# **01-001 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY**

 **DIVISION OF PLANT INDUSTRY**

**Chapter 257: RULES GOVERNING THE ESTABLISHMENT AND OPERATION OF SEED POTATO PRODUCTION AREAS**

**INTRODUCTION**

**1. AUTHORIZATION**

 A. **Statutory Authorization and Scope**

1) The Statutory Authority for establishing Seed Potato Production Areas in the State of Maine is found in 7 MRSA §§ 2101-2105.

2) This chapter defines the rules governing any Seed Potato Production Areas established in the State of Maine.

3) Seed Potato Production Areas established in the State must comply with all rules relating to Certification of Seed Potatoes including CMR 01-001, Chapter 252, 253, 255, 259 and 30.

**2. DEFINITIONS**

 A. **The Terms**

 1) The terms used in this rule are defined in CMR 01-001, Chapter 252.

**3. APPLICATION**

 A. **Procedure**

1) Seed growers in any area who wish to apply for designation as a Seed Potato Production Area must apply to the Department in writing. All potato growers in such area or their agents, shall sign the letter of application.

2) Any seed grower who lives in an area which cannot qualify as a Seed Potato Production Area may apply to the Department in writing for recognition of compliance with all the rules in this chapter.

 B. **Decision**

 1) The Department shall designate an area as a Seed Potato Production Area if the applicants therefore satisfy the Department that they are in compliance, and will remain in compliance, with all the rules in this chapter.

 2) If a seed grower who lives in an area which cannot qualify as a Seed Potato Production Area can satisfy the Department that he is in compliance, and will remain in compliance with all the rules in this chapter, the Department shall designate such seed grower(s) as having met all the requirements of a Seed Potato Production Area.

**4. GEOGRAPHIC AREA**

 A. **Isolation**

 1) Seed Potato Production Areas must be isolated from other areas with clearly defined boundaries that are outlined on a topographical map.

**5. PRODUCTION PRACTICES IN THE SEED POTATO PRODUCTION AREA**

 A. **Class of Seed**

1) Seed growers within the Seed Potato Production Area shall plant seed potatoes of the Foundation Class having a generation designation of generation 4 or less as defined in the *Rules Governing the Certification of Seed Potatoes in the State of Maine* (CMR 01-001, Chapter 252). Seed growers will strive to plant only seed potatoes having a generation designation of generation 3 or less.

2) All tablestock and processing growers in the Seed Potato Production Area shall plant at a minimum seed potatoes of the Certified Class as defined in the *Rules Governing the Certification of Seed Potatoes in the State of Maine* (CMR 01-001, Chapter 252) which do not exceed 0.5% total virus in the PostHarvest test.

3) Seed growers within the Seed Potato Production Area shall ensure that a supply of seed potatoes of the Certified class which do not exceed 0.5% total virus in the Post-Harvest Test are available to homeowners for vegetable gardens of one half acre or less within the Seed Potato Production Area.

4) Seed potato growers within the Seed Potato Production Area must conform with all the requirements for the production of Foundation Class seed potatoes as defined in CMR 01-001, Chapter 252.

5) All potato growers within the Seed Potato Production Area shall submit copies of their reporting forms for Title 7 MRSA §951-A, "Minimum Standards for Potato Seed Planting', to the Division of Plant Industry in Presque Isle.

 B. **Disease Control**

1) The Department of Agriculture, Conservation and Forestry will annually hold a Roguing School at the University of Maine's Aroostook Research Farm in Presque Isle which must be attended by all persons who will be hired to rogue seed potato fields within the Seed Potato Production Area.

2) Seed fields within the Seed Potato Production Area having a total virus reading of greater than 0.1% during the first seed inspection shall be rogued to the satisfaction of the Seed Inspector prior to the second inspection.

3) Seed growers within the Seed Potato Production Area shall utilize information provided by the Cooperative Extension Service's Integrated Pest Management program to monitor for insects and diseases and shall conduct a timely insect and disease control program to minimize the spread of these pests.

4) All varieties, generations and sources of seed shall be separated from each other by at least one blank row.

 C. **Bacterial Ring Rot**

1) The boundaries of a field or fields within the Seed Potato Production Area will be defined by the inspector of the Maine Seed Potato Certification Program.

2) Any field of potatoes in which Bacterial Ring Rot was found must be treated with a sprout inhibitor providing the treatment can applied at the proper be stage of growth to effectively control sprouting.

3) Any field of potatoes in which Bacterial Ring Rot was found cannot be planted to potatoes for the next two consecutive years and shall be treated with a sprout inhibitor or effective herbicide the year following detection of Bacterial Ring Rot to control volunteers.

4) Seed growers within the Seed Potato Production Area shall be notified of the presence and location of Bacterial Ring Rot if found within the area.

5) In order to sell as seed any potatoes produced on a farming operation on which Bacterial Ring Rot was found, the farming operation must comply with the following requirements for the next two years of production:

a) thoroughly clean and disinfect, under the supervision of a seed inspector, all machinery, storages and equipment used in the production of seed potatoes.

b) dispose of all seed potatoes produced on that farming operation and acquire and plant new lots of seed of the Foundation class.

c) laboratory test 400 tubers for each variety, generation and source of seed produced on the farming operation before such seed can be sold.

