

Readopt with amendment Agr 2500, effective 2-21-17 (Document #12114), to read as follows:

CHAPTER Agr 2500 NURSERY AND NURSERY STOCK

Statutory Authority: RSA 433:22

PART Agr 2501 NEW HAMPSHIRE ADMINISTRATIVE NURSERY
REQUIREMENTS

Agr 2501.01 Statement of Purpose. The division of plant industry of the New Hampshire department of agriculture, markets and food is charged with ~~the function of~~ nursery stock inspection and regulation under the immediate supervision of the state entomologist and commissioner ~~of agriculture~~. The purpose of these rules is to clarify ~~the procedures and methods used~~ for licensure, compliance agreements, and ~~issuance of export certificates~~ion, and to describe the methods used by inspectors of the division of plant industry in addressing dealing with infections, diseases, and insect pests of nursery stock.

____ Agr 2501.02 Definitions. ~~In addition to the definitions in RSA 433:21, the following shall apply:~~

____ (a) “Audit” means an inspection by department authorized personnel ~~the inspectors authorized by the department to verify the requirements of compliance with the terms conditioned in a compliance agreement are being met.~~;

____ (b) “Best management practices” means science-based processes and actions ~~based on the best available science~~ that provide the most cost-effective and efficacious means to prevent or reduce way to address an issue, such as preventing or reducing pest and pathogen problems.;

____ (c) “Business location” means any address engaged in the act of selling or offering for sale rooted plants.;

____ (d) “Certificate” means “certificate” as defined in RSA 433:21, I, namely “a document indicating that plant stock has been inspected and found to be apparently free from dangerous insects and plant diseases”.

____ ~~(de)~~ “Certificate of origin” means a document authorized or prepared by a duly authorized federal or state regulatory official that ~~affirms, declares, or~~ verifies that ~~an article, nursery stock,~~ plant, product, shipment, or ~~any~~ other ~~officially~~ regulated article originated from the stated location ~~as stated~~.;

____ (f) “Certified stock” means “certified stock” as defined in RSA 433:21, II, namely “nursery stock derived from a licensed nursery or certified by a nursery inspector”.

____ (g) “Collected plants” means “collected plants” as defined in RSA 433:21, III, namely “plants and plant parts defined as nursery stock, which are dug or otherwise

removed from fields, woodlots, or forested lands for sale or distribution, which have not been grown under cultivation in a nursery for a year”.

(h) “Commissioner” means “commissioner” as defined in RSA 433:21, IV, namely “the commissioner of the New Hampshire department of agriculture, markets, and food”.

(ei) “Compliance agreement” means any written agreement between a person and the department ~~describing specific requirements necessary to maintain regulatory compliance. to achieve compliance with any set of requirements being enforced by the department;~~

(fj) “Critical control point” means a step in the nursery production cycle, based on risk analysis, where best management practices ~~can~~ould be used to reduce or eliminate pest risk.

(gk) “Department” means “department” as defined in RSA 433:21, V, namely “the New Hampshire department of agriculture, markets and food”.

(hl) “Director” means “director” as defined in RSA 433:21, VI, namely “the state entomologist, qualified by scientific training and practical experience, directly answerable to the commissioner, in charge of and responsible for the activities of the division of plant industry”.

(im) “Disposal” means ~~destroying or rendering plant material unusable~~disposed of in an appropriate manner that to prevent will not allow the pest to survive or spread: ~~by methods including, but are not limited to, encapsulating plants in plastic bags and disposing of the plant material through trash pickup~~sealing, open burning, incineration, or burial, or burning of infested nursery stock;

(n) “Division” means “division” as defined in RSA 433:21, VII, namely “the division of plant industry of the New Hampshire department of agriculture, markets, and food”.

(jo) “Emergency” means any ~~condition declared by the department when situation in which the department has declared a public nuisance or when in the opinion of the department a plant~~ pest, pathogen, noxious weed, or arthropod ~~endangers or~~ threatens the horticultural or agricultural interests of the state.

