



Canadian Food
Inspection Agency

Agence canadienne
d'inspection des aliments

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(1st Revision)

Title

**PLANT PROTECTION IMPORT AND DOMESTIC MOVEMENT REQUIREMENTS FOR
BARBERRY (*Berberis*, *Mahoberberis*, *Mahonia*)**

File
3525-10N1

SUBJECT:

This directive describes the phytosanitary import and domestic movement requirements of barberry plants (*Berberis*, *Mahoberberis* or *Mahonia*) which may act as alternate hosts of black stem rust disease, *Puccinia graminis* Pers. It also introduces the new phytosanitary requirements that are specific to rust-resistant species, hybrids or varieties of Japanese barberry (*Berberis thunbergii*).

*The revision of this directive is to clarify the language of some sections, recognize equivalence in nomenclature for cultivars of Japanese barberry and remove requirements for buckthorn (*Rhamnus*) which were a component of the original directive..*

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Review

This directive will be reviewed every three years unless otherwise needed. The next review date for this directive is May 1, 2005. The contact for this directive is Joanne Rousson. For further information or clarification, please contact the Horticulture section.

Endorsement

Approved by:

<hr/> <p>Director Plant Health and Production Division</p>
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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 species and cultivars of barberry (including *Berberis*, *Mahoberberis* and *Mahonia*) that are susceptible to black stem rust is prohibited in Canada. This prohibition is being lifted for eleven (11) cultivars of Japanese barberry (*Berberis thunbergii*) that are considered resistant to black stem rust of wheat. This directive contains the requirements under which these rust-resistant cultivars can be imported, moved and propagated and sold in Canada. The requirements for other *Berberis* and for *Mahoberberis* and *Mahonia* remain unchanged and are also included in this directive.

Black stem rust of cereals and grasses is caused by the fungus *Puccinia graminis* Pers. Black stem rust

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 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 that are susceptible to the black stem rust disease. The prohibition includes hybrids and cultivars of the Japanese barberry *B. thunbergii*. 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 to test stock of Barberry 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 1970's, there have been no reports of black stem rust disease in the U.S. on these approved cultivars.

The CFIA has now concluded, after a comprehensive pest risk analysis and thorough consultation with stakeholders, that it can also permit, under certain conditions, the importation and domestic propagation and movement of rust-resistant Japanese barberry cultivars without increasing the risk of black stem rust outbreaks in Canada.

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

Scope This directive is intended for the use of the CFIA inspection staff and industry staff and outline the necessary requirements and inspection procedures for the importation of eligible barberry.

References NAPPO Standard 978.008

Department of the Secretary of State of Canada. *The Canadian Style: A Guide to Writing and Editing*. Toronto, 1993.

This directive supersedes D-90-5, dated January 2, 1990, Permit Letter L5, dated April 6, 1991 and D-01-04 (Original) dated August 1, 2001.

Definitions, Abbreviations and Acronyms

APHIS Animal and Plant Health Inspection Services (of the United States Department of Agriculture)

BCP Barberry Certification Program

Barberry Includes plants of genus *Berberis*, *Mahoberberis* and *Mahonia*

CFIA Canadian Food Inspection Agency

clonal propagation To reproduce or propagate asexually: clone a plant variety, by cuttings, tissue culture

deciduous Plants whose leaves or flower petals are not persistent and fall off at the end of a defined growing season or during a period of temperature or moisture stress.

dormant An organism in a state of reduced physiological activity.

evergreen Trees with green leaves or needles that are retained throughout the season with no marked period of leaf shedding.

immune The state of being exempt from infection by a given pathogen.

nursery	Facility that produces nursery stock. In this directive “nursery” also includes importers, exporters, wholesalers, propagators and sellers of Japanese Barberry (<i>B. thunbergii</i>) plants.
resistant	The ability of a plant to overcome, retard, suppress, or prevent infection or colonization by a pathogen, parasite, or adverse abiotic factor.
USDA	United States Department of Agriculture

1. 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 contact the Internet website at www.inspection.gc.ca.

