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	<b>EFFECTIVE DATE</b> <b>October 27, 2008</b> <b>(2<sup>nd</sup> revision)</b>
<b>TITLE:</b> Plant protection import and domestic movement requirements for barberry ( <i>Berberis</i> , <i>Mahoberberis</i> and <i>Mahonia</i> spp.) under the Canadian Barberry Certification Program	

**SUBJECT:**

This directive describes the Canadian Barberry Certification Program (CBCP), a set of phytosanitary requirements relating to the import, as well as to the domestic movement, sale and propagation, of barberry plants (*Berberis*, *Mahoberberis* or *Mahonia*), which may act as alternate hosts of black stem rust disease, *Puccinia graminis* Pers.

*This directive has been revised in order to clarify and streamline some of the requirements. The content of this directive has not changed significantly.*

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**Review**

This directive will be reviewed every three years unless otherwise needed. The next review date for this directive is October 27, 2011. The contact for this directive is Joanne Rousson. For further information or clarification, please contact the Canadian Food Inspection Agency (CFIA).

**Endorsement**

Approved by:

\_\_\_\_\_  
Chief Plant Health Officer

**Amendment Record**

Amendments to this directive will be dated and distributed as outlined in the distribution below.

**Distribution**

1. Directive mail list (Regions, PHRA, USDA)
2. Provincial Government, Industry (via Regions)
3. National Industry Organizations (determined by Author)
4. Internet

**Introduction**

The importation and domestic movement of barberry (including *Berberis*, *Mahoberberis* and *Mahonia* spp.) is regulated by the CFIA as a measure to control black stem rust in Canada. Black stem rust of cereals and grasses is caused by the fungus *Puccinia graminis* Pers. and is widespread worldwide wherever cereals are grown. The spores of the stem rust pathogen may be spread by wind over long distances. The disease can cause major crop loss in wheat and oat, and significant loss in barley and rye. It can also make forage grasses less palatable and even toxic to cattle.

In addition to cereals and grasses, *Puccinia graminis* completes part of its life cycle on alternate hosts, especially barberry plants such as *Berberis vulgaris* L. and *B. canadensis* Mill, as well as certain species of *Mahonia* and *Mahoberberis*. Without these alternate hosts, the fungus only survives year-round in warmer regions, such as the southern United States (U.S.). The presence of susceptible barberry plants in close proximity to fields of cereals can lead to localized epidemics of stem rust. It can also lead to the development of new and more virulent races of the pathogen to which current cultivars of cereal crops may have little or no resistance.

Federal and provincial eradication programs for susceptible barberry species have been undertaken at different times in the past. These eradication programs were unsuccessful as a suppression tactic and did not completely eradicate all black stem rust-susceptible barberry plants. Consequently, rust-susceptible barberry plants continue to be regulated at all government levels. As examples, some provinces, notably Quebec, Ontario, Manitoba, Saskatchewan, and Alberta have designated the common barberry, *B. vulgaris*, a noxious weed. This designation gives these provinces the authority to order the eradication of susceptible barberry when found.

The *Plant Protection Regulations* prohibit the importation and domestic movement of all species and cultivars of barberry (including hybrids and cultivars of the Japanese barberry [*B. thunbergii*]), unless they have been demonstrated to be resistant to stem rust. In the U.S., testing of barberry stocks for resistance to stem rust is conducted by the Cereal Rust Laboratory of the U.S. Department of Agriculture (USDA), University of Minnesota, St. Paul, MN. Their capability and experience in testing barberry stock are recognized by Canadian scientists. Black stem rust-resistant cultivars of *B. thunbergii*, tested and approved by the above-mentioned laboratories, have been permitted to be sold commercially, with some restrictions, to the U.S. public for more than 30 years. Since the first commercial release of these black stem rust-resistant *B. thunbergii* cultivars in the early 1970s, there have been no reports of black stem rust disease in the U.S. on these approved cultivars.

The requirements presented in this directive together make up the Canadian Barberry Certification Program (CBCP), which specifies the conditions under which barberry material may be imported into Canada from the U.S., or may be propagated, transported or sold in Canada. Included are the requirements for certain evergreen species of *Berberis* (other than *B. thunbergii*), *Mahoberberis* and *Mahonia* that are considered resistant to black stem rust. Also included are the requirements for the eleven deciduous cultivars of *B. thunbergii* considered by the CFIA to be rust-resistant. As *B. thunbergii* cultivars pose a higher phytosanitary risk due to identification difficulties when they are in their dormant state, *B. thunbergii* plants are subject to more stringent requirements than other types of barberry. In particular, this directive presents the requirements for Canadian nurseries wishing to propagate *B. thunbergii*.

