

CR 89-23

STATE OF WISCONSIN)
DEPARTMENT OF AGRICULTURE,) ss.
TRADE AND CONSUMER PROTECTION)

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To All To Whom These Present Shall Come, Greetings:

I, Nicholas J. Neher, Administrator, Agricultural Resource Management Division, State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, and custodian of the official records of said Division, do hereby certify that the annexed order adopting rules relating to the control of potato rot nematode, Chapter Ag 27, Wis. Adm. Code, was duly approved and adopted by the Department on October 19, 1989.

I further certify that said copy has been compared by me with the original on file in the Department and that the same is a true copy thereof, and of the whole of such original.

On testimony whereof, I have hereunto set my hand and affixed the official seal of the Department at the Department offices in the City of Madison, this 3rd day of August 1990.

Nicholas J. Neher
Nicholas J. Neher, Administrator
Agricultural Resource Management Division

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AN ORDER OF THE
STATE OF WISCONSIN

DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

ADOPTING, AMENDING, OR REPEALING RULES

The Wisconsin department of agriculture, trade and consumer protection issues the following order to renumber Ag 27.01(1), (7), and (8); to renumber and amend Ag 27.01(2), (4), (6), and (9), and Ag 27.05(3); to amend Ag 27.03(1), (2), and (3); Ag 27.04(2) and (3), and Ag 27.05(1) and (2); to repeal and recreate Ag 27.01(3) and Ag 27.03(5); and to create Ag 27.03(6) and (7), and Ag 27.05(3); relating to the control of potato rot nematode.

Analysis Prepared by the Department of
Agriculture, Trade and Consumer Protection

Statutory authority: Section 93.07(1), Stats.

Statutes interpreted: ss. 94.01, 94.02, and 94.03, Stats.

This rule updates current rules related to control of potato rot nematode. This rule clarifies the definitions of "infested field" and "certified seed potatoes." It amends current definitions to reflect the fact that DATCP is not the state's potato "seed certification agency."

Currently, DATCP may declare as an "infested field" any field on which potatoes infected with potato rot nematode have been grown. Under this rule, the department shall declare as an "infested field" any field on which potatoes infected with potato rot nematode have been grown.

Under current rules, DATCP is required to issue a quarantine prohibiting the sale or movement of potatoes grown on an infested field. Under this rule, the sale or movement of such potatoes is automatically prohibited unless the sale or movement is approved by DATCP. (As under current rules, DATCP may also issue a notice of infestation covering adjacent fields if, in DATCP's judgment, those fields may be infested.)

Under current rules, no person may plant potatoes on an infested field without giving prior notice to DATCP. Under this rule, the prior notice must be in writing and must indicate the type of potatoes to be grown on the field. Under this rule, a questionnaire mailed to owners of infested fields must be completed and returned to the department. The completed questionnaire will be made available to the UW college of agricultural and life sciences and the Wisconsin Potato Growers Association.

Current rules specify the conditions under which a notice of infestation may be withdrawn by DATCP. These conditions are not changed under this rule. Under this rule, DATCP may continue to examine potatoes from the field after a notice of infestation is withdrawn, in order to verify that there is no evidence of infestation.

Under current rules, if infected potatoes are found in any warehouse, no potatoes from that warehouse may be certified or sold for seed purposes. Under this rule, potatoes from that warehouse could be certified or sold for seed purposes if the certification or sale is approved by DATCP. Approval may be granted if, in the judgment of DATCP and the UW college of agriculture and life sciences, all of the following conditions are met: (a) the potatoes were harvested and stored in a manner which minimizes the spread of potato rot nematode; (b) the potatoes were not stored in the same bin with the infected potatoes; (c) the warehouse was effectively constructed and operated to prevent the spread of potato rot nematode between bins; and (d) there is minimal risk that the certification or sale will result in the spread of potato rot nematode.

SECTION 1. Ag 27.01(1) and (2) are renumbered Ag 27.01(7) and (4), respectively, and Ag 27.01(4) as renumbered is amended to read:

Ag 27.01(4) "Department" means state of Wisconsin department of agriculture, trade and consumer protection.

SECTION 2. Ag 27.01(3) is repealed and recreated to read:

Ag 27.01(3) "College" means the college of agricultural and life sciences of the university of Wisconsin.

SECTION 3. Ag 27.01(4) and (6) to (9) are renumbered Ag 27.01(6), (1), (9), (2), and (8), respectively; and Ag 27.01(2), (6), and (9), as renumbered, are amended to read:

Ag 29.01(2) "Certified seed potatoes" means seed potatoes which have been inspected and certified as to quality by the seed certification agency by the college as having been produced under and meeting field and bin inspection standards and requirements under Ch. Ag 26, and which have been graded and certified by the department as being of a grade specified under Ch. Ag 26.

(6) "Infested field" means any parcel of land ~~on which potatoes infested with potato rot nematode were grown~~ which is declared to be an infested field under s. Ag 27.03(1), or which is known to be currently infested in fact with potato rot nematode.