(p) “Eradication” means “eradication” as defined in RSA 433:21, VIII, namely “the elimination or removal of a pest from any defined geographic area”.

(kq) “Federal phytosanitary certificate” means a document ~~prepared~~issued by a duly authorized federal or state regulatory official ~~affirming that affirms, declares, or verifies that nursery stock, plant, product, shipment, or any other officially regulated article nursery stock meets the import country’s plant health standards. phytosanitary requirements of the import country;~~

(r) "Greenhouse" means "greenhouse" as defined in RSA 433:21, IX, namely "a structure covered with glass, plastic, fiberglass, or similar material in which plants are cultivated in a controlled environment".

(s) "Horticultural services" means "horticultural services as defined in RSA 433:21, X, namely "services provided by an arborist, landscape architect, gardening consultant, or similar professional".

(t) "Invasive species" means "invasive species" as defined in RSA 430:52, VII, namely "an alien species whose introduction causes or is likely to cause economic or environmental harm or harm to human health". ~~all plant, insect and fungal species that any person or persons are prohibited from collecting, transporting, selling, distributing, propagating, or transplanting, including all of their cultivars and varieties as prohibited under RSA 430:53, III;~~

(u) "Landscape" means any person involved in ~~the practice of~~ buying, transporting, planting, cultivating, or selling nursery stock for landscape purposes.

(v) "License" means "license" as defined in RSA 433:21, XI namely "an authorization from the director to sell plant stock".

(w) "Nursery" means "nursery" as defined in RSA 433:21, XII, namely "a place or greenhouse where nursery stock is any location where plants with roots are propagated, grown, stored, cultivated or offered for sale or sold. These include, but are not limited to, nurseries, garden centers, greenhouses, landscape facilities, florists, roadside dealers, supermarkets, and stores;

(x) "Nursery inspectors" means "nursery inspectors" as defined in RSA 433:21, XIII, namely "persons either full-time employees of the division or knowledgeable individuals hired on a part-time basis to conduct the work of the division".

(y) "Nurseryman" means "nurseryman" as defined in RSA 433:21, XIV, namely "any person who owns, leases, manages, or is in charge of a nursery. All persons engaged in operating a nursery are farming within the meaning of RSA 21:34-a". ~~for the purpose of selling or offering nursery stock for sale;~~

(z) "Nursery stock" means "nursery stock" as defined in RSA 433:21, XV namely "any woody plants, including or herbaceous plant material being offered for sale. Woody plant material includes, but is not limited to: ornamental and fruiting trees, shrubs, vines, and all viable parts of these plants; herbaceous plants, including florist stock plants, annuals, perennials, vegetable plants, herbs, potted plants, and all viable parts of these plants; and any other plant or plant part designated by the commissioner. Herbaceous plant material includes, but is not limited to: annuals, perennials, bulbs, tubers, root stock, or any other type of plant or plant part designated by the commissioner. Nursery stock does not include cut Christmas trees, wreaths, seeds, dried herbs, vegetables, cut flowers, or such plant products.

____(aaf) "Person" means an individual or any legal entity~~any individual, governmental entity, firm, partnership, corporation, company, society, association, or any organized group of persons whether incorporated or not, and every officer, agent, or employee thereof;~~

____(bbs) "Plant dealer" means "plant dealer" as defined in RSA 433:21, XVI, namely
"any person, firm, partnership, association, or corporation not a grower or an original producer of nursery stock in New Hampshire who buys, acquires, or receives on consignment nursery stock for the purpose of re-selling, transporting, or otherwise disposing of the stock";

____(cc) "Plant diseases" means "plant diseases" as defined in RSA 433:21, XVII,
"fungi, bacteria, nematodes, viruses, and plant parasites injurious to plants and plant products".

____(dd) "Plant pests" means "plant pests" as defined in RSA 433:21, XVIII, namely
"any organism, including other plants, causing or capable of causing injury or damage to plants or plant products".

