

Colorado Department of Agriculture

Plant Industry Division

Quarantine for Late Blight

8 CCR 1203-13

Part 1. DEFINITIONS

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- 1.7. "GROW ROOM" MEANS A ROOM OF ANY SIZE WHERE SEED POTATOES AND/OR OTHER PLANTS ARE GROWN UNDER CONTROLLED CONDITIONS.
- 1.7-8. "Import" means to ship into the San Luis Valley from any state or country.
- 1.8-9. "Inspection" means an inspection performed at the place of origin by an inspector.
- 1.9-10. "Inspector" means a qualified fruit and vegetable inspector who is licensed by the United States Department of Agriculture, Agricultural Marketing Service or an inspector who meets all qualifications, licensure or other requirements of the country of origin.
- 1.10-11. "Late blight" means the fungus *Phytophthora infestans*.
- 1.14-12. "LOAD" MEANS THE QUANTITY OF SEED POTATO LOT(S) THAT CAN BE CARRIED AT ONE TIME BY A SPECIFIED MEANS.
- 1.13. "LOT" MEANS AN IDENTIFIABLE GROUP OF SEED POTATOES THAT SHARE CHARACTERISTICS, INCLUDING, BUT NOT LIMITED TO, VARIETY OR EXPERIMENTAL NUMBER, AND THAT HAVE BEEN PRODUCED UNDER ESSENTIALLY THE SAME CONDITIONS; THERE CAN BE, AND OFTEN ARE, MULTIPLE LOTS PER LOAD OF SEED POTATOES.
- 1.14-14. "Nuclear seed stock" means disease-tested, certified seed potatoes produced in a greenhouse OR GROW ROOM.
- 1.12-15. "Person" means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, limited liability company, partnership, association, or other legal entity.
- 1.12-16. "Quarantine" means the quarantine for late blight imposed by the Commissioner of Agriculture effective September 30, 1996.
- 1.13-17. "Reinspection" means an inspection conducted by the Commissioner after the potatoes have been shipped from the area of origin to Colorado.
- 1.14-18. "Repack" means potatoes imported into the San Luis Valley for packaging.
- 1.15-19. "San Luis Valley" means the Colorado counties of Rio Grande, Saguache, Alamosa, Conejos, Costilla and Chaffee.
- 1.16-20. "Seed potatoes" means potato tubers or portions thereof utilized as seed.

- 1.47-21. "Tested or Testing" means performed or performing a scientifically accepted protocol to detect the presence of a specific plant pathogen.