**NOTE:** The *Plant Protection Regulations* prohibit the importation and domestic movement of all *Rhamnus* sp., the alternate host to crown rust of oats, *Puccinia coronata*.

**NOTE:** For the purpose of this directive, a “nursery” includes any importer, exporter, wholesaler, propagator and seller of barberry plants.

### Scope

This directive is intended for the use of industry staff, CFIA inspectors, the Canada Border Services Agency (CBSA), and National Plant Protection Organizations. It outlines the requirements and inspection procedures for the importation of eligible barberry plants.

## References

This directive supersedes: D-90-5, dated January 2, 1990; Permit Letter L5, dated April 6, 1991; and D-01-04 (1<sup>st</sup> Revision).

## Definitions, abbreviations and acronyms

Definitions for terms used in the present document can be found in the Plant Health Glossary of Terms at [www.inspection.gc.ca/english/plaveg/protect/dir/glosterme.shtml](http://www.inspection.gc.ca/english/plaveg/protect/dir/glosterme.shtml).

**Note:** The term “plant” includes parts of plants.

### 1.0 General requirements

#### 1.1 Legislative authority

*The Plant Protection Act S.C. 1990, c.22*

*The Plant Protection Regulations SOR/95-212*

*Canadian Food Inspection Agency Fees Notice, Canada Gazette, Part 1 05/13/2000*

#### 1.2 Fees

The CFIA charges fees in accordance with the *Plant Protection Cost Recovery Fees Order*. For information regarding fees associated with imported product, please contact the Import Service Centres (ISC) at the following phone numbers: Eastern ISC 1-877-493-0468; Central ISC 1-800-835-4486; Western ISC 1-888-732-6222. Anyone requiring other information regarding fees may contact any local CFIA office or visit our Fees Notice Web Site at <http://www.inspection.gc.ca/english/reg/cfiaacia/feesfrais/feesfraise.shtml>.

#### 1.3 Regulated pests

*Puccinia graminis* Pers., black stem rust of wheat, barley, oat and rye.

#### 1.4 Regulated commodities

Plants and plant material (including seeds) of:

*Berberis* spp.

*Mahoberberis* spp.

*Mahonia* spp.

See Appendix 1 for species of *Berberis*, *Mahoberberis*, and *Mahonia* which are not host to black stem rust.

See Appendix 2 for cultivars of *Berberis thunbergii* which are considered to be resistant and therefore possess qualities that prevent the development of black stem rust.

## 1.5 Regulated areas

All areas of Canada and the continental U.S. (importation of barberry from elsewhere is currently prohibited [see Section 2.1 for details]).

## 2.0 Specific requirements

### 2.1 Prohibitions

Plants and plant material of barberry (including seed) of all species, hybrids or horticultural varieties not listed in Appendix 1 or Appendix 2 are prohibited entry into as well as movement, sale and propagation within Canada.

Importation of barberry from any area other than continental U.S. is currently prohibited; interested importers from these areas may however apply to the CFIA for approval. The approval process may require the completion of a Pest Risk Assessment by the CFIA. The Pest Risk Assessment will evaluate the plant health risk posed by the commodity as a potential weed or invasive species as well as by any pests and diseases potentially associated with the commodity (including bacteria, phytoplasmas, fungi, viruses, nematodes, insects, mites, molluscs and weeds).

### 2.2 Special exemptions

Prohibited plants and plant material (including seed) of *Berberis*, *Mahoberberis*, and *Mahonia* spp. to be imported for scientific research, or for educational, processing, industrial or exhibition purposes, may be issued special Permits to Import under the provisions of Section 43 of the *Plant Protection Regulations*. Specific conditions of entry will be stated on the Permit to Import.

### 2.3 Requirements for *Berberis* (other than *B. thunbergii*), *Mahoberberis*, and *Mahonia* spp.

The species, hybrids and horticultural varieties of *Berberis*, *Mahoberberis* and *Mahonia* spp. listed in Appendix 1 are considered to be resistant to all races of *Puccinia graminis*. Only these may be imported into and moved within Canada.

#### 2.3.1 Import from the U.S.

A Permit to Import is required. A Phytosanitary Certificate issued by the United States National Plant Protection Organization (NPPO) is required. The certificate must state the genus and species of all plants in the shipment. Please note that other restrictions (e.g., with respect to soil) may apply, depending on the place of origin.