____(ee) "Public nuisance" means "public nuisance" as defined in RSA 433:21, XIV,
namely "a plant pest determined by the department to be dangerous or destructive to the agriculture or horticulture of New Hampshire".

____(ff) "Quarantine" means "quarantine" as defined in RSA 433:21, XX, namely "a legal action intended to prevent or delay the establishment of a pest of plants or crops".

____(tgg) "Quarantine tags, labels, and certificates" means documents bearing a statement addressing specific insects, arthropod pests and/or plant diseases.;

____(uhh) "Sell or offer for sale" means to offer ~~for sale~~, expose ~~for sale~~, possess ~~for sale~~, exchange, barter, or trade nursery stock.~~All entities that engage in such conduct "sell or offer for sale", including but not limited to nurseries, wood-using industries, persons, or landscapers;~~

____(ii) "Soil" means "soil" as defined in RSA 433:21, XXI, namely "the medium designated for plant propagation".

____(vj) "State exterior quarantine" means a quarantine regulation adopted by a ~~noninfested~~ state to prevent ~~or delay the introduction of a pest~~ introduction to the state;

____(wkk) "State interior quarantine" means a ~~quarantine~~ regulation adopted by a state against a pest to prevent ~~spread of the pest~~ spread within the state. ~~borders; and~~

____(xll) "State phytosanitary certificate" means a document ~~prepared~~ issued by a ~~duly authorized~~ state regulatory official verifying compliance with another state's plant health requirements.~~that affirms, declares, or verifies that nursery stock, plant, product, shipment,~~

~~or any other officially regulated article meets phytosanitary requirements of the state or any US territory where the shipment is being sent.~~

(mm) “Stop sale order” means “stop sale order” as defined in RSA 433:21, XXII, namely “a written notice issued by an inspector to the owner or custodian of any plant or plant products, which prohibits the sale or movement of plants or plant products”.

(nn) “Wholesale” means sale of plants in large quantities for resale.

Agr 2501.03 Licensing.

(a) The nurseryman, plant dealer, or landscaper shall acquire and further distribute only nursery stock, including collected plants, either grown by the nursery or obtained from a certified or licensed grower or dealer, or an entity approved by the authorizing agency within the state of origin for the sale of plants.

(b) Any nurseryman, plant dealer, or landscaper that temporarily or permanently retains nursery stock in his or her possession shall obtain a plant dealer / landscaper license from the department.

(c) The license shall be valid for one-year beginning on ~~January~~ May 1 and ending on ~~December 31~~ April 30 of the following year, unless the department suspends the plant dealer / landscaper license pursuant to RSA 433:35. To implement the transition to a May renewal schedule, for all current and valid licenses issued for the 2027 license year, and which are set to expire on December 31, 2027, the expiration date shall automatically be extended to April 30, 2028.

(d) A separate license is required for each business location.

(e) A license shall not be transferable.

(f) License status shall be publicly available on the department’s website.

Agr 2501.04 License Application Process.

(a) Applicants shall apply between December 1 and no later than February 28 by completing and submitting an online application accessed through the department website: www.agriculture.nh.gov.

(b) New applicants shall:

(1) Complete the online form “New Business Registration”, as amended X-X-202X, to establish their business in the department’s electronic licensing system;

(2) Create a client portal user account when prompted; and

(3) Complete and submit, through the client portal, the forms “Plant Dealer Application Form,” as amended X-X-202X, and “Out of State Shipper Form,” as amended X-X-202X for each business location.

(c) Applicants renewing an existing plant dealer or nursery license shall complete and submit, through the client portal, the forms “License Renewal Form,” as amended X-X-202X, and “Out of State Shipper Form,” as amended X-X-202X for each business location.

(d) All applicants shall provide business-specific information, including:

(1) Size of growing areas, including fields and greenhouses;

(2) Size of sales areas; and

(3) Identities of out-of-state suppliers of trees and shrubs.

