

M.O., 2010**Order of the the Minister of Agriculture, Fisheries and Food dated 23 August 2010**

Crop Health Protection Act
(R.S.Q., c. P-42.1)

CONCERNING the Regulation respecting the cultivation of potatoes

THE MINISTER OF AGRICULTURE, FISHERIES AND FOOD,

CONSIDERING the replacement of the Act respecting prevention of disease in potatoes (R.S.Q., c. P-23.1) by the Crop Health Protection Act (R.S.Q., c. P-42.1) passed in 2008;

CONSIDERING sections 4, 8 and 27 of the Crop Health Protection Act (R.S.Q., c. P-42.1), which provide that the Minister may, by regulation, determine the harmful organisms covered by the Act and the phytosanitary measures that apply, determine which phytosanitary measures apply in any protected crop zone designated under section 7 of the Act, and establish standards for crop health protection and the transfer or transportation of plants;

CONSIDERING the making of the Regulation respecting prevention of disease in potatoes (c. P-42.1, r. 1) by Order in Council 1304-88 dated 31 August 1988 under the Act respecting prevention of disease in potatoes;

CONSIDERING that it is expedient to replace the Regulation;

CONSIDERING the publication of a draft of the Regulation respecting the cultivation of potatoes in Part 2 of the *Gazette officielle du Québec*, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), with a notice that it could be made on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation with amendments;

ORDERS AS FOLLOWS:

The Regulation respecting the cultivation of potatoes, attached to this Order, is hereby made.

Québec, 23 August 2010

CLAUDE BÉCHARD,
*Minister of Agriculture,
Fisheries and Food*

Regulation respecting the cultivation of potatoes

Crop Health Protection Act
(R.S.Q., c. P-42.1, ss. 4, 8 and 27)

**DIVISION I
GENERAL**

1. For the purposes of the Crop Health Protection Act (R.S.Q., c. P-42.1), the following are harmful organisms:

- (1) bacterial ring rot of potato (*Clavibacter michiganensis* subsp. *sepedonicus*);
- (2) late blight (*Phytophthora infestans*);
- (3) potato cyst nematodes (*Globodera pallida* and *Globodera rostochiensis*);
- (4) potato leafroll virus (PLRV);
- (5) potato mosaic viruses, including potato virus Y (PVY).

In this Regulation, “potato” means any part of a potato plant, including tubers, stems, leaves, roots, microtubers and *in vitro* plantlets.

2. In every operation that has a potato crop area of 1 hectare or more, only potatoes that are certified according to the Seeds Act (R.S.C. 1985, c. S-8) may be planted for food or processing purposes.

3. In every crop cultivated for research purposes, only potatoes that are certified according to the Seeds Act may be planted unless an inspector is so notified prior to their acquisition.

4. Documents certifying the class of the lots of seed potatoes under the Seeds Act and invoices for seed potatoes used must be kept for 2 years at the main establishment in Québec of the owner or custodian of the crops.

5. Between the emergence and complete top-killing of potato crops, the owner or custodian must, in order to prevent the spreading of late blight, eliminate potato culls in the crop and, if applicable, in the operation or keep them in a closed location or under a tarp.

6. Where the presence of late blight is confirmed or an indication of that presence is observed, the owner or custodian of the infected property must take measures to prevent its spreading, in particular the application of treatments registered pursuant to the Pest Control Products Act (S.C. 2002, c. 28), the destruction of infected plants or the top-killing of potato crops.

7. Where a laboratory diagnosis confirms the presence of bacterial ring rot pathogens in a potato crop operation, the owner or custodian must, to prevent spreading,

(1) eliminate potato culls and remove infected potatoes in the operation;

(2) clean in such a way as to eliminate all traces of soil and plant debris and disinfect warehouses, vehicles, equipment and containers that came into contact with the potatoes of the operation or, in the case of containers that cannot be cleaned or disinfected, destroy them;

(3) not plant potatoes in the following year in any field where bacterial ring rot has been diagnosed;

(4) where a crop is not covered by section 2 or 3, plant only potatoes certified according to the Seeds Act for a period of 2 years.

DIVISION II **PROTECTED CROP ZONES**

8. The provisions of this Division apply in every protected crop zone determined by the Government pursuant to section 7 of the Crop Health Protection Act.

