

Chapter Ag 27

POTATO ROT NEMATODE

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History: Chapter Ag 27 as it existed on May 31, 1973 was repealed and a new chapter Ag 27 was created, Register, May, 1973, No. 209, eff. 6-1-73.

Ag 27.01 Definitions. (1) "Potato rot nematode" means the nematode (*Ditylenchus destructor*) which attacks potatoes, causing rot.

(2) "Department" means the state of Wisconsin department of agriculture, trade and consumer protection.

(3) "Seed certification agency" means the college of agricultural and life sciences of the university of Wisconsin, and the department.

(4) "Infested field" means any parcel of land on which potatoes infested with potato rot nematode were grown.

(5) "Exposed field" means any parcel of land which may have been exposed to infestation by the potato rot nematode because of the movement of potatoes, machinery, or equipment or through any other means.

(6) "Adjacent field" means any parcel of land contiguous to an infested field.

(7) "Table stock potatoes" means potatoes grown for use or processing as food for human consumption, or as non-certified seed.

(8) "Certified seed potatoes" means seed potatoes inspected and certified as to quality by the seed certification agency.

(9) "Quarantine" means an order of the department requiring isolation of the material named and prohibiting its movement or disposition except as authorized by the department.

History: Cr. Register, May, 1973, No. 209, eff. 6-1-73; correction in (2) made under s. 13.93 (2m) (b) 6, Stats., Register, December, 1985, No. 360.

Ag 27.02 Living organism. No person shall move or transport any living specimen of the potato rot nematode or of any soil or plant materials containing such organism without a permit from the department. Permit may be granted only for experimental work or research by governmental agencies, educational institutions, or private laboratories engaged in plant pest research. The department shall grant or deny a permit application within 20 business days after the application is filed with the department, provided that the application is accompanied by all requisite information and documentation.

History: Cr. Register, May, 1973, No. 209, eff. 6-1-73; am. Register, December, 1985, No. 360, eff. 1-1-86.

Ag 27.03 Infested fields; quarantines. (1) The department may, by notice in writing, declare any field on which potatoes infected with potato rot nematode were grown as an infested field.

(2) Potatoes grown on infested fields shall be placed under department quarantine and may not be sold or moved without department inspection or approval. The quarantine may be extended to potatoes grown on exposed or adjacent fields, if in the judgment of the department, potatoes grown thereon may be infected.

(3) No person shall plant potatoes on any infested field without prior notice to the department.

(4) When the department has reason to believe that any material, machinery or equipment used in the production, processing or distribution of potatoes is contaminated, the person in charge thereof shall, upon order of the department, fumigate, disinfect, wash, burn, bury or otherwise dispose of such contaminated material, machinery or equipment as required by such order.

(5) The designation of any field used in the production of table stock potatoes as an infested field may be terminated only if the field has been effectively fumigated under supervision of the department and the next potato crop grown thereon evidences no infestation, or if 2 successive potato crops grown thereon without fumigation evidence no infestation. The designation of any field used in the production of certified seed may not be terminated unless the field has been effectively fumigated under the supervision of the department and 2 successive potato crops grown thereon show no evidence of infestation with the potato rot nematode.

History: Cr. Register, May, 1973, No. 209, eff. 6-1-73.

Ag 27.04 Sale or processing of table stock potatoes. (1) No table stock potatoes may be marketed unless free from any visible evidence of infection by the potato rot nematode. Culls and waste materials removed in the process of inspection or grading shall be destroyed or disposed of in a manner as approved by the department which will not result in the spread of the disease.

(2) Potatoes from infested fields not found to be infected after inspection may be marketed for food purposes only in paper bags or other containers which are free of holes or openings permitting the escape of particles of dirt or loss of potatoes. This does not apply to bulk shipments where other safeguards are taken to prevent the spread of the disease.

(3) No potatoes from infested fields may be marketed in other states after October 1 of any year without approval of the department and the plant pest control officials in such other state.

History: Cr. Register, May, 1973, No. 209, eff. 6-1-73.

Ag 27.05 Sale as certified seed. (1) Potatoes grown on infested fields or stored in warehouses where any infected potatoes are found may not be certified or sold for seed purposes. An exception may be made for potatoes grown on infested fields in the second year following fumigation, if in the judgment of the department and other agencies responsible for seed certification, the infestation has been thoroughly eliminated and a disease hazard no longer exists.

Register, December, 1985, No. 360

(2) Potatoes grown on adjacent or exposed fields may be certified and sold for seed purposes only with written approval of the department. Approval may not be granted if in the judgment of the department and other agencies responsible for seed certification, such fields may be infested or there is danger of spread of the disease.

(3) Warehouses in which infected potatoes are found may not be used for further storage of certified seed potatoes until all potatoes have been removed therefrom and the warehouse has been thoroughly cleaned and disinfected under the supervision of the seed certification agency.

History: Cr. Register, May, 1973, No. 209, eff. 6-1-73.

Ag 27.06 Penalty. Any person violating this chapter shall be subject to fine or imprisonment or both as provided in s. 94.77, Stats.

History: Cr. Register, May, 1973, No. 209, eff. 6-1-73.