



State of Wisconsin
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection
Rod Nilsestuen, Secretary

DATE: March 15, 2007

TO: Gary Poulson - Revisor of Statutes Office
131 West Wilson Street, Suite 800

FROM: Rodney J. Nilsestuen, Secretary

**SUBJECT: Seed Potato Certification and Grading; Final Draft Rule for Publication
(Clearinghouse Rule No.06-085)**

The Department of Agriculture, Trade and Consumer Protection (DATCP) hereby submits the following rule for publication:

CLEARINGHOUSE RULE #: 06-085

SUBJECT: Seed Potato Certification and Grading

ADM. CODE REFERENCE: ATCP 156

DATCP DOCKET #: 04-R-08

We are enclosing a copy of the final draft rule, as adopted by DATCP. We are also providing the following information for publication with the rule, as required by s. 227.114(6), Stats.

Final Regulatory Flexibility Analysis (Summary)

This rule modifies existing rules related to seed potato certification and grading. This rule applies to seed potato growers who wish to produce and sell *certified* seed potatoes (participation is voluntary, and there is nothing to prohibit the sale or use of uncertified seed potatoes). It also applies to laboratories and greenhouses that provide propagative material used to grow certified seed potatoes. Many of these businesses may qualify as “small businesses.”

This rule creates a clearer, more up-to-date framework for the seed potato certification program administered by the college. This rule modernizes Wisconsin’s certified seed potato rule to address changing industry practices and standards. Among other things, this rule:

- Clarifies and updates certification standards and procedures. This rule reflects current national and international standards. The college may grant limited written variances in some cases, if special conditions warrant.
- Modernizes the system for classifying certified seed potatoes.

- Expands the number of sources from which growers may obtain propagative material for certified seed potatoes, while minimizing disease risk.
- Clarifies approval of laboratories and greenhouses that provide propagative material used to produce certified seed potatoes.
- Recognizes new laboratory testing capabilities.
- Clarifies responses to findings of bacterial ring rot.
- Provides for certification reciprocity between states, provided that other states apply equivalent standards. Seed potatoes certified in another state must be labeled accordingly.
- Modernizes requirements for certified seed potato labeling, shipping and handling, based on current industry needs.
- Provides a mechanism by which a seed potato grower may obtain informal and formal review of an adverse certification decision by the college.
- Prohibits fraudulent sales of uncertified seed as certified seed.
- Provides greater consistency between Wisconsin and other states, while maintaining high Wisconsin standards.

This rule does not substantially alter current standards or procedures for DATCP quality inspection of seed potatoes. However, it clarifies the respective roles of DATCP and the college, and spells out grading standards and procedures with greater clarity.

This rule will assist the Wisconsin potato industry, including seed potato growers. This rule is not expected to have a significant adverse impact on seed potato growers or other sectors of the Wisconsin potato industry. *Participation is voluntary.*

This rule will harmonize Wisconsin certified seed potato rules with rules in other states, so that Wisconsin seed potato growers can continue to export certified seed potatoes. This rule will also make it easier for Wisconsin seed potato growers to acquire propagative material from reliable sources outside this state.

This rule makes minor changes related to certification application, certification procedure, recordkeeping, and certified seed potato handling and labeling. However, none of these changes will have a significant adverse impact on seed potato growers.

This rule generally provides more workable certification standards for seed potato growers. In a very small number of cases, this rule may prevent certification of seed potato lots that are currently eligible for certification. However, the new standards are designed to prevent the introduction and spread of potato diseases. Effective disease control is important for the entire potato industry.

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Comments from Legislative Committees (Summary)

On January 3, 2007, DATCP transmitted the above rule for legislative review. The rule was assigned to the Senate Committee on Agriculture and Higher Education and the Assembly Committee on Agriculture. Both committees' review periods expired without any action.