### **2.3.2 Movement and sale within Canada**

Any plants and/or containers of plants being propagated, transported or sold in Canada must be labelled or tagged with the botanical (genus and species) name of the plant.

## **2.4 Requirements for *Berberis thunbergii* (Japanese barberry)**

### **2.4.1 General requirements for all *B. thunbergii* plants imported to Canada from the U.S., or transported, sold or propagated in Canada**

#### **2.4.1.1 Permitted cultivars**

As *B. thunbergii* (Japanese barberry) poses a particularly high phytosanitary risk, only those cultivars that have been tested as highly resistant to black stem rust may be imported into Canada from the U.S., or may be moved, sold or propagated within Canada. Appendix 2 provides the list of these resistant cultivars.

#### **2.4.1.2 Labelling of plants**

All *B. thunbergii* plants imported to Canada from the U.S., or moved, sold or propagated within Canada, must be labelled with the botanical (genus and species) and cultivar name and the appropriate identification code. This identification code includes the country of origin, the state or province of propagation, the year of propagation, the two-letter identification code of the nursery of propagation and, for nurseries with fields that are geographically separated from each other, the field of propagation (for example, US.MT.99.BL.XX or CA.ON.01.HN).

For U.S. nurseries, the USDA will need to ensure that a two-letter identification code is assigned to each approved nursery (see Section 2.4.2 for details). For nurseries in Canada, the nursery code is attributed by the CFIA (see Section 2.4.3.1 for details).

#### **2.4.1.3 Documentation and records**

The following requirements apply to both U.S. nurseries exporting *B. thunbergii* plants to Canada and to Canadian nurseries propagating or distributing *B. thunbergii* plants.

Nurseries propagating, obtaining, selling or distributing *B. thunbergii* must keep records of receipt, distribution and sale. In combination with labelling practices, these records must be sufficient to determine the distribution of plants within Canada and allow traceback of plants to the nursery of propagation in Canada or the U.S.

The approved grower must keep:

1. Invoices, including the arrival date and identification code of any parent plants (imported or domestic);

2. Accurate records of field and nursery row planting, information indicating the cultivar name and the quantities planted, as well as the identification codes assigned to the propagated plants;
3. A map indicating the location of the imported or propagated blocks within the nursery facility; and
4. Records of production, sales and distributions of the plants produced with their identification codes.

Records must be kept for five years. The CFIA may request access to records at any time.

Sales to individual consumers are exempt from the requirements in this section.

#### **2.4.1.4 Inspection by the CFIA**

At the time of import, or prior to distribution or sale, plants are subject to inspection by the CFIA in order to ensure that they belong to the approved cultivars and are true to type (i.e., match described botanical characteristics). Plants confirmed to be off-type must be destroyed or, in the case of imported plants, may be returned to origin. Identification may involve multiple growing seasons as identity keys are based on mature plants.

#### **2.4.2 Additional requirements for plants imported from the U.S.**

American nurseries interested in exporting *B. thunbergii* plants to Canada should contact the Animal and Plant Health Inspection Services (APHIS) of the U.S. Department of Agriculture (USDA). In order to approve a nursery, the USDA will need to verify that the facility can comply with the following requirements:

- *B. thunbergii* plants must be produced from approved parent plants through vegetative cuttings or tissue culture only.
- *B. thunbergii* plants must be labelled as specified in Section 2.4.1.2 at the time of entry into Canada. The USDA will need to ensure that each nursery is attributed an identification code.
- Detailed records must be kept as specified in Section 2.4.1.3.

Records, in combination with labelling, should be sufficient to allow determination of the distribution of plants within Canada and traceback of plants to the nursery of production in the U.S.

The USDA will provide a list of all approved nurseries, including nursery identification codes, to the CFIA and will communicate amendments to the list as they occur.

The CFIA reserves the right to audit production practices at any nursery producing *B. thunbergii* plants for export to Canada. Audits may include site visits.

A Permit to Import issued under the *Plant Protection Regulations* is required. Permit conditions are listed in Appendix 3.

A Phytosanitary Certificate issued by the U.S. NPPO is required. It must state the nursery of origin as well as the botanical (genus and species) and cultivar names of all *B. thunbergii* plants in the shipment.

If an importer is notified that the imported plants must be inspected by the CFIA, the plants cannot be sold, distributed or propagated until the inspection is completed to the satisfaction of the CFIA. See Section 3.0 for details regarding the inspection procedure.