Part 2. QUARANTINE FOR LATE BLIGHT

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- 2.1.2. Imported seed potatoes shall be certified and accompanied by 1) a certificate which shows proof of field inspection, 2) a North American Plant Health Certificate ("**NAPHC**") issued by the certifying authority for seed potatoes where the seed potatoes were grown, and 3) laboratory results of a 21-day **INCUBATION** bioassay test documenting that a representative sample of tubers (at least 400) from the lot(s) was tested for late blight.
- 2.1.2.1. **FOR NUCLEAR SEED STOCK, THE NAPHC MAY BE USED AS THE FIELD INSPECTION DOCUMENT IF THE GREENHOUSE VISUAL OBSERVATIONS AND DATES OF THOSE OBSERVATIONS ARE RECORDED ON THE NAPHC. OTHERWISE, AN ADDITIONAL DOCUMENT MUST BE PRESENTED THAT INDICATES THE DATES OF AND ALL RELEVANT INFORMATION OBSERVED DURING EACH VISUAL OBSERVATION MADE WHILE THE NUCLEAR SEED STOCK WAS GROWING IN THE GREENHOUSE OR GROW ROOM.**
- 2.1.2.2. NUCLEAR SEED STOCK NO OLDER THAN MINI-TUBERS THAT ORIGINATES WITHIN COLORADO AND IS PART OF THE SEED POTATO CERTIFICATION PROGRAM MAY HAVE A SAMPLE SIZE OF AT LEAST 5 TUBERS SENT TO THE COLORADO POTATO CERTIFICATION SERVICE DISEASE LABORATORY FOR LATE BLIGHT TESTING.**
- 2.1.2.3. NUCLEAR SEED STOCK OF ANY SIZE LOT THAT ORIGINATES OUTSIDE OF COLORADO MUST HAVE LABORATORY TEST RESULTS AS REQUIRED IN THIS PART 2.1.2. ABOVE PRIOR TO ENTERING THE SAN LUIS VALLEY; HOWEVER, THE NUMBERS OF TUBERS TESTED MAY BE LESS THAN 400 TUBERS PROVIDED THE SAMPLE IS REPRESENTATIVE OF THE LOT AND PROVIDED; BUT IT INCLUDES MUST BE A MINIMUM OF 5 TUBERS.**
- 2.1.2.4. Small lots of seed potatoes intended for research AND DEVELOPMENT must be ACCOMPANIED BY THE DOCUMENTS DESCRIBED IN THIS PART 2.1.2. WHEN THOSE POTATOES ENTER THE SAN LUIS VALLEY; be laboratory tested for late blight as required above prior to entering the San Luis Valley, however, the number of tubers TESTED MAY can be less than 400 TUBERS PROVIDED as long as the sample is representative of the lot and PROVIDED IT INCLUDES is a minimum of 5 tubers.**
- 2.1.3. If the **FIELD** inspection certificate, ~~North American Plant Health Certificate~~ **NAPHC**, or the laboratory test results indicates that late blight was present during growing or loading, or no statement is made on the **FIELD INSPECTION** certificate or **ON THE NAPHC** concerning the presence or absence of late blight, the load(s) **LOT(S)** to which said certificate(s) pertains shall not be unloaded, and, pursuant to § 35-4-109, shall be removed from the state within forty-eight (48) hours or shall be destroyed by the Commissioner.
- 2.1.4. **SUBJECT TO PART 2.1.2.1 ABOVE, A** Any load(s) **LOT(S)** which **THAT** are not accompanied by an **FIELD** inspection certificate, an **NAPHC**, ~~North American Plant Health Certificate~~ and laboratory test results shall not be unloaded, and, if a **ANY OR ALL** certificate(s) cannot be produced within forty-eight (48) hours, pursuant to § 35-4-109, shall be removed from the state within forty-eight (48) hours or shall be destroyed by the Commissioner.
- 2.1.5. **SUBJECT TO PART 2.1.2.1 ABOVE, If the FIELD** inspection certificate, **NAPHC**, ~~North American Plant Health Certificate~~ and the laboratory test results indicates that no late blight was present during the growing, loading, or testing, the load(s) **LOT(S)** to which said certificate(s) pertains shall be reinspected during the unloading process. **EXCEPT FOR NUCLEAR SEED STOCK, FOR WHICH ONLY A REVIEW OF RECORDS FOR COMPLIANCE WITH PART 2.1.2.1 IS REQUIRED, R** Random sampling of the

load LOT(S) shall be taken and any tubers showing symptoms of late blight shall be tested. Any load(s) LOT(S) showing symptoms of late blight shall be placed in a bin and held at the place where reinspection occurred, or, they shall be placed in a truck owned by the receiver of said load(s) LOT(S) and held at the place where reinspection occurred, pending results of testing. If late blight is confirmed by testing, the load(s) LOT(S) must be removed from the state or destroyed within seventy-two (72) hours.

~~2.1.6. Nuclear seed stock is exempt from the reinspection and sampling set forth in Part 2.1.5. Nuclear seed stock no older than mini tubers that originates within Colorado and is part of the seed potato certification program may have a sample size of at least 5 tubers sent to the Colorado Potato Certification Service Disease Laboratory for late blight testing. Nuclear seed stock of any size lot that originates outside of Colorado must have laboratory test results as required in 2.1.2 above prior to entering the San Luis Valley however the numbers of tubers tested may be less than 400 tubers provided the sample is representative of the lot; but it must be a minimum of 5 tubers.~~

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Part 3. RULES PERTAINING TO THE QUARANTINE FOR LATE BLIGHT

3.1. Reinspection

3.1.1. Any person who receives imported seed potatoes shall notify the Department whenever a load of imported seed potatoes arrives. This notification may be accomplished by phoning the Monte Vista or Lakewood BROOMFIELD, Colorado office of the Department.