(e) Changes in business-specific information shall be updated by applicants through the client portal at any time during the license year.

(f) The applicant shall submit all required materials prior to the division’s review. An application shall not be considered complete until all required information and documents have been received.

(g) Upon receipt of an application, the division shall:

(1) Examine the application within 30 days of receipt and notify the applicant of any apparent errors, omissions, or otherwise incomplete portions of the application, request any additional information that the agency is permitted by law to require, and provide the applicant with a division contact, including their name, phone number, and email address, that may be contacted regarding the application;

(2) Review the completed application materials within 60 days; and

(3) Issue an invoice for the applicable license fee and any late penalty required under Agr 2501.06.

(h) Invoices shall be sent to the email address on record for the applicant or, if no email address is provided, to the mailing address on record.

(i) Persons seeking a license who are unable to access or utilize the electronic submission method shall request an exemption to obtain a hard copy of the application from the department, Form “Plant Dealer / Landscaper Application,” as amended X-X-202X, and submit the completed form to the New Hampshire Department of Agriculture, Markets, and Food, Division of Plant Industry, 29 Hazen Drive, Concord, NH 03301.

~~(d) An applicant for a plant dealer / nursery license shall complete and submit Form "Plant Dealer / Landscaper Application", as amended 1-20-2017.~~

Agr 2501.05 License Fees and Exemptions.

~~(ea)~~ The annual fee for a plant dealer / landscaper license shall be as follows: \$25-

(1) \$50 for each business location at which there are annual gross sales of \$3,000 or more in rooted plant material; and

(2) \$25 for each business location at which there are less than \$3,000 annual gross sales in rooted plant material.

~~(f) The license fee shall accompany the application. Payment shall be made by check, money order, or cash, payable to the Treasurer, State of New Hampshire.~~

~~(gb)~~ The license fees specified in Agr 2501.05(a) shall not apply to: ~~Fees required by Agr 2501.03(e) shall not apply to:~~

~~(1) A person who is a nurseryman, dealer, or collector and who makes no more than \$3,000 in gross sales of all rooted plant material during the calendar year;~~

(12) Any public or private arboretum operated not-for-profit which exchanges nursery stock inspected by a duly authorized agent of a state or federal department of agriculture in limited quantities for experimental or permanent arboretum plantings; and

(32) New Hampshire state agencies or universities; ~~and~~

~~(4) Any landscape company that does not import out of state nursery stock, and does not temporarily or permanently store nursery stock.~~

Agr 2501.06 Application Deadlines, Invoicing, and Payment Requirements.

(a) A renewal application, including all required forms, shall be submitted to the department on or before February 28 of each calendar year to avoid late penalties. Any renewal application submitted after February 28 shall be assessed a late penalty of \$20.

(b) For purposes of Agr 2501.06(a), a renewal application submitted on or before February 28 shall not be subject to a late penalty solely due to the division's review or invoicing timeline.

(c) Payment of the invoice issued under Agr 2501.04(g)(2) shall be made within 28 days of its issuance.

(d) Payment of any invoice not received within 28 days of issuance shall be subject to a late penalty of \$5.

(e) A grace period of 10 days beyond the 28 day payment deadline shall be granted to account for administrative or mail delays as follows:

(1) Payments received within the grace period shall not be subject to the late penalty described in Agr 2501.06(d); and

(2) Payments received after expiration of the 10 day grace period shall incur the late penalty.

Agr 2501.07 Attestations.

(a) The applicant shall attest on the plant dealer / landscaper application form that they meet the licensing fee requirements established in Agr 2501.05.

(b) The applicant shall attest that they and shall acquire and further distribute nursery stock obtained only from a certified and, or licensed grower or dealer approved by the authorizing agency within the state of origin.

(c) Applicants that have received an exemption from use of the online platform shall attest that they have communicated with the division and received the exemption.

(i) A nurseryman, plant dealer, or landscaper shall hold a valid plant dealer license for each sales location.