1.3 Regulated Pests

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

1.4 Regulated Commodities

Plants, plant material, including seed of:

Berberis sp.

Mahoberberis sp.

Mahonia sp.

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 to black stem rust.

1.5 Regulated Areas

All areas of the U.S. and Canada.

2. Specific Requirements

2.1 Prohibitions

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

2.2 Restrictions

The cultivars listed in Appendix 1 and Appendix 2 are approved for importation, domestic movement, propagation and sale into or within Canada under the conditions outlined in this document.

2.3 Special Exemptions

Prohibited plants and plant material, including seed, of *Berberis*, *Mahoberberis*, and *Mahonia spp.* to be imported for “scientific research, educational, industrial processing 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.

2.4 Requirements for *Berberis*, *Mahoberberis*, and *Mahonia* (other than *B. thunbergii*)

The species, hybrids and horticultural varieties of *Berberis*, *Mahoberberis* and *Mahonia* listed in Appendix 1 are considered to be immune to all races of *Puccinia graminis*.

2.4.1 Import from the US

A Permit to Import is required. Only the species listed in Appendix 1 may be imported into Canada. A federal Phytosanitary Certificate is required. The certificate must state the genus and species of all plants in the shipment. Please note that other (e.g. soil) restrictions may apply, depending on the place of origin.

2.4.2 Import from other than the US

Prior approval is required before importation from off-continent sources. As part of the approval process, a pest risk assessment (PRA) may be required. The PRA will consider 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 and phytoplasmas, fungi, viruses, nematodes, insects, mites, molluscs and weeds.

2.4.3 Movement and sale within Canada

Only species listed in Appendix 1 may move within Canada. Any plants and/or containers of plants being distributed or sold in Canada must be properly labelled or tagged with the botanical and variety names of the plant.

2.5 Requirements for *Berberis thunbergii*

2.5.1 Common Requirements

Plants of the species and cultivars of Japanese barberry listed in Appendix 2 may be imported into or moved within Canada when the conditions of entry stated in this directive are met. This list contains varieties that have been tested as highly resistant to *Puccinia graminis* Pers, black stem rust disease of wheat. Importation of species and varieties of barberry from any country other than continental U.S. is not permitted without the completion of a Pest Risk Assessment.

All cultivars of *B. thunbergii* listed in Appendix 2 are subject to the following conditions;

2.5.1.1 the plants must originate in a nursery approved by APHIS in the Barberry Certification Program (BCP) or CFIA in the Canadian Barberry Certification Program (CBCP). (See Section 2.6)

2.5.1.2 the material must be produced from approved parent material exclusively by clonal propagation only and is subject to inspection in the officially approved nursery until the identity of the cultivar is verified.

- 2.5.1.3 any plants or containers of plants imported, distributed, propagated or sold into or within Canada must be properly identified. This includes labelling or tagging with the botanical and cultivar name and the plant's identification number (see 2.5.1.4)
- 2.5.1.4 The identification number includes the abbreviated letters of the country of origin, state or province of propagation, year of propagation, 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)
- 2.5.1.5 Nurseries obtaining, selling or distributing Japanese barberry must keep records of receipt, distribution and sale that, in combination with the identification number, will permit the determination of distribution of plants within Canada and the trace back of plants to the nursery of production. Records must be kept for 5 years. Sales to individual consumers are exempt.
- 2.5.2 Import from the U.S.

In addition to the requirements in Section 2.5.1, the following is required.

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

A Federal Phytosanitary Certificate is required. It must state the botanical and cultivar names of all plants of *Berberis thunbergii* in the shipment and the nursery of origin.

Plants and/or containers of plants imported into Canada must be properly identified per Section 2.5.1.3 at the time of entry to Canada.

When designated to receive an import inspection, plants imported into Canada cannot be used for direct sale, distribution or multiplication until CFIA is able to verify the identity of the cultivar. Plants which are unable to be verified to cultivar at the time of importation may be held under Notice of Quarantine. Plants that cannot be verified will be ordered removed or destroyed at importer's expense.