Please note that additional restrictions (e.g., with respect to soil) may apply, depending on the place of origin.

### **2.4.3 Additional requirements regarding propagation of *B. thunbergii* in Canada**

#### **2.4.3.1 Approval of nurseries by the CFIA to produce *B. thunbergii***

In order to produce *B. thunbergii*, a Canadian nursery owner must apply to the CFIA using the application form shown in Appendix 4. By completing the form, the nursery indicates that it is willing and able to comply with the terms and conditions of the CBCP (i.e., the conditions specified in this directive).

The completed form and the management plan (including a map of the nursery) describing how the conditions of the CBCP will be incorporated into the nursery's operation are to be submitted to the local office of the CFIA. Once a CFIA Program Officer has determined that the applicant meets the requirements of the CBCP, the application form will be signed by the Program Officer.

At the time of approval, the CFIA will assign a two-letter nursery identification code to be used when labelling plants.

The approved nursery must keep a copy of the signed and approved Appendix 4 on file. Nurseries approved under the CBCP must keep their CBCP management plan up to date and must inform the local office of the CFIA of any changes to their operations with respect to the program.

The CFIA will maintain a list of nurseries approved under the CBCP.

#### **2.4.3.2 Propagation**

As stated in Section 2.4.1, only the cultivars of *B. thunbergii* listed in Appendix 2 may be propagated within Canada.

Any *B. thunbergii* propagative plants to be used must originate within the nursery or from another nursery approved by the CFIA to produce *B. thunbergii*.

*B. thunbergii* plants must be propagated from approved parent plants from vegetative cuttings or through tissue culture only.

#### **2.4.3.3 Plant management**

Plants must be grown in blocks and separated from other cultivars. The location of plants or blocks of plants must be clearly identified on the nursery map (see Section 2.4.3.1).

No wild or non-approved barberry plants may be present at the nursery property. No black stem rust susceptible plants are permitted at the nursery.

#### **2.4.3.4 Labelling of plants**

All plants must be labelled with the botanical (genus and species) and cultivar name and the appropriate identification code, as specified in Section 2.4.1.2.

#### **2.4.3.5 Documentation and records**

Nurseries must keep detailed records as specified in Section 2.4.1.3. In combination with labelling practices, these records must be sufficient to determine the distribution of plants within Canada and allow traceback of plants to the nursery of production in Canada or the U.S.

#### **2.4.3.6 Inspection by the CFIA**

All plant plants must be inspected by the CFIA prior to distribution or sale as specified in Section 2.4.1.4.

### **3.0 Instructions to CFIA staff**

#### **3.1 Inspection of shipments imported from the U.S.**

##### **3.1.1 *Berberis* (other than *B. thunbergii*), *Mahoberberis*, and *Mahonia* spp.**

All shipments of barberry may be subject to inspection by a CFIA inspector.

A valid Permit to Import and Phytosanitary Certificate must be verified prior to release of the plants to the importer. Inspectors must ensure that all conditions of the Permit to Import are met.

### **3.1.2. *B. thunbergii***

#### **3.1.2.1 Document verification**

A valid Permit to Import and Phytosanitary Certificate must be verified prior to release of the plants to the importer. Inspectors must ensure that all conditions of the Permit to Import are met.

All plants must be labelled per Section 2.4.1.2.

#### **3.1.2.2 Product examination**

All shipments of *B. thunbergii* may be subject to inspection by a CFIA inspector.

CFIA inspection will include verification to cultivar. If the plants cannot be identified due to dormancy, juvenile foliage or other circumstances, it may be held under Notice of Quarantine (Section 11, *Plant Protection Regulations*, form CFIA/ACIA 0106) at the importer's premises for inspection at a later date. Plants being held pending cultivar verification may not be moved, sold or used for propagation until the verification is complete and the plants are approved by a CFIA inspector. Release from quarantine must be carried out using the Notice of Release from Quarantine (form CFIA/ACIA 0109).

Cultivar approval will be indicated using the Inspector's Report - Plant Protection Program (form CFIA/ACIA 1337), noting the cultivar identity(ies), identification code(s) and volume(s) approved for distribution and sale along with reference to the import documents.

