## TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 80 Department of Agriculture and Industr	ies
Rule No. 80-10-205	
Rule Title: Requirements for Sale and Distribution of	Propagating Material.
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
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Does the proposed rule have any economic impact?	No
If the proposed rule has an economic impact, the propose be accompanied by a fiscal note prepared in accordance Section 41-22-23, Code of Alabama 1975.	osed rule is required to e with subsection (f) or
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Certification of Authorized Official	
I certify that the attached proposed rule has been procompliance with the requirements of Chapter 22, Title 1975, and that it conforms to all applicable filing readministrative Procedure Division of the Legislative F	41, <u>Code of Alabama</u> equirements of the Reference Service.
Signature of certifying officer John Mc Mullan	
Date: 3 - 2/-//	

(DATE FILED) (STAMP)

## 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-.05 Requirements for Sale and Distribution
of Propagating Material.

Intended Action: To Amend

<u>Substance of Proposed Action:</u> Amended to require trapping of Sweet Potato Seed and Sweet Potato Plants. Amended to require a Sweet Potato Green Tag to be attached to each container.

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,

Commissioner of Agriculture and Industries

## 80-10-2-.05 Requirements For The Sale And Distribution Of Propagating Material.

Movement of sweet potato seed or sweet potato plants for propagation purposes shall be prohibited beyond the limits of the farm where produced unless such sweet potato seed or plants have been certified and appropriately tagged as provided herein. Such propagation stock shall be transported in new and unused containers, or in properly cleaned and treated used containers. Sweet potato seed certificate tags, sweet potato plant certificate tags, and/or sweet potato plant certificate tape shall be issued only after the sweet potato seed or sweet potato plants have been properly trapped and have passed the proper inspections, and after the grower has complied with the rules provided herein to prevent the spread of injurious pests.

- (a) Each container of sweet potato seed offered or exposed for sale, trade, or other distribution, or possessed beyond the limits of the farm where grown, moved or shipped within or into the State of Alabama, must have firmly attached a valid sweet potato seed certificate tag issued by the commissioner or by the certifying agency of the state of origin. The grower's name, address, and the variety of sweet potato must be printed on the tag.
- (b) All sweet potato plants offered or exposed for sale, trade, or other distribution, or possessed beyond the limits of the farm where grown, moved or shipped within or into the state of Alabama must be tied with valid sweet potato plant certificate tape in bundles of one hundred (100) plants or less, and each bundle, package, or container must have firmly attached a valid sweet potato plant certificate tag issued by the commissioner or by the certifying agency of the state of origin. The grower's name, address, the variety, and the number of plants per bundle must appear on the tag. Sweet potato plant certificate tags and sweet potato plant certificate tape must have been issued to the same grower, or the plants shall be subject to confiscation by the commissioner.
- (c) Vine cuttings shall meet all requirements set for plants.
- (d) Sweet potato table stock offered or exposed for sale, trade, or other distribution, or possessed beyond the limits of the farm where grown, moved or shipped within or shipped out of the state of Alabama must have a valid sweet potato green tag attached to or placed within each container.

Author: Charles H. Barnes, Robert J. Russell

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

**History:** Filed April 19, 1982 as Rule No. 80-10-1-.02. Rules reformatted- Rule No. changed to Chapter 80-10-2: Filed June 19, 1986. **Amended:** Filed

December 9, 1988. Amended: Filed March 21, 2011.