2.5.3 Movement and Sale within Canada

Cultivars of Japanese barberry other than those listed in Appendix 2 are not permitted movement or sale. Non-approved cultivars will be removed or destroyed in a manner approved by CFIA, at owner's expense.

Any plants or containers of plants being distributed or sold must be properly identified per Section 2.5.1.3.

2.5.4 Propagation in Canada

Propagation in Canada may only be done at a nursery approved under the Canadian Barberry Certification Program. (See section 2.6)

2.6 Barberry Certification Program (BCP) (for nurseries propagating Japanese barberry)

2.6.1 Canada - Canadian Barberry Certification Program (CBCP)

To participate in the Canadian Barberry Certification Program, a Canadian nursery owner must apply to the CFIA using the application form shown in Appendix 4. By completing the form, a nursery indicates it is willing and able to comply with the terms and conditions of the barberry certification program.

The completed form and the management plan describing how the conditions of the CBCP will be incorporated into the nursery's operation are to be submitted to the local office of CFIA. When the Program Officer responsible determines that the applicant meets the requirements of the program, the application form will be approved and signed by the Program Officer.

At the time of approval, the two letter nursery code for the identification number per Section 2.5.1.4 will be assigned. The approved nursery will keep a copy of the signed and approved Appendix 4 on file.

CFIA will maintain a list of nurseries approved under the Canadian Barberry Certification Program.

Nurseries approved in the CBCP must keep their CBCP management plan up to date and must inform the local office of CFIA of any changes to their operations with respect to the CBCP

2.6.2 U.S.

U.S. nursery owner must sign a compliance agreement, which includes all the requirements of the Barberry Certification Program, issued and signed by the state agency or APHIS.

APHIS will provide a list of all approved nurseries, including the nursery code per Section

2.5.1.4 to CFIA on an annual basis. The CFIA reserves the right to audit any facet of the Barberry Certification Program including visits of approved nurseries in the U.S.

2.6.3 Plant Management

The material intended for further propagation must originate from approved nurseries.

Only approved cultivars (see Appendix 2) may be propagated.

Clonal propagation is the only method of propagation permitted.

The location of plants or blocks of plants must be clearly identified on the nursery map.

Plants that do not meet these criteria will be ordered destroyed at owner's expense.

No wild or non-approved barberry plants may grow at the nursery property(ies).

2.6.4 Documentation/Labelling Requirements

The labelling as per 2.5.1.3 of imported or clonally propagated plant material combined with the maintenance of records should permit the trace back of any barberry plants sold or distributed to their nursery of production in Canada or in the United States and should permit the determination of distribution of plants within Canada.

2.6.5 Records:

The approved grower must maintain:

- 1) invoices, arrival date and identification numbers of the parent material (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 numbers assigned to the propagated material;
- 3) a map indicating the location of the imported or propagated barberry blocks within the nursery facility;

- 4) records of production, sales and distributions of the stock produced under this program for five (5) years with their identification numbers. Sales to individual consumers are exempt.

All records must be made available to the CFIA inspector on request.

2.6.6 CFIA Inspection

Prior to distribution or sale of propagated material, CFIA must confirm the identity of the cultivar. (This may involve multiple growing seasons as identity keys are based on mature plants)

3. Inspection Procedures

3.1 Import

3.1.1 Document Verification

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

3.1.2 Product Examination

All shipments of barberry may be subject to inspection by a CFIA inspector. All rust-resistant Japanese barberry plants or container of plants must be properly identified per section 2.5.1.3.

CFIA inspection will include verification to cultivar. If the material is unable to be verified 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 used for direct sale or distribution to other nurseries or the public or for propagation until the verification is complete and the material is approved by a CFIA inspector. Release from Quarantine must be carried out using the Notice of Release from Quarantine (CFIA/ACIA 0109).

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

3.2 Canadian Barberry Certification Program

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 CBCP. All elements of Appendix 5, the Program Checklist - Canadian Barberry Certification Program are to be assessed, either that the elements of the program are in place, (e.g. no rust susceptible or non-approved barberry on the premises) or that the applicant has demonstrated the ability to put the elements in place. If there are no impediments to meeting all program requirements, the officer will sign the application, assign the 2 letter nursery code and return the application to the nursery.

