

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History: Chapter Ag 27 as it existed on May 31, 1973 was repealed and a new chapter Ag 27 was created, Register, May, 1973, No. 209, eff. 6-1-78.

Ag 27.01 Definitions. (1) "Adjacent field" means any parcel of land contiguous to an infested field.

(2) "Certified seed potatoes" means seed potatoes which have been inspected and certified 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.

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

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

(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) "Infested field" means any parcel of land 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.

(7) "Potato rot nematode" means the nematode (*Ditylenchus destructor*) which attacks potatoes, causing rot.

(8) "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.

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

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; renum. (1), (2), (4), (6) to (9) to be (7), (4), (6), (1), (9), (2) and (8) and am. (2), (6) and (9), r. and recr. (3), Register, September, 1990, No., 417, eff. 10-1-90.

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 de-

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partment, 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 shall, by notice in writing, declare as an infested field any field or parcel of land on which potatoes infected with potato rot nematode have been grown.

(2) No potatoes grown on an infested field may be sold or moved without department 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 covering potatoes grown on other exposed or adjacent fields if, in the judgment of the department, potatoes grown on those fields may be infected.

(3) No person 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.

(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) 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.

(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.

History: Cr. Register, May, 1973, No. 209, eff. 6-1-73; am. (1) to (3), r. and recr. (5), cr. (6) and (7), Register, September, 1990, No. 417, eff. 10-1-90.

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 an infested 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 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 field may be delivered to another state without written approval of the department and the responsible plant pest control authority in that other state.

History: Cr. Register, May, 1973, No. 209, eff. 6-1-73; am. (2) and (3), Register, September, 1990, No. 417, eff. 10-1-90.

Ag 27.05 Sale as certified seed. (1) Potatoes grown on infested fields shall not be certified or sold for seed purposes, except that potatoes grown on infested fields in the second year following fumigation 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 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 shall not be granted if, in the judgment of the department and the college, the fields may be infested or there is a danger that the disease may spread.

(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.

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(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.

(4) If a warehouse is found to contain potatoes infected with potato rot nematode, certified seed potatoes shall not be stored in that warehouse until all potatoes are removed from the warehouse and the warehouse is thoroughly cleaned and disinfected under the supervision of the college.

History: Cr. Register, May, 1973, No. 209, eff. 6-1-73; am. (1) and (2), renum (3) to be (4) and am., cr. (3), Register, September, 1990, No. 417, eff. 10-1-90.

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.