6) Farming operations on which Bacterial Ring Rot was found shall not be eligible to purchase seed potatoes from the Maine Seed Potato Board for one year following detection of Bacterial Ring Rot.

7) All potato fields planted within the Seed Potato Production Area not entered into the Maine Seed Potato Certification Program must be inspected for Bacterial Ring Rot by a seed inspector.

8) The seed growers entered into the Maine Seed Potato Certification Program within the Seed Potato Production Area will incur the costs of the Bacterial Ring Rot inspection on fields of processing and tablestock producers who have not entered their crops into the certification program. The fees for such inspections will be sufficient to cover the cost of labor and other expenses incurred in conducting the inspection.

D. **Equipment and Storage Disinfection**

1) All equipment and storages within the Seed Potato Production Area shall be cleaned and disinfected in a manner approved by the inspector each year prior to use.

2) Disinfectants shall be available at all seed storages within the Seed Potato Production Area and no one will be allowed entry into the storage without first disinfecting their footwear.

3) Seed growers within the Seed Potato Production Area will make available to the inspector all equipment necessary to inspect the seed potatoes for compliance with CMR 01-001, Chapter 253, *Official Seed Potato Grade for Maine Certified Seed Potatoes*.

4) All seed potatoes shall be transported in new sacks or in equipment that has been thoroughly cleaned and disinfected and approved by an inspector.

5) Equipment from seed farms which is used on other farming operations must be thoroughly cleaned and disinfected prior to being used on the seed farm.

 E. **Imported Seed**

1) Seed potatoes imported into the Seed Potato Production Area must have sufficient documentation for an inspector to establish that the seed potatoes were produced on a farm that has been free from Bacterial Ring Rot for three years preceding the year the potatoes were imported into the area and met all the requirements for the Foundation Seed Class.

2) A four hundred tuber sample of seed potatoes from seed lots imported from other states and countries onto seed farms in the Seed Potato Production Area shall be tested for Bacterial Ring Rot by either a laboratory or field test.

 F. **Vehicle Entry**

1) Any vehicle and/or equipment used to handle or transport potatoes from the Seed Potato Production Area must be properly cleaned and disinfected to the satisfaction of the inspector prior to handling or transporting potatoes from the Seed Potato Production Area.

2) Any vehicle and/or equipment used to handle or transport potatoes that in the judgment of the inspector has not been cleaned or disinfected properly shall be removed from the Seed Potato Production Area immediately.

 G. **Rotation**

1) The practice of planting seed potatoes in a field in which potatoes were grown the previous year is not recommended.

2) Seed potatoes may be planted for not more than two consecutive years on the same field.

3) Seed potatoes grown on the same field for two consecutive years shall be of the Foundation Class and shall follow Foundation Class Seed of the same variety.

 H. **Cull Potatoes**

1) Cull potatoes produced in the Seed Potato Production Area shall be disposed of in such a manner that they will not germinate or pose a source of disease to the growers in the Seed Area.

2) Cull potatoes transported within the Seed Potato Production Area shall be covered to prevent spillage during transit.

 I. **Recommended Production Practices**

1) Seed growers within the Seed Potato Production Area are encouraged to utilize a truck cleaning and disinfection station for all trucks entering the area. Such stations should be isolated from fields and storages in the Seed Potato Production Area.

2) Seed growers within the Seed Potato Production Area are encouraged to tuber unit plant their seed plot to aid in rouging diseases from such plots.

3) Seed growers within the Seed Potato Production Area are encouraged to provide a storage environment that maintains physiological vigor of seed.

4) Seed growers within the Seed Potato Production Area are encouraged to initiate vine-killing based upon a buildup in population of winged green peach aphids.

5) A laboratory test is recommended for Bacterial Ring Rot testing of seed lots imported into the Seed Potato Production Area.

**6. ENFORCEMENT**

 A. **Inspection**

1) Seed Potato Inspectors with the Maine Department of Agriculture, Conservation and Forestry have the authority to inspect the production practices required within the Seed Potato Production Area and to recommend necessary changes to comply with these rules.

 B. **Penalties**

 1) Any person who violates any of these rules shall be subject to a civil penalty not exceeding $500 and shall be denied participation in the Seed Potato Production Area until such time as the farming operation is in compliance with these rules.

 C. **Withdrawal**

 1) If any area designated by the Department as a Seed Potato Production Area fails to comply with any of the rules in this chapter, the Department shall notify the landowners involved of that fact and shall withdraw the designation for that entire Area.

 D. **Periodic Reporting**

 1) Landowners within the Seed Potato Production Area shall make such periodic reports as the Department may require. Any change in ownership shall be promptly reported to the Department.

**7. GENERAL WAIVER**

1) The Commissioner may, upon application of one or more growers and for good cause, temporarily waive any of the requirements of this chapter provided that seed potato quality in the Seed Potato Production Area is not thereby jeopardized.

2) Any such waiver shall be granted only upon written application of the grower(s) involved, citing the reasons justifying such waiver and providing such other information as the Commissioner may require.

3) If the Commissioner grants such waiver, the grower(s) shall comply with the terms and conditions required by the Commissioner.

STATUTORY AUTHORITY: 7 M.R.S.A. §2103-B

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