When assigning the nursery code, the Program Officer will ensure there is no duplication within the province of production and preferably no duplication in Canada.

The Program Officer will ensure the approved nursery is included in a national list of nurseries approved under the CBCP. This will be available to Plant Protection staff through the 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 variation in growth habit when using the Japanese barberry identification manual. Off type plants will be ordered destroyed per Appendix 4, point 4.

The Systems inspection will assess all elements of Appendix 5, Program Checklist - Barberry Certification Program for compliance.

The Surveillance inspection will evaluate the identity of the propagated material on the nursery as well as surveying the nursery for the presence of non-approved barberry. Individual elements of Appendix 5 may be evaluated as needed.

3.2.3 Approval for Distribution

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

Upon successful cultivar identification, the CFIA inspector will issue an Inspector's Report - Plant Protection Program (CFIA/ACIA 1337), noting the cultivar identity(ies), identification number(s) and volume(s) approved for distribution and sale. The Inspector's Report will be kept in the CBCP member's 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. For CFIA staff requiring assistance in determining cultivar identification, plants may be sent to the Variety Verification Unit, Central Seed Laboratory for verification of identity. (Central Experimental Farm, Bldg. 22, Ottawa, Ontario K1A 0Y9)

4. Non-Compliance

4.1 General

Barberry plants not meeting the requirements of this Directive may be ordered removed or destroyed at owner's expense. Nurseries not complying with the conditions of this directive may have their material ordered removed or destroyed at owner's expense.

4.2 Import

Shipments not meeting the import requirements of this directive will be refused entry. They may be destroyed or returned to origin at the importer's expense. Permits to Import will be cancelled for any nursery not complying with the conditions of this directive.

4.3 Canadian Barberry Certification Program

CFIA staff have the discretion to prevent the distribution and sale of Japanese barberry until non-compliance is corrected. Elements of the CBCP which are evaluated as not in compliance during an inspection (including the annual Systems or Surveillance inspections) must be corrected within two weeks of detection. The CBCP does not limit the regulatory actions which may be taken in response to violations of the *Plant Protection Act*.

Propagating nurseries not complying with the Canadian Barberry Certification Program requirements will be removed from the list of approved nurseries.

Propagated Japanese barberry which does not meet the requirements of the CBCP may be ordered destroyed at owner's expense.

5. 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 offices of CFIA or access the web site at www.inspection.gc.ca.

6. Appendices

- Appendix 1: Resistant species of *Berberis*, *Mahoberberis* and *Mahonia* permitted to be imported and moved within Canada
- Appendix 2: Resistant cultivars of *Berberis thunbergii* permitted to be imported and moved within Canada
- Appendix 3: Permit Conditions
- Appendix 4: Application for Approval in the Canadian Barberry Certification Program
- Appendix 5: Program Checklist; Canadian Barberry Certification Program
- Appendix 6: Approved Nurseries, USDA APHIS Barberry Certification Program Compliance List

APPENDIX 1

SPECIES OF *BERBERIS*, *MAHOBERBERIS*, AND *MAHONIA* WHICH ARE EXEMPT FROM PROHIBITION

The following species are permitted entry to and distribution within Canada.

Berberis

<i>B. buxifolia</i>	<i>B. linearifolia</i>
<i>B. candidula</i>	<i>B. lologenesis</i>
<i>B. chenaultii</i>	<i>B. replicata</i>
<i>B. darwinii</i>	<i>B. sargentiana</i>
<i>B. x gladwynensis</i>	<i>B. stenophylla</i>
<i>B. insignis</i>	<i>B. taliensis</i>
<i>B. julianae</i>	<i>B. verruculosa</i>

Mahoberberis

<i>M. aquicandidula</i>	<i>M. miethkeana</i>
<i>M. aquisargentia</i>	

Mahonia

<i>M. aquifolium</i>	<i>M. lomariifolia</i>
<i>M. atropurpurea</i>	<i>M. nervosa</i>
<i>M. bealei</i>	<i>M. pinnata</i>
<i>M. compacta</i>	<i>M. piperiana</i>
<i>M. dictyota</i>	<i>M. pumilia</i>
<i>M. fortunei</i>	<i>M. repens</i>
<i>M. japonica</i>	

This list does not include any deciduous species.

