

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 80 Department of Agriculture and Industries

Rule No. 80-10-2-.04

Rule Title: Certification of Sweet Potato Seed and Sweet Potato Plants.

New; X Amend; Repeal; Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the State's police power and the protection of the public health, safety or welfare? Yes

Is there another less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have any economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer John McMillan

Date: 3-21-11

APA-2  
6/96

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES  
DIVISION OF PLANT INDUSTRY

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Rule Nos. & Titles: 80-10-2-.04 Certification of Sweet Potato Seed and Sweet Potato Plants.

Intended Action: To Amend

Substance of Proposed Action: Amended to require all Sweet Potato fields to be trapped at the rate of 1 trap per 10 acres of potatoes grown. Also requires a 50 foot boundry to be maintained. Amended to require use of pest control recomendations. No Sweet Potato Seed or Plants originating from a Sweet Potato Weevil area are eligible for certification under any circumstances.

Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on the meeting date, Tuesday, May 10, 2011, at 10:00 a.m., in the Board Room of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama.

Final Date for Comment and Completion of Notice: May 10, 2011.

Contact Person at Agency: Robert J. Russell, Assistant Attorney General and Legal Counsel, Department of Agriculture and Industries, 1445 Federal Drive, Montgomery, Alabama 36107-1123, Telephone No. 240-7117.

3-21-11  
Date

John McMillan  
John McMillan,  
Commissioner of Agriculture  
and Industries

**80-10-2-.04 Certification of Sweet Potato Seed, And Sweet Potato Plants, and Table Stock.**

**No Sweet Potato Seed or Plants originating from a Sweet Potato Weevil area are eligible for certification under any circumstances.**

- (1) The term Alabama Certified shall have reference to the sweet potato seed, and sweet potato plants, and sweet potato table stock meeting the requirements for certification as provided herein.
- (2) Certified sweet potato seed, and sweet potato plants, and sweet potato table stock will be those found to be apparently free of pests in the field, plant bed, and in storage. Certification will be denied for sweet potato seed and sweet potato plants in which pest problems are detected which present a potential hazard to the sweet potato industry and which cannot be adequately cleaned up to the satisfaction of the commissioner.
- (3) Standards for certification shall include no apparent stem rot, black rot, mosaic, sweet potato weevils, pox, mixed varieties, or mutations and only one percent (1%) nematodes or scurf will be allowed.
- (4) No sweet potato seed certification tags will be issued to a grower unless two (2) or more satisfactory inspections of his stock have been made at least one (1) field inspection and at least one (1) storage inspection. In addition, plants must pass at least two (2) plant bed inspections before sweet potato plant certificate tape and sweet potato plant certificate tags can be issued. Certificate tags and tape required herein shall be furnished by the commissioner at a reasonable cost.
- (5) The commissioner reserves the right to revoke certification and to recall all outstanding certificate tags and tape for failure to comply with these regulations, for misuse of tags or tape, or upon finding pests in fields, storage, plant beds, or sales outlets.
- (6)(a) All fields subject to certification must be identified by the agent of the Commissioner of Agriculture in a clean state of cultivation and otherwise amenable to inspection. Inspection will not be conducted for fields of mixed varieties, fields considered to be too overgrown with weeds, nor fields not readily accessible to inspection. One (1) field inspection will be required for sweet potato varieties that are known to be highly resistant to stem rot. Two (2) field inspections, not less than fifteen (15) days apart, will be required for varieties susceptible to stem rot. Each field subject to certification must be inspected and trapped at the rate of 1 (one) trap per 10 (ten) acres. Certified plants produced from certified seed must be used in order to be eligible for certification. A 50 foot barrier must be maintained around each field that is to be certified.

(b) The sweet potato producer shall be responsible for roguing fields of off types, mutations, intermixed varieties, as well as stem rot and mosaic infected plants.

(c) Sweet potato producers shall be required to report to the commissioner all detections of sweet potato weevils, black rot and other serious pests of sweet potatoes upon detection.

(d) Sweet potato producers are ~~encouraged~~ required to use pest control recommendations in the field provided by the Alabama Cooperative Extension Service, or other effective, properly labeled pesticides which may be available.

(e) All sweet potato seed must be produced from transplanted sprouts cut from the plant bed or from vine cuttings; however, sweet potato seed may be produced from sprouts pulled from the plant bed if such are treated with approved pesticides prior to planting.

(7)(a) At least one (1) inspection shall be conducted of all sweet potato seed while in storage, not less than thirty (30) days after the sweet potato seed entered the storage facility. The storage facility, if previously used for storing sweet potatoes, shall be thoroughly cleaned and disinfected by approved methods before another crop is stored. The grower must make necessary arrangements so that sweet potato seed subject to certification and are accessible for inspection are clearly separated 36 inches from uncertified sweet potato seed and are properly identified as to variety.

(b) Sweet potato seed producers are ~~encouraged~~ required to use pest control recommendations in storage provided by the Alabama Cooperative Extension Service, or other effective, properly labeled pesticides which may be available.

(c) Sweet potato seed shall be stored in facilities above ground which are well lit, and allow proper aeration, curing, and maintenance throughout the storage period.

(8)(a) Sweet potato plants subject to certification must be produced from certified sweet potato seed. Such plants shall be maintained separate from uncertified plants which may be produced for use on the farm where produced. Sweet potato seed shall not be bedded in an area known to have been exposed to contamination with pests or in an area used in the production of sweet potatoes or sweet potato plants during the previous three (3) years, unless effective pest control measures have been implemented to the satisfaction of the commissioner. At least one (1) inspection will be made of plants in the plant bed after the plants are above ground and another at least fifteen (15) days later. Additional inspections may be made if deemed advisable by the commissioner. Any condition that causes deterioration of sweet potato plants to an appreciable extent, or mixed varieties to any extent, in any bed shall be just cause for the

commissioner to refuse or to suspend certification. The commissioner is authorized to destroy sweet potato plants and sweet potato seed as necessary to maintain apparent freedom from pests.

(b) Sweet potato plant producers are ~~encouraged~~ required to use pest control recommendations in the plant bed provided by the Alabama Cooperative Extension Service or other effective, properly labeled pesticides which may be available.

(c) The area immediately around plant beds shall be maintained in a clean and weed free condition.

(d) All plant beds shall be cleaned and all crop residue destroyed or properly disposed of as soon as possible after the last pulling, but in no event shall this take place beyond 45 days of the last pulling, except when such plant beds are treated with approved pesticides, so that there is no regrowth and all sweet potato seed in the plant bed decays.

**Author:** Charles H. Barnes, Robert J. Russell

**Statutory Authority:** Code of Ala. 1975, §§2251, et seq.

**History:** Filed April 19, 1982 as Rule No. 80101.02. Rules reformatted Rule No. changed to Chapter 80102: Filed June 19, 1986. **Amended:** Filed December 9, 1988. **Amended:** Filed March 21, 2011.