9. In every potato crop, only potatoes that are produced in a protected crop zone and certified according to the Seeds Act may be planted.

Despite the first paragraph, if no seed potato of a specific variety produced in a protected crop zone is available, seed potatoes of that variety produced outside such a zone may be planted provided that, prior to their acquisition, an inspector is so notified and that it is shown to the inspector that the potatoes are certified Nuclear stock under the Seeds Act or comply with the following requirements:

(1) they are certified Pre-Elite, Elite I or Elite II;

(2) they are produced in an operation where the result of a screening for potato cyst nematodes, performed according to a scientifically recognized protocol, was negative;

(3) they come from a lot of potatoes subjected to a post-harvest test carried out on a representative sampling using an enzyme-linked immunosorbent assay (ELISA) or polymerase chain reaction (PCR) that revealed a combined percentage of the potato leafroll virus and potato virus Y lower than or equal to 2%.

10. The owner or custodian of every potato crop must, once a year, clean and disinfect warehouses, vehicles, equipment and containers that came into contact with potato material.

11. Every part of a delivery vehicle likely to have been in contact with potatoes must meet the following requirements, after each unloading of the vehicle and before the vehicle enters into a seed potato operation for a bulk loading:

(1) it has been cleaned in such a way as to eliminate all traces of soil and potato debris;

(2) it has been disinfected in a disinfection centre using a product registered to that end pursuant to the Pest Control Products Act;

(3) it has not been in contact with potatoes or any property infected by a harmful organism since the disinfection.

The driver of the vehicle must give a copy of the disinfection certificate issued by the person in charge of the disinfection centre to the owner or custodian of the first seed potato crop operation where the vehicle enters after its disinfection.

The disinfection certificate must identify the disinfection centre visited, the date of the disinfection, the product used, the name of the person in charge of the centre, the name of the carrier, the number of the delivery notice or of the sales contract pertaining to the potatoes to be loaded and the vehicle registration number or that of its trailer if it is different.

The disinfection certificate must be kept for 2 years at the main establishment in Québec of the owner or custodian of the operation.

12. Used potato farming, packaging or processing equipment from outside a protected crop zone may only be brought into a potato crop, processing or packaging operation after having been cleaned and disinfected in such a way as to prevent the spreading of harmful organisms.

Before a person may bring into one or a number of potato crop operations excavating equipment that has been used outside a protected crop zone, the person must clean and disinfect the equipment to prevent the spreading of harmful organisms.

The equipment must be examined by an inspector or a person designated under section 5 of the Seeds Act before being used in the operation or, in the case of excavating equipment, in the first operation.

13. No person may bring into a potato crop operation, potatoes that have been kept in a commercial establishment or in containers that have been in contact with the potatoes.

14. Potatoes produced outside a protected crop zone may not be stored, packaged or processed for commercial purposes in a protected crop zone unless an inspector has been notified in advance and the following has been demonstrated to the inspector:

(1) the absence of detection of bacterial ring rot pathogen in lots of potatoes and potato cyst nematodes in the operation where those potatoes are produced; or

(2) the measures for the recovery and elimination of the soil and potato debris that will be taken to prevent the spreading of harmful organisms.

15. A person must immediately report to the Minister the presence of potato late blight or bacterial ring rot and any indication of that presence and provide the Minister, on request, with any related information.

16. Where the presence of bacterial ring rot pathogens is confirmed or an indication of that presence is observed, the owner or custodian must comply with section 7 and notify an inspector before infected potatoes may be transported to a packaging or processing operation.

In addition, in the case where a laboratory diagnosis confirms the presence of the bacterial ring rot pathogen in an operation, no potato produced in that operation during the following 2 years may be transferred to be planted in a protected crop zone.

17. Where potato plants show visual symptoms of the potato leafroll virus or a potato mosaic virus of a combined percentage greater than 5%, the owner or custodian of the crop must control aphids using treatments registered pursuant to the Pest Control Products Act during the entire production period.

DIVISION III **TRANSITIONAL AND FINAL**

18. Diseases and harmful insects designated by the Plant Protection Regulation, made by Order in Council 1366-96 (1996, *G.O.* 2, 4703), which, under section 45 of the Crop Health Protection Act, are deemed to be harmful organisms, remain so.

19. This Regulation replaces the Regulation respecting prevention of disease in potatoes (c. P-42.1, r. 1).

20. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.