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3.1.5. EXCEPT FOR NUCLEAR SEED STOCK, FOR WHICH ONLY A REVIEW OF RECORDS IS REQUIRED, The Commissioner shall take random samples and route the samples for testing as required by the quarantine.

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3.3. Costs

3.3.1. The fees for reinspection shall be on file at the offices of the Colorado Department of Agriculture at Monte Vista and Lakewood BROOMFIELD, Colorado. These fees shall be applicable when such reinspection occurs during normal business hours, 0800-1700 hours, Monday through Friday, excluding state ~~recognized~~ holidays.

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Part 4. STATEMENTS OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE

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4.7 – ADOPTED ; EFFECTIVE

STATUTORY AUTHORITY

THE AMENDMENTS TO THE QUARANTINE ARE ADOPTED PURSUANT TO THE PEST CONTROL ACT, §§35-4-110 AND 116, C.R.S.

THE PURPOSE OF THESE AMENDMENTS IS TO ENFORCE THE PROVISIONS OF THE QUARANTINE FOR LATE BLIGHT BY:

1. CLARIFYING THE NAME FOR THE LABORATORY TEST CALLED FOR IN PART IN 2.1.2.
2. DEFINING AND SUBSTITUTING, AS NECESSARY, THE TERMS "LOAD" AND "LOT" TO AVOID CONFUSION, AS WELL AS REVISING THE DEFINITION OF "NUCLEAR SEED STOCK."
3. CLARIFYING THAT THE REFERENCE TO "CERTIFICATE" IN PARTS 2.1.3 THROUGH 2.1.5 MEANS A FIELD INSPECTION CERTIFICATE.
4. ESTABLISHING THAT NUCLEAR SEED STOCK WILL NOT NEED TO BE ACCOMPANIED BY A TRADITIONAL "FIELD INSPECTION CERTIFICATE" SO LONG AS THE NORTH AMERICAN PLANT HEALTH CERTIFICATE ("NAPHC") OR OTHER SIMILAR DOCUMENT IS PRESENTED AND INCLUDES GREENHOUSE OBSERVATIONS.
5. ELIMINATING THE EXEMPTION FROM REINSPECTION FOR INCOMING NUCLEAR SEED STOCK, BUT PROVIDING ONLY FOR A LIMITED REINSPECTION THAT CONSISTS OF A RECORDS REVIEW TO PROVE FREEDOM FROM LATE BLIGHT AND SEED POTATO CERTIFICATION STATUS.
6. CLARIFYING THAT THE REQUIREMENTS OF THE LATE BLIGHT QUARANTINE APPLY TO SEED POTATOES COMING INTO THE SAN LUIS VALLEY FOR RESEARCH AND DEVELOPMENT PURPOSES.
7. CONSOLIDATING PROVISIONS OF THE QUARANTINE THAT DISCUSS WHICH DOCUMENTS ARE REQUIRED FOR WHICH POTATOES AT WHAT TIME.
8. UPDATING THE QUARANTINE TO REFERENCE THE DEPARTMENT'S CURRENT LOCATION IN BROOMFIELD, COLORADO.
9. CORRECTING NON-SUBSTANTIVE GRAMMATICAL ERRORS AND NUMBERING CONVENTIONS FOR CLARITY.

THE FACTUAL AND POLICY ISSUES ENCOUNTERED IN THE PROPOSAL OF THIS AMENDMENT TO THE QUARANTINE ARE AS FOLLOWS:

1. THROUGH CONVERSATIONS WITH MULTIPLE STATE CERTIFICATION SERVICES, THE DEPARTMENT LEARNED THAT DIFFERENT STATES REFER TO THE 21-DAY BIOASSAY TEST IN ONE OF TWO WAYS: EITHER AS A 21-DAY BIOASSAY TEST OR AS A 21-DAY INCUBATION TEST. THE REVISED RULE CLARIFIES THAT BOTH REFERENCES ARE TO THE SAME TEST BY CALLING IT A "21-DAY INCUBATION BIOASSAY."
2. WHILE ENFORCING THE QUARANTINE, THE DEPARTMENT LEARNED THAT CONFUSION EXISTED IN THE REGULATED COMMUNITY WITH RESPECT TO REQUIREMENTS BY LOAD VERSUS REQUIREMENTS BY LOT. THE REVISED RULES CLARIFY THAT THE REQUIREMENT TO HAVE A FIELD INSPECTION CERTIFICATE, NAPHC, AND TEST RESULTS SHOWING FREEDOM FROM LATE BLIGHT APPLIES TO EACH LOT OF SEED POTATOES ENTERING THE SAN LUIS VALLEY ("VALLEY"), EVEN WHEN MULTIPLE LOTS ARE IN A SINGLE LOAD.
3. SINCE THE LATE BLIGHT QUARANTINE WAS FIRST ESTABLISHED, NUCLEAR SEED STOCK PRODUCTION HAS BECOME MORE PREVALENT. NUCLEAR SEED STOCK ARE NO LONGER PRODUCED IN GREENHOUSES ONLY; SUCH STOCK ARE ALSO PRODUCED IN "GROW ROOMS" WITH ARTIFICIAL

LIGHTING. IN ADDITION, THE REVISED RULES CLARIFY THAT NUCLEAR SEED STOCK WILL NOT NEED TO BE ACCOMPANIED BY A TRADITIONAL "FIELD INSPECTION CERTIFICATE" BECAUSE NUCLEAR SEED STOCK ARE TYPICALLY PRODUCED IN A GREENHOUSE OR GROW ROOM. HOWEVER, GREENHOUSE OR GROW ROOM OBSERVATIONS ARE CRITICAL AND SO MUST BE INCLUDED ON THE NAPHC OR ON A SIMILAR DOCUMENT FOR NUCLEAR SEED STOCK.

4. TO DATE, NUCLEAR SEED STOCK WERE NOT SUBJECT TO THE REINSPECTION REQUIREMENTS OF THE QUARANTINE; HOWEVER, SUCH STOCK STILL NEEDED TO BE ACCOMPANIED BY THE NAPHC, LAB RESULTS SHOWING FREEDOM FROM LATE BLIGHT, AND VISUAL GREENHOUSE OBSERVATIONS PRIOR TO ENTERING THE VALLEY. THE DEPARTMENT DISCOVERED THAT IMPORTED NUCLEAR SEED STOCK OFTEN ENTERED THE VALLEY WITHOUT THE REQUIRED DOCUMENTS AND THAT THE LACK OF SUCH RECORDS COULD BE IDENTIFIED IF NUCLEAR SEED STOCK WERE REINSPECTED DURING THE UNLOADING PROCESS. THEREFORE, THE REVISED RULES ELIMINATE THE EXEMPTION FOR NUCLEAR SEED STOCK FROM REINSPECTION DURING THE UNLOADING PROCESS AND INSTITUTE A LIMITED REINSPECTION REQUIREMENT CONSISTING OF ONLY A RECORDS REVIEW FOR COMPLIANCE WITH PART 2.1.2.1.
5. THE DEPARTMENT HAS ALSO LEARNED THAT SEED POTATOES COMING INTO THE VALLEY FOR RESEARCH AND DEVELOPMENT PURPOSES OFTEN LACK THE REQUIRED RECORDS AND LATE BLIGHT TEST RESULTS. THEREFORE, THE REVISED RULES CONFIRM THAT SEED POTATOES IMPORTED INTO THE VALLEY FOR RESEARCH AND DEVELOPMENT PURPOSES ARE NOT EXEMPT FROM THE LATE BLIGHT QUARANTINE.
6. THE DEPARTMENT LEARNED THAT CONFUSION EXISTS IN THE INDUSTRY CONCERNING WHICH DOCUMENTS ARE REQUIRED FOR WHICH POTATOES AT WHAT TIME. THIS CONFUSION POSSIBLY STEMMED FROM THE DISCUSSION OF THESE REQUIREMENTS IN TWO DIFFERENT PARTS OF THE QUARANTINE. THEREFORE, THE REVISED RULES COMBINE PART 2.1.6. INTO PART 2.1.2.