(j) A plant dealer / landscaper license shall not be transferable.

(k) A copy of the plant dealer / landscaper license shall be posted in a conspicuous place at the sales location.

PART Agr 2502 NEW HAMPSHIRE ADMINISTRATIVE INSPECTION REQUIREMENTS

Agr ~~2501~~2502.01-04 Inspections.

(a) By accepting the plant dealer / landscaper license, the licensee shall agree to periodic inspections of the nursery stock being offered for sale at the business location or any other applicable location pursuant to RSA 433:28 and 433:30.

(b) The department shall inspect any nursery as determined necessary by the director to ensure that:

(1) Nursery stock offered for sale within New Hampshire is free of plant diseases, is not infested with plant pests, is not a listed prohibited invasive species as per Agr 3802.01, and meets the requirements of RSA 433:28;

(2) Nursery stock shipped from New Hampshire is free from pests under quarantine or declared a public nuisance, and has all non-quarantine plant pests under effective control; and

(3) Nursery stock shipped to New Hampshire is free from pests under quarantine or declared a public nuisance, with all non-quarantine pests under effective control.

_____(c) The department shall have authority during reasonable times to inspect a business location that might become infected or infested with plant pests.

_____(d) The department or any duly authorized agent of the department shall have the authority to place, monitor and retrieve traps and samples for identification or verification as part of an inspection.

_____(e) When an inspector finds injurious plant pests, ~~or~~ plant diseases, or listed prohibited invasive species, present in a nursery, greenhouse, plant dealer or landscaper's premises, the inspector shall issue a stop-sale order to prevent the sale of such stock if the inspector determines that a stop-sale order is necessary to remove the threat ~~posed by the pests or plant diseases~~ and assure sound, healthy nursery stock for sale pursuant to RSA 433:30 and RSA 430:53.

_____(f) Nursery stock placed on stop-sale shall be identified by the inspector, either individually or in blocks. When ordered by an inspector, ~~Inf~~ested stock shall be separated from noninfested stock and that physical separation shall be effected and maintained by the nursery.

_____(g) The issuance of a stop-sale order shall state the following:

- (1) The reason for issuance of the stop-sale order;
- (2) A description of the nursery stock placed on stop-sale; and
- (3) The date upon which such stop-sale order became effective.

_____(h) Stop-sale ordered nursery stock shall not be moved from its location unless otherwise ~~mandated~~ allowed by a department inspector for isolation purposes, and shall not be sold until the following conditions have been met:

- (1) The nursery stock has been re-inspected and found to be apparently free from pests and diseases; or

(2) The plant dealer has provided evidence of complying with required treatments; and

(3) The inspector provides a written statement releasing the stop sale ordered nursery stock.

(i) If stop-sale ordered nursery stock does not meet the conditions of (h), or if the risk from the infested or infected stock is considered an emergency, or is a listed prohibited invasive species, then the inspector shall issue a written statement ordering the disposal of the nursery stock.

(j) Means of disposal shall be identified by a state inspector.

(k) Disposal of infested nursery stock shall be witnessed or approved by a state inspector.

(l) Unless otherwise provided for by law, the department shall not provide compensation for damages to any owner for damages resulting from the loss or disposal of infested or infected plants, plant products, or other regulated articles, nor shall it reimburse licensees for any expenses incurred incidental to the application of prescribed preventative or remedial measures.

PART Agr 2503 NEW HAMPSHIRE ADMINISTRATIVE QUARANTINE REQUIREMENTS

Agr 2503.014-05 Quarantines.

(a) When injurious insects, plant diseases or both are found in any geographic area, which pose a threat to natural, residential or commercial resources, commodities, or both in New Hampshire, the commissioner shall establish an interior quarantine, and exterior quarantine, or both pursuant to RSA 433.

