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CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 24/96

Seed Potato Regulations under the *Plant Protection Act* (O.C. 96-269)

Under the authority of section 14 of the *Plant Protection Act* and the *Subordinate Legislation Revision and Consolidation Act*, the Lieutenant-Governor in Council makes the following regulations.

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Short title

1. These regulations may be cited as the *Seed Potato Regulations*.

83/80 s1

Definitions

2. In these regulations

- (a) "Act" means the *Plant Protection Act*;
- (b) "certificate" means a certificate that is issued under subsection 10(1);
- (c) "certificate number" in respect of seed potatoes means a serial number on a certificate which number identifies the growing crop of seed potatoes in respect of which the certificate was issued and the tubers produced by the growing crop;
- (d) "department" means the Department of Fisheries, Food and Agriculture;
- (e) "field inspection" means an inspection referred to in section 9;
- (f) "grade" means a grade of seed potatoes set out in Schedule A;
- (g) "growing crop" means a growing crop of seed potatoes;
- (h) "official tag" means a tag or label issued under the authority of the minister for the purpose of identifying seed potatoes;
- (i) "plant indicator host" means a plant that may indicate a virus or other pathogenic infection after inoculation by sap, vector, scion graft or other means from a plant being tested;
- (j) "prescribed variety" means a variety of seed potatoes prescribed by the minister under paragraph 14(1)(k);
- (k) "seed potato" means a potato or a part of a potato produced, marketed or used for propagation;
- (l) "table stock potato" means a potato or a part of a potato produced, marketed or used for consumption; and
- (m) "tuber unit" means one hill of seed potatoes planted with one tuber or 2 or more hills planted consecutively from setts cut from one tuber.

83/80 s2

Application

3. These regulations apply to seed potatoes that are sold or advertised for sale in the province or imported into the province.

Grades and grade names

4. (1) The grades of seed potatoes are established with the grade names set out in Schedule A and seed potatoes that meet the requirements for one of those grades shall be graded accordingly.

(2) The tubers of seed potatoes that have been graded under subsection (1) shall be sorted according to size as set out in Schedule B.

Standards

5. The standards set out in Schedule C are prescribed as the standards for the tubers of seed potatoes.

Application for crop inspection

6. (1) Every application for inspection of a growing crop shall be made on a form supplied by the department and delivered to the department on or before June 16 of the crop year in respect of which the application is made.

(2) Where an application referred to in subsection (1) is made in respect of a growing crop that was planted with seed potatoes not produced by the applicant, the application shall be accompanied by

(a) an official tag from one container of each lot of potatoes in the case of potatoes sold in containers;

(b) one copy of the permit referred to in paragraph 14(1)(a) in the case of potatoes sold in bulk;
or

(c) a copy of the written permission referred to in paragraph 14(1)(b) in the case of potatoes referred to in section 14.

Conditions for crop inspection

7. (1) Inspection of a growing crop shall only be made under the following conditions:

(a) the crop is planted with seed potatoes that

(i) are of a prescribed variety, and

(A) satisfy the requirements for grade Elite I, Elite II, Elite III or foundation,
or

(B) were imported from a state of the United States of America and were certified by an inspection of Canada Agriculture as being of a grade that is of the same standard as a grade referred to in clause (A), or

(ii) were produced from a growing crop that had been inspected by an inspector and approved by the officer in charge as a growing crop that would produce seed potatoes of a grade referred to in clause (i)(A); and

(b) the person applying for inspection is able, at the time of inspection, to establish to the satisfaction of an inspector the origin and grade of each lot of seed potatoes planted.