### **3.2 Approval of Canadian nurseries to produce *B. thunbergii***

#### **3.2.1 Initial application**

Upon receipt of the completed and signed Appendix 4 and the required management plan, the Program Officer responsible for the local administration of the CBCP will assess the applicant's ability to meet the requirements of the program. All elements of the Program Checklist in Appendix 5 are to be assessed. The elements of the CBCP should be in place (e.g., no rust-susceptible or non-approved barberry on the premises) or the applicant should have demonstrated the ability to put the elements into place.

If there are no impediments to meeting all CBCP requirements, the officer will sign the application, assign the two-letter nursery code and return the application to the nursery. When assigning the nursery code, the Program Officer will ensure that there is no duplication within the province of production and preferably no duplication in Canada.

The Program Officer will ensure that the approved nursery is included in the national list of nurseries approved under the CBCP. This list will be available to Plant Health staff through the CFIA Intranet.

### 3.2.2 Annual inspection

There will be at least one systems inspection and one surveillance inspection annually. The inspections will be conducted at different times during the growing season to allow for the seasonal variation in growth habit. Plants confirmed to be off-type will be ordered destroyed.

The systems inspection will assess all elements of the Program Checklist in Appendix 5 for compliance.

The surveillance inspection will evaluate the identity of the plants being propagated at the nursery and will survey the nursery for the presence of non-approved *B. thunbergii* cultivars. Individual elements of Appendix 5 may be evaluated as needed.

### 3.2.3 Approval for distribution

The verification of cultivar identity required prior to distribution and sale of propagated *B. thunbergii* may take place at either of the annual inspections or by specific request of the nursery. In the event that the CFIA is unable to verify the identity of the cultivar, distribution will not be permitted.

Upon successful cultivar identification, the CFIA inspector will issue the Inspector's Report - Plant Protection Program (form CFIA/ACIA 1337), noting the cultivar identity(ies), identification code(s) and volume(s) approved for distribution and sale. The Inspector's Report will be kept in the CFIA's files and a copy will be provided to the CBCP member to keep in their records.

## 3.3 Assistance for verification of identity

In case of doubt regarding the true identity of a cultivar, the plants will be held under Notice of Quarantine (Section 11, *Plant Protection Regulations*) pending confirmation of the cultivar's identity. CFIA staff requiring assistance in determining cultivar identification may send samples to CFIA's Seed Science Unit at the Ottawa Plant Laboratories (Floor 2, 3851 Fallowfield Road, P.O. Box 11300, Ottawa, ON, K2H 8P9).

## 4.0 Non-compliance

### 4.1 General measures

Barberry plants (including *B. thunbergii*) not meeting the requirements of this directive may be ordered removed, destroyed or returned to origin by the CFIA at the grower's or importer's expense, as appropriate. The CFIA may also cancel Permits to Import for any U.S. nursery not complying with the conditions of this directive.

## 4.2 Non-compliances regarding production of *B. thunbergii* in Canada

Elements of the CBCP regarding production of *B. thunbergii* in Canada that are evaluated as not in compliance during an inspection (including the annual systems or surveillance inspections) must be corrected within two weeks of detection. If the non-compliance is not rectified within two weeks, the non-compliant nursery will be removed from the list of nurseries approved under the CBCP. CFIA staff may prohibit the distribution and sale of *B. thunbergii* plants until the non-compliance is corrected.

The CBCP does not limit the regulatory actions which may be taken in response to violations of the *Plant Protection Act*.

## 5.0 Other requirements

The importation and domestic movement of seeds of barberry is also subject to the *Seeds Act* and *Regulations*. The establishment of barberry is further subject to provincial Weed Acts and Regulations.

Importers who wish to know more about these acts and regulations may contact any local office of the CFIA or access the CFIA's web site at [www.inspection.gc.ca](http://www.inspection.gc.ca).

## 6.0 Appendices

- Appendix 1: Species of *Berberis*, *Mahoberberis* and *Mahonia* which are exempt from prohibition
- Appendix 2: Resistant cultivars of Japanese barberry (*Berberis thunbergii*) which may be imported into or moved within Canada
- Appendix 3: Permit conditions for importation of Japanese barberry (*Berberis thunbergii*) into Canada
- Appendix 4: Application for approval to produce Japanese barberry (*Berberis thunbergii*) under the Canadian Barberry Certification Program (CBCP)
- Appendix 5: Program Checklist for Canadian nurseries producing Japanese barberry (*Berberis thunbergii*) under the Canadian Barberry Certification Program (CBCP)
- Appendix 6: U.S. nurseries approved by the USDA and the CFIA to export Japanese barberry (*Berberis thunbergii*) to Canada

## Appendix 1

**Species of *Berberis*, *Mahoberberis*, and *Mahonia* which are exempt from prohibition**

The following species are permitted entry to and distribution within Canada as they are not hosts of black stem rust (*Puccinia graminis*).

