  Sharon
Chelmsford  Hamilton  Montague  Sheffield
Chester  Hanover  Monterey  Shelburne
Chesterfield  Hanson  New Marlboro  Shirley
Colrain  Hardwick  New Salem  Shutesbury
Conway  Harvard  Newbury  Southampton

(MA REG. # 1324, Dated 10-21-16)
9.03: continued

Stockbridge  Tolland  Warwick  Westminster
Stoughton  Topsfield  Wendell  Whately
Stow  Townsend  Wenham  Williamsburg
Sunderland  Tyngsboro  West Bridgewater  Wilmington
Taunton  Tyringham  West Newbury  Winchendon
Templeton  Walpole  Westford  Worthington
Tewksbury  Wareham  Westhampton  Wrentham

(3) If necessary, the Department of Agricultural Resources, in its sole discretion, shall amend this list following a review, which at a minimum shall occur every ten years. This review shall include, but not be limited to: consultation with the Department of Conservation and Recreation to determine whether the impact to significant stands of white pine (*Pinus strobus*) has changed; any mutations or other changes in the white pine blister rust fungus (*Cronartium ribicola*) that infects both currants and white pine; availability of rust-resistant varieties, cultivars, or hybrids of currants (*Ribes spp.*).

9.04: Revocation of Licenses or Certificates

The Department of Agricultural Resources, through its Commissioner or his or her designee (Commissioner), shall at any time have the power to withhold, suspend or revoke any Agent’s License or Grower’s Certificate for sufficient cause. Before withholding, suspending or revoking any License or Certificate, the Commissioner shall give written notice of a scheduled hearing, which shall be held under the informal rules of adjudicatory proceedings pursuant to M.G.L. c. 30A, to the applicant for, or holder of, such License or Certificate and give reasons for the intended adverse action. Said notice shall appoint a time of hearing before the Commissioner and shall be sent by registered or certified mail to the applicant for, or holder of, such License or Certificate. At the hearing, the applicant for, or the holder of, such License or Certificate may present evidence to the Commissioner. After hearing all the testimony, the Commissioner shall make a just and proper determination on withholding, suspending and/or revoking a License or Certificate.

REGULATORY AUTHORITY

330 CMR 9.00: M.G.L. c. 128, § 27.

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