(2) Notwithstanding subsection (1), inspection shall not be made of a growing crop if

(a) the crop is growing in a field where, in the previous year

(i) table stock potatoes had been planted,

(ii) potatoes infected with bacterial ring rot were produced or found, or

(iii) where potato wart disease or golden nematode exists or is known to exist;

(b) the crop is less than 1/2 hectare in area and is not planted wholly in tuber units;

(c) as a result of late planting, lack of cultivation, the existence of weeds or leaf injury, an inspector is unable to determine by visual inspection the condition of the crop;

(d) the crop is located within 60 metres of another growing crop that has visible symptoms of a virus disease the symptoms of which exceed the limits specified in the Table to section 5 of Schedule A and there is no barrier between the growing crops that, in the opinion of the inspector, would provide adequate protection for the crop;

(e) 2 or more varieties of potatoes are planted in the same field and the distance between the varieties is less than 2 metres;

(f) the grower has planted on the farm on which the crop is planted

(i) certified grade seed potatoes of a variety that is the same as that of the growing crop, or

(ii) table stock potatoes of any variety;

(g) an inspector has reason to believe that the equipment used to plant or cultivate the crop is contaminated by pathogens that are or may be detrimental to the crop; or

(h) the crop has been treated with a sprout inhibitor or has been exposed to a sprout inhibitor as a result of drifting from a field other than the field in which the crop was planted.

83/80 s7

Field inspection

8. (1) Where an application is made under section 6 for inspection of a growing crop, an inspector shall inspect that crop as required by Schedule A for the grade of potatoes that the crop is intended to produce in order to determine whether the crop meets the growing crop requirements for that grade.

(2) Before the first inspection of a growing crop, the producer of the crop shall submit for examination by an inspector the following information in respect of the potatoes planted

- (a) the official tags from the containers of those potatoes in the case of potatoes packed in containers;
- (b) a copy of the permit referred to in paragraph 13(1)(a) in the case of potatoes sold in bulk; or
- (c) a copy of the written permission referred to in paragraph 14(1)(b) in the case of potatoes referred to in section 14.

83/80 s8

Growing crop certificate

9. (1) Where an inspector has inspected a growing crop and is satisfied that the crop meets all the requirements set out in Schedule A for a grade of seed potatoes, he or she shall issue to the grower a certificate

- (a) specifying
 - (i) the grade and variety of the potatoes,
 - (ii) the number of hectares planted, and
 - (iii) the certificate numbers; and
- (b) stating that the crop meets the requirements for the grade.

(2) Notwithstanding subsection (1), a certificate shall not be issued in respect of a growing crop where

- (a) the crop was not top-killed as directed by an inspector;
- (b) the crop has been treated with a sprout inhibitor or has been exposed to a sprout inhibitor as a result of drifting from a field other than the field in which the crop was planted;
- (c) any community or custom equipment was used in cutting the seed or in planting, cultivation or harvesting the growing crop without being disinfected to the satisfaction of an inspector; or
- (d) in the opinion of an inspector, the crop
 - (i) has been contaminated with bacterial ring rot or potato wart or golden nematode,
 - (ii) was grown on a farm on which bacterial ring rot, potato wart or golden nematode was found and the officer in charge is not satisfied that the crop can be harvested and stored in a manner that will prevent contamination by bacterial ring rot, potato wart or golden nematode.

(3) Notwithstanding subsection (2), where the grower fails to top-kill his or her growing crop as advised by an inspector but in the opinion of the inspector the crop was not seriously affected by the failure to top-kill and the crop meets the requirements for certified grade seed potatoes, the inspector may, with the approval of the officer in charge, issue a certificate in respect of that crop.

Official tags

10. (1) Official tags shall be issued only for seed potatoes that meet the requirements for the grade named on the tag.

(2) Where it appears to an inspector that seed potatoes for which official tags were issued under this section do not meet the requirements for the grade named on the tags, he or she may require the return of those tags.

83/80 s10

Packing and marking

11. (1) Seed potatoes shall be packed in containers that

- (a) are new and closed after packing; and
- (b) have no markings that
 - (i) refer to table stock potatoes, or
 - (ii) are likely to result in the potatoes being mixed with potatoes other than seed potatoes.