**Note:** This list does not include any deciduous species.

***Berberis****B. buxifolia**B. candidula**B. chenaultii**B. darwinii**B. x gladwynensis**B. insignis**B. julianae**B. linearifolia**B. lologensis**B. replicata**B. sargentiana**B. stenophylla**B. taliensis**B. verruculosa****Mahoberberis****M. aquicandidula**M. aquisargentii**M. miethkeana****Mahonia****M. aquifolium* (syn. *Berberis aquifolium*)*M. atropurpurea**M. bealei**M. compacta**M. dictyota**M. fortunei**M. japonica**M. lomariifolia**M. nervosa**M. pinnata**M. piperiana**M. pumilia**M. repens*

## Appendix 2

**Resistant cultivars of Japanese Barberry (*Berberis thunbergii*) which may be imported into or moved within Canada**

Testing of *Berberis thunbergii* (Japanese barberry) stocks for resistance to stem rust is conducted by the Cereal Rust Laboratory of the U.S. Department of Agriculture (USDA), at the University of Minnesota, St. Paul, MN. Their testing expertise is recognized by Canadian scientists and the results of their tests for these cultivars are accepted by the CFIA's Plant Health Division.

As there is some disparity in the naming conventions for *B. thunbergii* between legislation in Canada and the U.S. and the terms in use by the nursery industry, this table is intended to assist CFIA staff in assessing the admissibility of plants which may have slight variations in nomenclature on import documents. As industry names may change without notice, however, the required nomenclature for official documents is the scientific name in combination with the cultivar name. The official name in Canada is that indicated in the first column, headed "Canada".

**Note:** All the cultivars in this list are deciduous.

**CULTIVAR NAME**

<b>Canada</b>	<b>U.S.</b>	<b>Industry</b>
<i>Plant Protection Regulations</i> , Schedule I	Federal Register, 7 CFR Part 301	
<i>B. thunbergii</i> Aurea Nana	<i>B. thunbergii</i> "Aurea Nana"	Aurea Nana Barberry
<i>B. thunbergii</i> "Monomb" Cherry Bomb	<i>B. thunbergii</i> "Monomb"	Cherry Bomb® Barberry
<i>B. thunbergii</i> Concorde	<i>B. thunbergii</i> "Concorde"	Concorde Barberry
<i>B. thunbergii</i> "Tara" Emerald Carousel	<i>B. koreana</i> X <i>B. thunbergii</i> hybrid "Tara" or <i>B. thunbergii</i> x "Tara" (Emerald Carousel®)	<i>Berberis</i> "Tara", or Emerald Carousel® Barberry
<i>B. thunbergii</i> "Monlers" Golden Nugget	<i>B. thunbergii</i> "Monlers"	Golden Nugget™ Barberry
<i>B. thunbergii</i> "Bailgreen" Jade Carousel	<i>B. thunbergii</i> "Bail Green" (Jade Carousel™)	<i>B. thunbergii</i> "Bailgreen", or Jade Carousel® Barberry
<i>B. thunbergii</i> Rose Glow	<i>B. thunbergii atropurpurea</i> "Rose Glow"	<i>B. thunbergii</i> "Rose Glow" or Rose Glow Barberry

Canada	U.S.	Industry
<i>Plant Protection Regulations, Schedule I</i>	Federal Register, 7 CFR Part 301	
<i>B. thunbergii</i> “Gentry” Royal Burgundy	<i>B. thunbergii</i> “Royal Burgundy”	<i>B. thunbergii</i> “Gentry”, or Royal Burgundy® Barberry, or <i>B. thunbergii</i> “Gentry Cultivar”
<i>B. thunbergii</i> Royal Cloak	<i>B. thunbergii</i> “Royal Cloak”	Royal Cloak Barberry
<i>B. thunbergii</i> “Bailone” Ruby Carousel	<i>B. thunbergii</i> “Bailone”	Ruby Carousel® Barberry
<i>B. thunbergii</i> “Monry” Sunsation	<i>B. thunbergii</i> “Monry”	Sunsation® Barberry

## Appendix 3

**Permit Conditions for importation of Japanese Barberry (*Berberis Thunbergii*) into Canada**

The following conditions summarize the information presented in CFIA's *D-01-04: Plant protection import and domestic movement requirements for barberry (Berberis, Mahoberberis and Mahonia spp.) under the Canadian Barberry Certification Program*. For more information, consult the full text of the directive at <http://www.inspection.gc.ca/english/plaveg/protect/dir/d-01-04e.shtml>.

