

✓ 6/8/92

Department : Agriculture

STATE OF MINNESOTA  
**Office Memorandum**

Date : May 22, 1992

To : Maryanne Hruby, Director  
LCRAR

From : Carol Milligan *cm*  
Agriculture Planning Division

Phone : 296-6906

Subject : **Rule Governing Certified Seed Potatoes**

As required by Minnesota Statutes, sections 14.131 and 14.23, attached is the Statement of Need and Reasonableness for the above-captioned rule. The Notice of Intent to Adopt and the rule will be published in the *State Register* on 6/8/92.

Attachment

**The Legislative Commission to  
Review Administrative Rules**

**MAY 27 1992**



**STATE OF MINNESOTA  
DEPARTMENT OF AGRICULTURE**

<b>IN THE MATTER OF PROPOSED AMENDMENTS TO</b>	)	
<b>THE RULES OF THE DEPARTMENT OF AGRICULTURE</b>	)	<b>STATEMENT OF NEED</b>
<b>GOVERNING SEED POTATO CERTIFICATION</b>	)	<b>AND REASONABLENESS</b>
<b>MINNESOTA RULE 1555.6810, 1555.6820 and 1555.6840</b>		

**I. INTRODUCTION**

The subject of this rule making is the proposed adoption by the Minnesota Department of Agriculture (MDA) of amendments to the rules governing requirements for certification of seed potatoes. Minnesota Statutes, sections 21.113 to 21.118, authorize the Minnesota Department of Agriculture to adopt rules for the efficient administration and enforcement of the Minnesota Seed Potato Certification Law.

The Department has determined that the proposed amendments are noncontroversial in nature because they are supported by the industry, and will bring Minnesota's requirements for certified seed potato production into conformity with other states. Because of the noncontroversial nature of these amendments the department has directed that the rule making proceedings be conducted in accordance with the statutory provisions governing the adoption of noncontroversial rules, Minnesota Statutes, section 14.22 to 14.28. Accordingly, the rule making proceedings on the proposed amendments are governed by the statute and no hearing will be conducted on the proposed amendments unless 25 or more persons submit to the department a written request for such hearing. In accordance with the requirements of Minnesota Statutes, section 14.23, this Statement of Need and Reasonableness was prepared and completed prior to the date that the proposed rule was published by the State Register.

**II. GENERAL OVERVIEW**

**Rule 1555.6810 Minnesota Growers**

This rule allows seed potato growers to replant certified seed potatoes produced during the previous growing season within their farming operation without regard for the winter test requirement. This rule also allows the Commissioner to authorize growers to plant purchased Certified seed potatoes, thereby waiving the winter test requirement on seed being entered for recertification. Allowing a seed potato grower to replant his own certified seed potatoes without a winter test requirement, has on many occasions resulted in serious disease problems within individual farming operations. Few seed potato growers utilize this option and no other seed potato certification programs in the U.S. allow it due to the threat of disease. The purchasing of non winter tested Certified seed for replanting by seed growers carries an even greater risk of disease and is not allowed in other states. To correct this weakness and inconsistency in Minnesota's seed potato certification rules, MDA is proposing to amend rule 1555.6810 such that growers may only replant their own Certified seed potatoes if authorized by the Commissioner, and that planting of purchased Certified seed potatoes is not allowed under any circumstances.