(2) Containers that are packed under subsection (1) shall have attached to them an official tag showing

- (a) the grade, variety and size of the potatoes;
- (b) the certificate number; and
- (c) the date the tag was issued.

83/80 s11

Repacking

12. Seed potatoes that were packed under section 11 may be repacked only if the containers are new and

- (a) in the case where the containers hold less than 20 kilograms of potatoes,
 - (i) a permit in writing is obtained from the department,
 - (ii) there is attached to the container a tag or label that is provided by the packer and shows
 - (A) the name and address of the packer,
 - (B) the grade name, size and variety of the potatoes, and

(C) the certificate number, and

(iii) the person repacking the potatoes returns to an inspector the official tags that were attached to the original containers; or

(b) in the case where the containers hold more than 20 kilograms of potatoes,

(i) permission is obtained from an inspector,

(ii) the repacking is supervised by an inspector, and

(iii) the official tags from the containers in which the potatoes were packed under section 11 are handed to the inspector at the time of repacking.

83/80 s12

Sale in bulk

13. (1) Notwithstanding section 11, seed potatoes may be sold in bulk if

(a) a permit in writing authorizing the sale is issued by an inspector and 2 copies of the permit accompany the potatoes when they are shipped; and

(b) the potatoes were produced by a growing crop for which a certificate was issued.

(2) A permit shall not be issued by an inspector under subsection (1) in respect of potatoes unless the equipment to be used in shipping them has been disinfected to his or her satisfaction.

(3) Notwithstanding subsection (1), a person shall not resell in bulk under a grade name any seed potatoes that were previously sold in bulk.

(4) Seed potatoes that are sold in bulk for the purpose of packaging and resale are not required to be sorted as to size or to conform to the standards set out in Schedule C at the time of the sale if authority for the sale is obtained from the officer in charge.

(5) A person shall not resell seed potatoes referred to in subsection (4) unless at the time of the resale they are sorted as to size and conform to the standards set out in Schedule C.

83/80 s13

Tuber damage

14. (1) Seed potatoes that are graded Elite I, Elite II, Elite III or foundation but have tuber damage in excess of that permitted by the standards set out in Schedule C in respect of those grades may be sold as seed potatoes only if

(a) the equipment used to transport the potatoes has been disinfected to the satisfaction of an inspector; and

(b) an inspector has given written permission for the sale of the potatoes and 2 copies of the permission are available for examination.

(2) A person shall not resell seed potatoes that have been sold under subsection (1).

83/80 s14

Potato eyes and setts

15. (1) Potato eyes and setts may be sold as seed potatoes only if

- (a) they are cut from seed potatoes of a grade named in Schedule A;
- (b) they conform to the standards set out in Schedule D; and
- (c) the person who performed the cutting was authorized to do so by a permit in writing from the department.

(2) Every container of potato eyes or setts shall have attached to it a tag or label provided by the packer showing

- (a) the name and address of the packer;
- (b) the grade name and variety of the potatoes from which they were cut; and
- (c) the certificate number.

83/80 s15

Detention

16. (1) Where seed potatoes seized by an inspector under section 8 of the Act are detained, the inspector shall

- (a) attach to
 - (i) at least one of the containers where the potatoes are in containers, or
 - (ii) the place where they are located where the potatoes are in bulk,a tag, referred to as a detention tag; and
- (b) deliver or mail to the owner or person in possession of the potatoes a notice in writing of the detention setting out a description of the potatoes and the place where they are being detained.

(2) Every detention tag shall set out a description of the seed potatoes seized and the date and place of the seizure and shall be signed by an inspector.

(3) Except with the written authority of an inspector, a person shall not remove seed potatoes from the place where they are detained under subsection (1).

(4) Where seed potatoes are detained, they shall be detained at the risk and expense of the owner.

(5) Except as authorized by an inspector, a person shall not alter or remove a detention tag attached to a container or a bulk shipment of seed potatoes.