1. Only those cultivars of *Berberis thunbergii* listed in Appendix 2 of D-01-04 may be imported into Canada.
2. *B. thunbergii* plants may originate only from nurseries approved by the USDA and the CFIA to produce *B. thunbergii* for export to Canada. See Appendix 6 of D-01-04 for a list of approved nurseries.
3. *B. thunbergii* plants must be produced from approved parent plants through vegetative cuttings or tissue culture only.
4. A Phytosanitary Certificate issued by the U.S. National Plant Protection Organization is required. It must state the nursery of origin as well as the botanical (genus and species) and cultivar names of all *B. thunbergii* plants in the shipment.
5. *B. thunbergii* plants must be labelled with the botanical (genus and species) and cultivar name and the appropriate identification code. This identification code includes the country of origin, the state or province of propagation, the year of propagation, the two-letter identification code of the nursery of propagation and, for nurseries with fields that are geographically separated from each other, the field of propagation (for example, US.MT.99.BL.XX or CA.ON.01.HN).
6. Nurseries propagating, obtaining, selling or distributing *B. thunbergii* must keep detailed records as specified in Section 2.4.1.3 of D-01-04. In combination with labelling practices, these records must be sufficient to determine the distribution of plants within Canada and allow traceback of plants to the nursery of propagation in Canada or the U.S.
7. If an importer is notified that the imported plants must be inspected by the CFIA, the plants cannot be sold, distributed or propagated until the inspection is completed to the satisfaction of the CFIA. Inspection includes ensuring that the plants belong to the approved cultivars and are true to type (i.e., match described botanical characteristics). Plants confirmed to be off-type must be destroyed or returned to origin. Identification may involve multiple growing seasons as identity keys are based on mature plants.
8. Persons intending to propagate *B. thunbergii* in Canada must obtain approval from the CFIA under the Canadian Barberry Certification Program.

## Appendix 4

**Application for approval to produce Japanese Barberry (*Berberis Thunbergii*) under the Canadian Barberry Certification Program (CBCP)**

**Notes:** This application form is only for the use of Canadian nurseries. American nurseries should contact the USDA for more information on producing *B. thunbergii* plants for export to Canada.

This document summarizes the information presented in CFIA's *D-01-04: Plant protection import and domestic movement requirements for barberry (Berberis, Mahoberberis and Mahonia spp.) under the Canadian Barberry Certification Program*. For more information, consult the full text of the directive at <http://www.inspection.gc.ca/english/plaveg/protect/dir/d-01-04e.shtml>.

**Name of nursery:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_ **E-mail:** \_\_\_\_\_

**Conditions for propagating Japanese barberry (*Berberis thunbergii*) under the Canadian Barberry Certification Program (CBCP):**

1. Along with this application, the nursery will submit a management plan describing how the conditions listed below will be met and incorporated into their operation. Once approved under the CBCP, the nursery must keep their CBCP management plan up to date and must inform the local office of the CFIA of any changes to their operations with respect to the CBCP. The approved nursery must keep a copy of the signed and approved Appendix 4 on file.
2. Only the species, hybrids, varieties and cultivars of barberry specified in Appendices 1 and 2 of D-01-04 may be present on the nursery property. No plants susceptible to black stem rust are permitted.
3. *B. thunbergii* propagative plants must originate within the nursery, from another Canadian nursery approved under the CBCP, or from an American nursery approved by the USDA and the CFIA to produce *B. thunbergii* plants for export to Canada.
4. *B. thunbergii* plants must be propagated from approved parent plants from vegetative cuttings or through tissue culture only.

5. Plants must be grown in blocks and separated from other cultivars. The location of plants or blocks of plants must be clearly identified on the nursery map included in the CBCP management plan.
6. *B. thunbergii* plants must be labelled with the botanical (genus and species) and cultivar name and the appropriate identification code. This identification code includes the country of origin, the state or province of propagation, the year of propagation, the two-letter identification code of the nursery of propagation and, for nurseries with fields that are geographically separated from each other, the field of propagation (for example, US.MT.99.BL.XX or CA.ON.01.HN).
7. Prior to distribution or sale, propagated *B. thunbergii* plants are subject to inspection by the CFIA at the approved nursery to ensure that they belong to the approved cultivars and are true to type (i.e., match described botanical characteristics). Plants confirmed to be off-type plants must be destroyed. Identification may involve multiple growing seasons as identity keys are based on mature plants.
8. Nurseries must keep detailed records as specified in Section 2.4.1.3 of D-01-04. In combination with labelling practices, these records must be sufficient to determine the distribution of plants within Canada and allow traceback of plants to the nursery of propagation in Canada or the U.S. Records must be kept for five years and must be made available to the CFIA upon request.