**Rule 1555.6840 Requirements for Certified Seed Potato Production**

This rule states the tolerance levels for various potato diseases and basic requirements that must be met by a seed grower in order to produce certified seed potatoes. The rule covers field inspection, maximum disease tolerances, roguing, storage, tags, bulk certificates, and seals and grading. There are four classes of Minnesota certified seed potatoes: Primary Foundation, Foundation, Generation and Certified. The Certified class of seed potato has the highest disease tolerances, is not winter tested, and generally not planted for recertification. The Certified class of seed potato is covered under Rule 1555.6840. With the exception of disease tolerances, Rule 1555.6840 is fairly consistent with seed potato certification

requirements across the U.S. Disease tolerances for certification are not standard and vary considerably from state to state. This is due to the fact that different areas of the country have different endemic disease problems. Consequently, disease tolerances for seed potato certification have evolved independently, from state to state, depending on what the seed industry in a particular state can live with. Historically, Minnesota has had the most stringent disease tolerances for certified seed potatoes in the country. The dynamics of potato diseases, however, are always changing and over the past six years Minnesota has seen a marked increase in the incidence severe mosaic. The causal agent of severe mosaic is potato virus Y (PVY). PVY is endemic to Minnesota and has been an irritant for seed growers for decades. Recently, however, due to numerous changes in seed production practices, there has been a substantial increase in PVY, so much so that levels of PVY in Minnesota are now much the same as in other seed producing states. At this time, Minnesota's tolerance for PVY is 0.3% while in other states such as Wisconsin, Michigan, and Maine the tolerance is 1.0% or more. This discrepancy puts Minnesota seed growers at a considerable disadvantage in the marketplace. For example, a potato grower in Florida, required by law to plant certified seed, could purchase certified seed from a grower in Maine that may be carrying 1.0% or more PVY. While at the same time, a seed potato grower in Minnesota is excluded from the Florida market because his seed potatoes were rejected for carrying perhaps 0.5% PVY. To help minimize this discrepancy between Minnesota's tolerance for PVY and certification tolerances imposed on seed in other states, MDA is proposing to amend Rule 1555.6840 Subpart 2.D. such that the term severe mosaic refers specifically to potato virus Y and that upon first, second, and subsequent inspections, the tolerance for PVY is 1.0%.

### III. NEED FOR AND REASONABLENESS FOR THE PROPOSED AMENDMENTS TO THE RULES

#### 1555.6810 Minnesota Growers

This proposed amendment is reasonable because it will help reduce the threat of disease in seed potato production. Historically, few seed growers have replanted their own Certified seed, and when it has occurred it has usually resulted in serious disease problems. In some cases, however, where there is a drastic shortage of Primary Foundation, Foundation, and Generation certified seed, replanting of Certified seed would be allowed but only under the close scrutiny of the Commissioner. This amendment will make Minnesota's requirements for certification consistent with those in neighboring states. The term Generation certified is being added to this section so that it is consistent with other sections of the current rules relating to certified seed potatoes.

#### 1555.6820 Non-Minnesota Growers

The term Generation certified seed is being added to this section so that it is consistent with other sections of the current rules relating to certified seed potatoes.

#### 1555.6840 Requirements for Certified Seed Potato Production Subpart 2.D. Disease Tolerances.

The proposed amendment to this rule is reasonable because it will not substantially diminish the general quality of Minnesota Certified Seed Potatoes. This amendment affects only the Certified class of certified seed potatoes. The tolerance for PVY for all other classes of certified seed would remain unchanged. The Certified class is the lowest of the four classifications of seed potatoes certified by the State and is marketed exclusively to commercial potato growers. A 1.0% level of PVY in seed potatoes destined for commercial production does not pose a threat. There is no research data to indicate that a 1.0% PVY infection level in seed potatoes significantly reduces their productivity under commercial conditions. The proposed amendments would bring Minnesota into conformity with other states and allow Minnesota seed growers to compete more effectively in the national marketplace.

IV. SMALL BUSINESS IMPACT OF THE PROPOSED AMENDMENT

As prescribed by Minnesota Statutes, section 14.115, subdivision 1 and 2, the Department of Agriculture has considered the degree of impact the proposed rule changes will have on the certified seed potato industry.

The Department has determined that the proposed amendments will improve the workability of the present rules addressing certified seed potatoes and place no additional economic restraints or demands on producers. These amendments will be a positive benefit to Minnesota certified seed potato growers.

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