Forfeiture

17. Seed potatoes detained under section 8 of the Act shall be disposed of in a manner that the minister may direct.

Repeal

18. The Newfoundland Seed Potato Regulations, 1980, Newfoundland Regulation 83/80, are repealed.

Schedule A

Grades of Seed Potatoes Elite I

1. Elite I seed potatoes shall be

- (a) grown from virus-tested cuttings or from plants, tubers or clones selected by an inspector and determined
 - (i) by microscopic examination or other laboratory method approved by the minister, to be free from bacterial ring rot (*Corynebacterium sepedonicum*), potato wart (*Synchytrium endobioticum*) pathogens and golden nematodes (*Heterodera rostochiensis*),
 - (ii) by eye indexing, to be free from all visible symptoms of viruses, or
 - (iii) by serological, plant indicator host or other method of testing approved by the minister, to be free from all viruses;
- (b) grown in identifiable tuber units; and
- (c) inspected 3 times while growing and on each inspection determined to be free from viruses and other diseases that may be discovered by visual inspection.

Elite II

2. Elite II seed potatoes shall be

- (a) grown from Elite I seed potatoes;
- (b) grown in identifiable tuber units;
- (c) inspected at least 3 times while growing and on the third inspection determined by an inspector to be free from visible symptoms of diseases.

Elite III

3. (1) Elite III seed potatoes shall be grown from Elite I or Elite II seed potatoes and meet the requirements set out in subsections (2), (3) and (4).

(2) At least 10% of each variety of the seed potatoes planted shall be planted in tuber units.

(3) The potatoes shall be inspected 3 times while growing and the percentage of plants showing varietal mixture or symptoms of disease as specified in Column I of the table on the first, second and third inspection shall not exceed that set out

(a) in the case of seed potatoes planted in tuber units, in Column II, III or IV of Table I; and

(b) in the case of seed potatoes planted otherwise than in tuber units, in Column II, III or IV of Table II, whichever is appropriate.

Table I

Column I	Column II	Column III	Column IV
Disease and Varietal Mixture	Percentage on First Inspection	Percentage on Second Inspection	Percentage on Third Inspection
Bacterial ring rot	nil	nil	nil
Potato wart	nil	nil	nil
Golden nematode	nil	nil	nil
Blackleg	0.25	0.1	0.1
Wilts	0.25	0.1	0.1
Total, all viruses	0.25	0.1	0.1
Total, blackleg, wilts and viruses	0.5	0.25	0.25
Varietal mixture	0.25	nil	nil

Table II

Column I	Column II	Column III	Column IV
Disease and Varietal Mixture	Percentage on First Inspection	Percentage on Second Inspection	Percentage on Third Inspection
Bacterial ring rot	nil	nil	nil
Potato wart	nil	nil	nil
Golden nematode	nil	nil	nil
Total viruses	0.25	0.1	0.1
Total wilts, blackleg and	0.5	0.25	0.25

viruses

Varietal mixture	0.1	nil	nil
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Foundation

4. (1) Foundation seed potatoes shall be grown from Elite I, Elite II or Elite III seed potatoes and meet the requirements set out in subsection (4).

(2) Notwithstanding subsection (1), foundation seed potatoes may be grown from seed potatoes produced in the seed plot of the grower if

(a) there has, in the preceding 3 years, been no bacterial ring rot, potato wart or golden nematode on the farm of the grower;

(b) the seed plot was planted with Elite I, Elite II, Elite III or equivalent seed in tuber units;

(c) the potatoes were inspected 3 times while growing and each time met the growing crop requirements for Elite III; and

(d) approval in writing is received from the officer in charge.

(3) A seed plot referred to in subsection (2) may be planted with equivalent seed referred to in paragraph (2)(b) only if the seed was tested for bacterial ring rot within the 5 year period immediately preceding the time of planting.

