

REGULATIONS

No person may intentionally misrepresent the grade, character, hardiness or quality of nursery stock, decorative plants, annual plants, sod or related plant products offered for sale or distribution.

Before any person accepts shipment of any nursery stock, decorative plant, annual plant or sod which is intended for resale or redistribution, the shipment must have a valid certificate showing that the contents have been inspected by an official state or federal inspector.

If a shipment does not have a valid certificate of inspection, the Secretary of Agriculture may quarantine the shipment and hold it for inspection.

At least once a year, the Department of Agriculture inspects all nurseries in the state. The department may inspect any field, orchard, garden, plantation, park, cemetery, packing ground, building, cellar and all places public or private that may be infested or infected with a pest. No person may hinder this inspection or cause any nursery stock to be concealed from inspection.

If pests are discovered in a nursery, the certificate of inspection will be withheld until the pest has been abated.

If nursery stock is found to be infested by pests or to be damaged or desiccated so as to be incapable of normal growth, the department may order it removed from sale, treated or destroyed. If the owner or operator does not treat or destroy the infested stock, the Agriculture Department may treat or destroy the stock and assess the expenses against the owner.

Any person receiving any shipment of nursery stock from any foreign country shall notify the Agriculture Department of the arrival of that shipment, the contents and the name of the consignor. The shipment cannot be opened until it is inspected and released by the department.

Violations of these regulations shall cause the certificate of inspection to be canceled or revoked. In addition, the nurseryman is liable in civil action for all damage caused by violation of these regulations.

EXPORT REQUIREMENTS

Phytosanitary certificates are issued by the Department of Agriculture on plants or plant products for shipment to other states or countries, in compliance with the plant inspection and plant quarantine regulations of the state or country of destination.

Application for a phytosanitary inspection is made through the Phytosanitary Certificate Issuance and Tracking System (PCIT).

<https://pcit.aphis.usda.gov/pcit/>

The fees for inspection, obtaining samples or issuing certificates are as follows:

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| (1) On-site Inspection | \$200 |
| (2) Field Inspection | \$250
for first acre and \$2 for each additional acre |
| (3) State Certificate | \$50 |
| (4) Federal Certificate | \$125 |
| (5) Reissue State or Federal Certificate | \$25 |



SOUTH DAKOTA



DEPARTMENT OF
AGRICULTURE

FOR MORE INFORMATION OR TO OBTAIN A COPY OF SOUTH DAKOTA LAWS PERTAINING TO NURSERY STOCK, CONTACT:

South Dakota Department of Agriculture
Division of Agricultural Services
Office of Agronomy Services
523 E Capitol Avenue – Foss Building
Pierre, SD 57501-3182

Phone: 605-773-3724

Fax: 605-773-3481

Email: SDDAAgronomy@state.sd.us

Web: http://sdda.sd.gov/Ag_Services/

Regulations:

Nursery Stock & Plant Pest Control

[SDCL 38-24B](#)

Plant Quarantine & Treatment

[SDCL 38-24A](#)

[ARSD 12:51](#)

South Dakota Weed & Pest Control

[SDCL 38-22](#)

[ARSD 12:62](#)

South Dakota
Department of
Agriculture

NURSERY INSPECTION PROGRAM



Office of
Agronomy Services

Division of Agricultural
Services

NURSERY INSPECTION PROGRAM

GOAL

To ensure nursery stock and other ornamental plants offered for sale to South Dakotans are healthy and of good quality.

BACKGROUND

The state's nursery program is an outgrowth of the State Horticulture Department which existed from the early 1900s until the mid 1970s. Today the program exists as a part of the Office of Agronomy Services in the Division of Agricultural Services.

Department inspectors visit green houses, tree nurseries and nursery stock retail outlets to inspect plants that will be or are being offered for sale; to help insure that the consumer will receive healthy, viable stock for the dollars spent. In addition, South Dakota grown nursery stock that will be shipped out of state is inspected and certified as meeting standards of plant health for interstate commerce.



DEFINITIONS

Nursery stock includes trees, shrubs or other plants having a persistent wood stem; all herbaceous perennials; and parts of either of those which are capable of propagation, except for seeds, true bulbs, rhizomes, corms and tubers while in dormant condition.

State law prohibits any person from selling, offering for sale or distributing any nursery stock, decorative plant, annual plant, sod or related plant products infested with a pest. And, no nursery operator may knowingly permit pests to exist in or on his premises.

A "pest" is any of the following that is or may be dangerous or detrimental to the state's plant industry:

- Any infectious, transmittable or contagious disease of any plant;
- Any disorder of any plant with apparent symptoms or behavior which the Secretary of Agriculture determines is infectious, transmissible or contagious;
- Any form of animal life;
- Any form of plant life.

INDUSTRY FACTS

In 2010, there were 473 nursery certificates issued to businesses selling nursery stock. 92 nursery/ greenhouses in South Dakota grow their own products.

PERMIT/LICENSE COSTS

A separate certificate of inspection is required for each location selling or offering for sale any nursery stock, and must be prominently displayed wherever nursery stock is offered for sale. Certificates must be renewed by January 1 every other year; the Department of Agriculture inspects all nurseries at least once a year.

- **Resident Nurseryman**--\$350 plus \$10 for each acre over 1 acre of field grown inspected plants & \$10 for each 10,000 sq ft of container grown plants; **OR**
\$75 plus \$10 for each acre over 1 acre of field grown inspected plants and \$10 for each 10,000 sq ft of container grown plants, if resident nurseryman with less than \$5,000 in gross sales of nursery stock.
- **Nursery Stock Dealer**--\$125-Nursery Stock Dealer with less than \$5,000 annual gross sales of nursery stock; **OR**
\$200 – Nursery Stock Dealer with more than \$5,000 but less than \$20,000 annual gross sales of nursery stock; **OR**
\$350 – Nursery Stock Dealer with more than \$20,000 annual gross sales of nursery stock.
- **Other**--\$250 plus \$5 for each acre of growing field and \$5 for each 10,000 sq ft of growing greenhouse; if a grower or dealer of decorative plants, annual plants, sod, or related plant products.



DESCRIPTION OF CLASSIFICATION

- **Resident Nurseryman:** Grows all or a portion of the nursery stock he sells.
- **Nursery Stock Dealer:**
Who is not a Nurseryman:
 1. Who buys nursery stock for the purpose of reselling or reshipping;
 2. Who makes landscape plans using nursery stock and negotiates in the purchase of nursery stock for his clients; or
 3. Who contracts to furnish and plant nursery stock.
- **Other:** Any grower of sod, decorative, annuals, or related plant products who want a certificate of inspection.

Out-of-state nurserymen may obtain a certificate of inspection to sell nursery stock in South Dakota by filing a certified copy of the official inspection certified with the South Dakota Department of Agriculture.

Non-profit organizations (such as garden clubs) may sell or trade nursery stock only after giving 10 days advance notice to the Department of Agriculture of the time and place of the sale.

The Secretary of Agriculture may revoke a certificate of inspection for cause, following a hearing. The Secretary of Agriculture may issue a temporary cease and desist order pending the hearing. At least 10-day notice shall be given prior to conducting the hearing.