APPENDIX 2

RESISTANT* CULTIVARS OF *BERBERIS THUNBERGII* WHICH MAY BE IMPORTED INTO OR MOVED WITHIN CANADA

Please see the note at the end of this table concerning naming conventions for Japanese barberry

Cultivar** name

CANADA	USA	Industry ***
Plant Protection Regulations, 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
<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

CANADA	USA	Industry ***
Plant Protection Regulations, Schedule I	Federal Register, 7 CFR Part 301	
<i>B. thunbergii</i> 'Monry' Sunsation	<i>B. thunbergii</i> 'Monry'	Sunsation® Barberry

* 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 to test stock of Barberry are recognized by Canadian scientists. The results of their tests for these cultivars are accepted by the Plant Health and Production Division (PHPD).

** All these cultivars are deciduous.

*** As industry names may change without notice, the required nomenclature is the scientific name in combination with the cultivar name.

Note: As there is some disparity in the naming conventions for Japanese barberry between the legislation of Canada, the USA and terms in use by the nursery industry, this table is to assist CFIA staff in assessing the admissibility of plants which may have slight variations in nomenclature on import documents. The official name in Canada is the name indicated in the first column, headed CANADA.

APPENDIX 3

PERMIT CONDITIONS:

For *Berberis thunbergii*:

1. Only the cultivars listed in Appendix 2 of this directive are approved for importation into Canada.
2. At time of entry to Canada, a Federal Phytosanitary Certificate must be presented. The Phytosanitary Certificate must state: genus, species, cultivar name and nursery of origin.
3. Plants must originate in a nursery in the Barberry Certification Program (BCP) approved by Animal and Plant Health Inspection Services of the USDA or the Canadian Food Inspection Agency (CFIA).
4. The material must be produced from approved parent material by clonal propagation only.
5. Any plants or containers of plants imported, distributed, propagated or sold into or within Canada must be properly identified. This includes labelling or tagging with the botanical and cultivar name and the plant's identification number.
6. The identification number includes the abbreviated letters of the country of origin, state or province of propagation, year of propagation, 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. Importer must maintain records per sections 2.5.1.5) of Canadian Food Inspection Agency policy D-01-04, PLANT PROTECTION IMPORT AND DOMESTIC MOVEMENT REQUIREMENTS FOR BARBERRY (*Berberis*, *Mahoberberis*, *Mahonia*).
8. Import inspection will include identity verification to cultivar. If the material is unable to be verified due to dormancy, juvenile foliage or other circumstances, it must be held under Notice of Quarantine (Section 11, Plant Protection Regulations) at the importer's premises for inspection at a later date. (This may involve multiple growing seasons as identity keys are based on mature plants) Non-verified plants must not be used for direct sale or distribution to other nurseries or the public or for propagation.
9. Persons intending to propagate Japanese barberry plants must obtain CFIA approval in the Canadian Barberry Certification Program.

APPENDIX 4

Note: This application form is applicable to Canadian propagators only.

APPLICATION FOR APPROVAL IN THE CANADIAN BARBERRY CERTIFICATION PROGRAM (CBCP)

Name of Nursery: _____

Address: _____

Telephone No.: _____ **Fax No.:** _____ **E-mail:** _____

Conditions for Propagating Black Stem Rust Resistant Japanese Barberry (*Berberis thunbergii*, per Appendix 2, D-01-04) Under the Barberry Certification Program:

1. Along with this application, the nursery will submit a management plan describing how the conditions listed below will be accomplished and incorporated into their operation. Once approved in the CBCP, the nursery must keep their CBCP management plan up to date and must inform the local office of CFIA of any changes to their operations with respect to the CBCP.
2. Only species, hybrids and varieties of barberry which are immune or resistant to black stem rust of wheat and are specified in Appendices 1 and 2 of Canadian Food Inspection Agency (CFIA) Plant Protection policy directive D-01-04 are permitted to be grown on an approved nursery.
3. Material intended for further propagation may only be obtained from nurseries approved under the Barberry Certification Program (Canada or USA)
4. *Berberis thunbergii* can be propagated in Canada only by clonal propagation. Any off-type plants discovered must be destroyed at owner's expense in a manner approved by CFIA.
5. No wild or domesticated barberry plants (including *Berberis*, *Mahoberberis* and *Mahonia*) may grow at the nursery property unless they are listed in Appendices 1 and 2 of CFIA Plant Protection policy directive D-01-04. No Black Stem Rust susceptible plants are permitted.
6. Inspection of imported plants will take place to ensure that the plants belong to the approved cultivars and are true to type, i.e. they must have the same botanical characteristics. Off-types must be removed and destroyed or returned to origin at the importer's expense.

7. Plants propagated in Canada must be grown in blocks and separated from other cultivars. These plants must be properly identified in accordance with Section 2.5.1.3 of D-01-04 and kept in the nursery until CFIA is able to confirm the identity of the cultivar before being sold or moved. This may involve multiple growing seasons as identity keys are based on mature plants.
8. Records of import, propagation sales and distributions of the stock produced under this program must be kept at the approved nursery for **five (5) years**. All records must be made available to the inspector on 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, in accordance with the CBCP.

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 Participation in the Canadian Barberry Certification Program:

Signature

Program Officer, CFIA

Date

Nursery Code - per Section 2.5.1.4), D-01-04				
CA				
Country	Province	Year	Nursery	Field

APPENDIX 5

Program Checklist - Canadian Barberry Certification Program

All points in this form will be evaluated during the review of the initial CBCP application (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.

Name of CBCP Applicant
Address -----

Checklist	Yes	No	Notes	If No, action to achieve Yes
Initial Application Is the application form is complete?				
Is the management plan is included with application?				
Management Plan Does the management plan describes how conditions of BCP are incorporated into nursery operation?				
Has the management plan been kept up to date?				
Has the nursery informed CFIA of changes to operations with respect to the CBCP?				
Suppliers Do all suppliers named on active Permits to Import appear on the APHIS list of firms enrolled in the US BCP?				
Are all <i>B. thunbergi</i> for propagation is obtained from approved sources in Canada or US?				
Propagation Are only clonal methods of propagation are in use (no other methods of propagation for Japanese barberry are permitted)?				
Are only cultivars of Japanese barberry listed in Appendix 2 propagated?				

Checklist	Yes	No	Notes	If No, action to achieve Yes
Nursery Are no wild or non approved barberry species on the nursery?				
Are all cultivars are planted in blocks and are separated from others?				
Are all cultivars are clearly identified (plants, groups of plants or pots) by botanical and cultivar names and by identification number?				
Records Is a copy of signed application with assigned nursery code kept on file?				
Do accurate records of field & nursery row planting indicate the cultivar name and the quantities planted, as well as the identification numbers assigned to the propagated material?				
Are identification numbers are in the specified format (per section 2.5 1.4), D-01-04)?				
Is there a map indicating the location of all Japanese barberry blocks within the nursery facility, including imported, domestic or propagated. This includes any fields geographically separated from the nursery?				
Are there records of sales and distributions of the stock produced under this program with their identification numbers?				
Is the labelling / record keeping system able to trace materials being sold or distributed back to the nursery of production and indicate distribution within Canada?				
Is the Inspector's Report noting the cultivar identity(ies), identification number(s) and volume(s) approved for distribution and sale kept in the CBCP member's records?				
Are records are retained for five (5) years?				
Distribution Have all products released for distribution or sale have received prior clearance from CFIA?				
Do all <i>B. thunbergi</i> for distribution or sale bear a label indicating the cultivar and identification number?				

Appendix 6

Approved Nurseries, USDA APHIS Barberry Certification Program Compliance List