(9) "Table stock potatoes" means potatoes grown for use or processing as food for human consumption, ~~or as noncertified seed.~~

SECTION 3. Ag 27.03(1), (2), and (3) are amended to read:

Ag 27.03(1) The department ~~may~~ shall, by notice in writing, declare as an infested field any field or parcel of land on which potatoes infected with potato rot nematode ~~were~~ have been grown ~~as an infested field.~~

(2) ~~Potatoes grown on infested fields shall be placed under department quarantine and may not~~ No potatoes grown on an infested field may be sold or moved without department inspection or approval. Before granting approval, the department shall perform a harvest-time inspection of the infested field and randomly selected potatoes grown on the field. The department may issue a quarantine may be extended to covering potatoes grown on other exposed or adjacent fields, ~~if,~~ in the judgment of the department, potatoes grown ~~thereon~~ on those fields may be infected.

(3) No person ~~shall~~ may plant potatoes on any infested field without giving prior written notice to the department. Notice shall indicate the type of potatoes to be grown on the infested field. The department shall, by March 1 of

each year, mail a questionnaire to all persons known by the department to be owners of potato rot nematode infested fields or parcels of land. The questionnaire shall state what crops, if any, are to be grown on the infested field or parcel of land and any other information required by the department. After the questionnaire is completed and signed by the owner, it shall be returned to the department by April 15 of each year. Copies of each completed questionnaire shall be made available to the Wisconsin potato growers association and the college.

SECTION 4. Ag 27.03(5) is repealed and recreated to read:

Ag 27.03(5) If a field used in the production of table stock potatoes is designated as an infested field under sub. (1), the department may withdraw that designation only if one of the following conditions is met:

(a) The field has been fumigated in accordance with pesticide laws and the fumigant's label and there is no evidence of potato rot nematode infestation in the next potato crop grown on the field. No fumigation may be done without prior written notice to the department.

(b) There is no evidence of potato rot nematode infestation in two successive potato crops grown on the field.

SECTION 5. Ag 27.03(6) and (7) are created to read:

Ag 27.03(6) If any field used in the production of certified seed potatoes is designated as an infested field under sub. (1), the department may not withdraw that designation unless both of the following conditions are met:

(a) The field has been fumigated in accordance with pesticide laws and the fumigant's label. No fumigation may be done without prior written notice to the department.

(b) After the field is fumigated, two successive potato crops grown on the field show no evidence of potato rot nematode infestation.

(7) If a notice of infestation is withdrawn under sub. (5) or (6), the department may continue to examine potatoes grown on the field to verify that there is no evidence of potato rot nematode infestation.

SECTION 6. Ag 27.04(2) and (3) are amended to read:

Ag 27.04(2) Potatoes from an infested fields ~~not found to be infected after inspection~~ field or warehouse where infected potatoes are found that have been randomly inspected by the department and show no visible evidence of infection may be marketed or shipped for grading or processing 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~~ provided adequate safeguards are taken to prevent the spread of the disease during transit, grading or processing. Potatoes showing evidence of infection and all cull and waste material resulting from the inspection, grading or processing of the potatoes shall be destroyed or disposed of in a manner which prevents spread of the disease.

(3) No potatoes from an infested fields field may be marketed ~~in other states after October 1 of any year~~ delivered to another state without written approval of the department and the

responsible plant pest control officials authority in such that
other state.

SECTION 7. Ag 27.05(1) and (2) are amended to read:

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

(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~~ shall not be granted if, in the
judgment of the department and ~~other agencies responsible for~~
~~seed certification the college,~~ such the fields may be infested
or there is a danger of spread of the disease that the disease
may spread.

SECTION 8. Ag 27.05(3) is renumbered Ag 27.04(4) and as
renumbered is amended to read:

(4) ~~Warehouses in which infected~~ If a warehouse is found to
contain potatoes infected with potato rot nematode are found may
~~not be used for future storage of,~~ certified seed potatoes shall
not be stored in that warehouse until all potatoes ~~have been~~ are
removed ~~therefrom~~ from the warehouse and the warehouse ~~has been~~

is thoroughly cleaned and disinfected under the supervision of the ~~seed certification agency~~ college.

SECTION 9. Ag 27.05(3) is created to read:

Ag 27.05(3) If potatoes infected with potato rot nematode are found in any warehouse, no potatoes from that warehouse may be certified or sold for seed purposes except with the approval of the department and the college. Approval may be granted for the certification or sale of potatoes from the warehouse for seed purposes if, in the judgment of the department and the college, all of the following conditions are met:

(a) The potatoes were cultivated, harvested and stored in a manner which minimizes the spread of potato rot nematode.

(b) The potatoes were not stored in the same bin with potatoes infected with potato rot nematode.

(c) The warehouse and storage bins are constructed, maintained and operated in a manner which effectively precludes the spread of potato rot nematode between bins.

(d) There is minimal risk that the certification or sale of the potatoes will result in the spread of potato rot nematode.

SECTION 10. The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Dated this 1st day of August, 1990.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Nicholas J. Neher
Nicholas J. Neher, Administrator
Agricultural Resource Management Division

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