(b) Each quarantine order issued by the department shall include:

(1) Identification of the regulated pest or disease, including its scientific name;

(2) Identification of the quarantined area, including counties, municipalities, towns or other specifically defined locations;

(3) Identification of regulated articles, including host plants, plant parts, nursery stock, or other materials capable of harboring the pest or disease; and

(4) Movement restrictions, including prohibitions or limitations on the transport, sale, distribution, or disposal of regulated articles originating from or moving within the quarantined area.

(c) To implement and enforce a quarantine, the department or its authorized agents may conduct inspections consistent with Agr 2502.01, including:

(1) Any mandated inspection, treatment, disposal, or isolation of regulated articles;

(2) Recordkeeping sufficient to document the origin, movement, and disposition of regulated articles; and

(3) Any special conditions specified by the department, such as the issuance of shipping permits, compliance agreements, or certificates.

(d) Persons or businesses located within a quarantined area, or handling regulated articles from a quarantined area shall comply with all requirements of the quarantine order, including:

(1) Any mandated inspection, treatment, disposal, or isolation of regulated articles;

(2) Recordkeeping sufficient to document the origin, movement, and disposition of regulated articles; and

(3) Any special conditions specified by the department, such as the issuance of shipping permits, compliance agreements, or certificates.

(e) The department shall modify or terminate a quarantine when surveys, inspections, or other evidence demonstrate that the regulated pest or disease is no longer present, or when the commissioner determines that the quarantine is no longer necessary to protect New Hampshire resources or commerce.

~~The following quarantine measures shall be taken by the NH department of agriculture, markets & food:~~

~~(1) Identify by scientific name the organism under quarantine;~~

~~(2) Identify the quarantined counties;~~

~~(3) Indicate the resource or commodity under quarantine; and~~

~~(4) Specify restrictions on movement of host material or infected stock from quarantined areas.~~

PART Agr 2504 NEW HAMPSHIRE ADMINISTRATIVE CERTIFICATION REQUIREMENTS

~~Agr 2504.011-06 Nursery Stock Certification for Export~~Certification for Movement of Nursery Stock.

(a) Licensed plant dealers may ship nursery stock to other nurseries, brokers, and out-of-state customers only if the nursery stock is:

(1) F free from pests under quarantine or declared a public nuisance, and

(2) H has all non-quarantine plant pests under effective control.

(b) A plant dealer may enter into a compliance agreement with the department to ship plants using a systems approach, based on best management practices addressing critical control points in the nursery production cycle. Compliance with the terms of the compliance agreement shall be verified by inspectors with the department through audits.

(c) Any nurseryman, plant dealer, landscaper, or person within ~~the state of~~ New Hampshire may apply for a state or federal or ~~state~~ phytosanitary certificate to meet for plants and plant parts, in order to meet the plant health import requirements of other states and nations or foreign countries.

(d) ~~The application for a federal or state phytosanitary certificate shall be made through Applications shall be submitted through~~ the official federal phytosanitary certificate issuance and tracking system (PCIT). ~~The applicant may create an account with this system and access the application form(s) on line at www.pcit.aphis.usda.gov/pcit/ or any other web address published and promulgated by the United States department of agriculture, animal and plant health inspection service, plant protection and quarantine for that purpose.~~

(e) Applications shall be submitted no less than seven days prior to the requested inspection date.

(f) ~~The fees for a federal phytosanitary certificate shall include: issuance and tracking system is a complete cost recovery system. The fees for such a certificate shall be as follows:~~

(1) A federal administrative fee per certificate; and

(2) A state fee of \$39 per certificate for shipments of less than \$1,250 in value; or

(3) A state fee of \$74 per certificate for shipments of greater than or equal to \$1,250 in value; or

(4) A state fee of \$8 per certificate for replacing an issued certificate at the applicant's request.

(g) There are no fees associated with issuing state phytosanitary certificates using the federal phytosanitary certificate issuance and tracking system.

~~(g) The application for federal or state phytosanitary certification shall be submitted no less than one week prior to the requested inspection date.~~

_____ (h) Fees shall be collected at the time that the certificate is issued.

_____ (i) Payment shall be made by credit card through the official federal phytosanitary certificate issuance and tracking system.