(4) The potatoes referred to in subsection (1) shall be inspected 2 times while growing and each time the percentage of plants showing symptoms of disease or varietal mixture as specified in Column I of Table III shall not exceed that set out in Column II or III of Table III, whichever is appropriate.

Table III

Column I	Column II	Column III
Disease and Varietal Mixture	Percentage on First Inspection	Percentage on Second Inspection
Bacterial ring rot	nil	nil
Potato wart	nil	nil
Golden nematode	nil	nil
Total viruses	0.25	0.1
Total wilts, blackleg and viruses	0.5	0.25
Varietal Mixture	0.1	nil

Certified

5. (1) Certified seed potatoes shall be grown from Elite I, Elite II, Elite III or foundation seed potatoes and meet the requirements set out in subsections (2) and (3).

(2) The potatoes shall be inspected 2 times during the growing season.

(3) The percentage of plants showing varietal mixture or symptoms of disease as specified in Column I of the table on the first and second inspection shall not exceed that set out in Column II or III of Table IV, whichever is appropriate.

Table IV

Column I	Column II	Column III
Disease and Varietal Mixture	Percentage on First Inspection	Percentage on Second Inspection
Bacterial ring rot	nil	nil
Potato wart	nil	nil
Golden nematode	nil	nil
Any one virus	1.0	0.5
Total all viruses	2.0	1.0
Total wilts, blackleg and viruses	3.0	2.0
Varietal mixture	1.0	0.1

83/80 Sch I

Schedule B

Tuber Sizes

1. (1) Subject to subsection (2), seed potato tubers shall be sorted according to size as follows:

(a) size A, where not more than 5% by mass of the tubers in the lot being sorted weigh less than 113 grams or more than 340 grams except in the case of long varieties such as netted gem and white rose where the maximum mass is 454 grams; and

(b) size B, where not more than 3% by mass of the tubers in the lot being sorted weigh less than 42 grams or more than 113 grams.

(2) Where the purchaser of a lot of seed potatoes has specified a size of seed potatoes other than a size described in subsection (1), the tubers may be sorted according to the size specified.

83/80 Sch II

Schedule C

Standards for Tubers

1. In any lot of seed potato tubers, the percentage showing symptoms of any disease or defect specified in Column I of Table V shall not exceed that set out in Column II of Table V.

Table V

Column I	Column II
Disease or Defect	Percentage
Soft rot or wet breakdown	0.1
Dry rot, including late blight	1.0
Scab and rhizoctonia (a) slight (b) moderate	10.0 5.0
Stem-end discolouration due to top-killing, frost, heat or drought with penetration from 6 millimetres to 13 millimetres	4.0

2. A tuber in any lot of seed potatoes shall not show symptoms of bacterial ring rot, potato wart or golden nematode.

3. The percentage of tubers in a lot of seed potatoes of any grade showing symptoms of viruses including leaf roll necrosis shall not exceed the percentage permitted by Schedule A for all viruses for that grade.

4. The percentage of tubers in a lot of seed potatoes of any grade that are of a variety foreign to the variety of which the lot generally consists shall not exceed the percentage permitted by Schedule A for that grade.

5. The number of malformed or externally damaged tubers in any lot of seed potatoes shall not exceed 2% of the number in the lot.

6. The number of tubers in the aggregate affected by diseases and defects, not including slight scab, slight rhizoctonia and stem-end discolouration shall not exceed 5% of the total number of tubers in any lot of seed potatoes.

7. All tubers except 2% in any lot of seed potatoes shall be firm and well-shaped.

83/80 Sch III

Schedule D

Standards for Potato Eyes and Cut Setts

1. All potato eyes and setts shall

(a) have an average mass of not less than 14 grams at the time they are cut; and

(b) be firm and free from visible damage from bacteria, fungi or insects.

2. At least 95% of the potato eyes or setts in any container shall have a depth of 19 millimetres or more.

