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For Immediate Release

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Plant Source, Inc. and Viva Farms, LLC to Pay \$160,328 for Violating the Pierce's Disease Control Program

Program in Place to protect the California Grape Industry

The [San Diego County District Attorney's Office](#) announced a \$160,328 settlement today against two related plant businesses as part of a civil environmental prosecution alleging the companies unlawfully distributed infested and potentially infested plants throughout the state in May 2014 and February 2015. The settlement was approved by the San Diego Superior Court on January 3.

The judgment, agreed to by Plant Source, Inc., and Viva Farms, LLC, resolves allegations made in the civil enforcement lawsuit, which claimed the plant distributors unlawfully sold and transported plants throughout the state in violation of the Pierce's Disease Control Program. The program was established by the California Legislature in response to a statewide agricultural emergency caused by a plant killing disease that affects California's grape industry and other agricultural commodities. Violations of the program requirements put California's agriculture at risk for the spread of this potentially devastating plant killing disease.

"Skirting built-in protections brings consequences," DA Bonnie Dumanis said. "Environmental laws and programs exist to keep our agriculture and environment safe and thriving for all Californians and visitors."

The California Department of Food and Agriculture and the County of San Diego Department of Agriculture, Weights and Measures investigated this case. They found that in May 2014, Plant Source – operating under an agreement to comply with the disease control program – failed to follow requirements and unlawfully shipped 35 separate shipments containing 624 crape myrtle plants to Home Depot stores in California. Seven of the 35 shipments were found to be infested with glassy-winged sharpshooter egg masses. The insect is a large leafhopper, which carries and spreads the plant-killing Pierce's disease which can devastate entire crops. Plant Source was placed under additional plant shipping restrictions after the 2014 investigation. However, despite these additional restrictions, Plant Source again failed to follow the program requirements in

February 2015 and unlawfully shipped 48 plants to a non-infested area of San Luis Obispo County, and 315 palm trees to a non-infested area of Imperial County.

Plant Source and Viva Farms cooperated throughout the investigation and worked to enhance their policies and procedures to eliminate improper transporting.

The Department of Food and Agriculture and the local Department of Agriculture, Weights and Measures were instrumental in bringing this matter to a successful resolution.

“This judgement makes it abundantly clear how serious Pierce's disease is for California,” said Department of Food and Agriculture Secretary Karen Ross. “Whether you sell plants, harvest grapes, make wine, or enjoy grapes at the table, the rules at the core of this case benefit the public by preventing the spread of disease and protecting the vines that are the center of California's world-class vineyards. The resolution of this case is based on the cooperative commitment of CDFA, our county agricultural commissioners and our partners in farming and at plant nurseries.”

The state’s agriculture industry is a major economic engine.

“Protecting California’s agriculture industry is vital,” said San Diego Agricultural Commissioner Ha Dang. “A violation of quarantine laws can introduce or spread pests which could devastate the wine industry, which has a \$58 billion economic impact in California. The statewide team involved in today’s settlement is committed to protecting that industry and ensuring all businesses operate on a level playing field.”

Under the settlement, Plant Source and Viva Farms will be bound under the terms of a permanent injunction prohibiting similar future violations of law. Plant Source, Inc. and Viva Farms, LLC will also pay \$160,328 in civil penalties and costs.

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