_____ (j) No phytosanitary certificate fees shall be processed through the department's online licensing, certificate issuance and tracking system.

PART Agr 2505 NEW HAMPSHIRE ADMINISTRATIVE VIOLATIONS AND ENFORCEMENT REQUIREMENTS

Agr ~~2504~~2505.01-07 Violations and Enforcement.

_____ (a) Any person who violates the provisions of these rules shall be subject to the penalty provisions in RSA 433:32.

_____ (b) It shall be a violation for any nurseryman, plant dealer, or landscaper ~~who fails to apply for and obtain a plant dealer / landscaper license prior to sell nursery stock without a current plant dealer / landscaper license.~~ buying and selling any nursery stock.

_____ (c) It shall be a violation to move, sell, distribute, or destroy any nursery stock which has been placed on stop-sale without first notifying and receiving written approval from the department.

_____ (d) It shall be a violation for any person to violate the provisions of any internal or external state or federal quarantine.

_____ (e) It shall be a violation to knowingly provide false, incomplete, or misleading information to the department in any application, certification request, audit, or inspection.

(1) It shall be a violation to impede, obstruct, or refuse to allow a department inspector to conduct any inspection, sampling, monitoring, or investigation authorized under these rules.

(2) It shall be a violation to fail to pay any fee required under these rules within the timeframe established by the department.

_____ (f) It shall be a violation to move, alter, or dispose of any regulated article that is the subject of an inspection, quarantine investigation, or pest assessment without written authorization from the department.

_____ (g) It shall be a violation to misuse, alter, or falsify any certificate issued under these rules.

_____ ~~(eh)~~ (eh) The director shall refuse, suspend, or revoke a plant dealer / landscaper license by notifying the licensee in writing if, after considering the following factors, the director

determines that prevention or removal of an infestation of dangerous insects or plant diseases cannot be assured:

- (1) Failure to comply with all of the provisions of RSA 433:21-433:36;
- (2) Failure to renew the plant dealer / landscaper license;
- (3) Violation of state and, or federal quarantines;
- (4) Violation of a stop-sale order;
- (5) Failure to comply with state, federal, or state and federal invasive species laws; or
- (6) Failure to consent to an inspection pursuant to these rules.

(fi) The plant dealer may file an appeal of the refusal, suspension, or revocation of the plant dealer license by letter to the commissioner within 15 days after receiving the order. The letter shall state any grounds for the appeal.

(gi) If, following inspection, ~~it is determined by~~ the director determines that the plant dealer has addressed the conditions outlined in Agr ~~2501.07-01~~ 2506.07-01 (eh), the director shall issue or reinstate a plant dealer license.

APPENDIX

Provision of the Proposed Rule	Specific State or Federal Statute or Regulations which the Rule is Intended to Implement
Agr 2501.01-Agr 2501.02	RSA 433:21; RSA 433:24; RSA 433:27
Agr 2501.03	RSA 433:22, II, III V, VII; RSA 433:27; RSA 433:29-a
Agr 2501.04	RSA 433:22, II, VII
Agr 2501.05	RSA 433:22, III, VII; RSA 433:25
Agr 2501.06	RSA 433:22, II , IV, VII; RSA 433:25
Agr 2501.07	RSA 433:21; RSA 433:22, VII; RSA433:23
Agr 2502.01	RSA 433:23; RSA 433:26; RSA 433:28; RSA 433:29; RSA 433:29-a; RSA 433:30; RSA 433:33, RSA 430:53
Agr 2503.01	RSA 433:22, VI; RSA 433:24; RSA 433:30, RSA 433:34
Agr 2504.01	RSA 433:22, III, IV, VII; RSA 433:23 RSA 433:24; RSA 433:25; RSA 433:30
Agr 2505.01	RSA 433:31; RSA 433:32; RSA 433:33, RSA 433:34; RSA 433:35; RSA 433:36