I, \_\_\_\_\_, the owner/person in possession, care, or control of the above named nursery have read and understood all the conditions and obligations stated herein by which I may multiply specific genera of Japanese barberry (*Berberis thunbergii*), in accordance with the Canadian Barberry Certification Program.

Further, I am and shall be responsible for and shall indemnify and save harmless Her Majesty the Queen in Right of Canada, including the Canadian Food Inspection Agency, Her Officers, Servants, Employees, Successors and Assigns, from and against all manners of actions, causes of action, claims, demands, loss, costs, damages, actions or other proceedings by whomsoever made, sustained, brought or prosecuted in any manner based upon, caused by, arising out of, attributable to or with respect to any failure, inadvertent or otherwise, by act or omission, to fully comply with the said conditions and requirements.

Dated \_\_\_\_\_, 20\_\_ at \_\_\_\_\_, Province of \_\_\_\_\_

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_

**CFIA use only**

**Approved for production of Japanese barberry (*B. thunbergii*) under the Canadian Barberry Certification Program:**

Signature

\_\_\_\_\_  
Program Officer, CFIA

\_\_\_\_\_  
Date

Nursery Code (per Section 2.4.1.2 of D-01-04)				
CA				
Country	Province	Year	Nursery	Field

Appendix 5

**Program checklist for Canadian nurseries producing Japanese Barberry (*Berberis Thunbergii*) under the Canadian Barberry Certification Program (CBCP)**

All points in this form will be evaluated during the review of the initial application (see Section 3.2.1) and during the annual systems inspection (Section 3.2.2).

As an alternative, staff who make use of an audit checklist may draw the relevant points from this form.

<b>Name of nursery:</b>	
<b>Address</b>	<div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-bottom: 5px;"></div>

CHECKLIST	Yes	No	Notes	If No, action to take to achieve Yes
<b>Initial application</b>				
Is the application form complete?				
Is the management plan included with the application?				
<b>Management plan</b>				
Does the management plan describe how the conditions of the CBCP are incorporated into nursery operation?				
Has the management plan been kept up to date?				
Has the nursery informed the CFIA of changes to operations with respect to the CBCP?				
<b>Suppliers</b>				
Do all suppliers named on active Permits to Import appear on the list of nurseries approved by the USDA and the CFIA to export <i>B. thunbergii</i> plants to Canada?				
Is all <i>B. thunbergii</i> plants for propagation obtained from approved sources in Canada or the U.S.?				

CHECKLIST	Yes	No	Notes	If No, action to take to achieve Yes
<b>Propagation</b>				
Are only clonal methods of propagation in use? No other methods of propagation are permitted.				
Are only cultivars of <i>B. thunbergii</i> listed in Appendix 2 propagated?				
<b>Nursery</b>				
Are there no wild or non-approved species of barberry present at the nursery?				
Are all cultivars planted in blocks and separated from others?				
Are all cultivars clearly identified (plants, groups of plants or pots) by botanical and cultivar names and by identification code?				
<b>Records</b>				
Is a copy of the signed application with the assigned nursery code kept on file?				
Do accurate records of field and nursery row planting indicate the cultivar name and the quantities planted, as well as the identification codes assigned to the propagated plants?				
Are identification codes in the format specified in Section 2.4.1.2 of D-01-04?				
Is there a map indicating the location of all <i>B. thunbergii</i> blocks within the nursery facility, including imported, domestic and propagated stock? This includes any fields geographically separated from the nursery.				
Are there records of sales and distribution of the stock produced under the CBCP with their identification codes?				
Is the labelling/record-keeping system sufficient to determine the distribution of plants within Canada and allow traceback of plants to the nursery of propagation in Canada or the U.S.?				



**Appendix 6**

**U.S. nurseries approved by the USDA and the CFIA to export Japanese Barberry (*Berberis Thunbergii*) to Canada**

<http://www.inspection.gc.ca/english/plaveg/protect/dir/barberrye.shtml>