

CHAPTER 17

IMPORTATION OF PLANTS AND PLANT MATERIAL

Authority

N.J.S.A. 4:1-21.5.

Source and Effective Date

All provisions of this chapter became effective prior to September 1, 1969.

Executive Order No. 66(1978) Expiration Date

Chapter 17, Importation of Plants and Plant Material, expires on May 31, 1996.

Chapter Historical Note

All provisions of this chapter were filed and effective prior to September 1, 1969.

1973 Revisions: Amendments became effective April 11, 1973 as R.1973 d.101. See: 5 N.J.R. 135(a).

1974 Revisions: Amendments became effective February 19, 1974 as R.1974 d.41. See: 5 N.J.R. 402(a), 6 N.J.R. 96(a).

1976 Revisions: Amendments became effective January 30, 1976 as R.1976 d.30. See: 8 N.J.R. 2(a), 8 N.J.R. 95(c).

1977 Revisions: Amendments became effective March 15, 1977 as R.1977 d.87. See: 9 N.J.R. 158(a).

1991 Revisions: An Emergency Amendment became effective May 31, 1991 and expired July 30, 1991. See: 23 N.J.R. 1966(a). Established an E.O. 66(1978) expiration date.

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SUBCHAPTER 1. NURSERY STOCK

2:17-1.1 Persons shipping nursery stock shall file certificate of inspection

All nurserymen, dealers or other persons residing or doing business outside of New Jersey and desiring to ship nursery stock into New Jersey shall file once each year with the New Jersey Department of Agriculture, previous to shipments, a signed copy of their original current resident-state certificate of inspection.

SUBCHAPTER 2. GOLDEN NEMATODE

2:17-2.1 Golden Nematode deemed a threat to agriculture

The fact has been determined by the New Jersey State Board of Agriculture, and notice is hereby given, that a nematode (*Heterodera rostochiensis*), present in the states of New York and Delaware, and in Canada, and not known to be present in New Jersey, constitutes a serious threat to agriculture in New Jersey.

2:17-2.2 Soil and sod shall not contain Golden Nematode

It is, therefore, ordered, in accordance with Title 4 of the Revised Statutes of the State of New Jersey, that no soil, including sod, and sand, shall be moved from any area, known to be infested with Golden Nematode, into the State of New Jersey, except when fumigated by an approved method and certified as such.

2:17-2.3 Material in violation confiscated

Material entering New Jersey in violation of this order shall be confiscated.

SUBCHAPTER 3. VEGETABLE PLANTS

2:17-3.1 Diseased or infested plants deemed nuisance; entry requirements

(a) In order to prevent the movement into New Jersey of diseased or insect infested vegetable plants, the State Board of Agriculture does hereby declare such plants to be a nuisance and prescribes the following conditions for the entry of vegetable plants into New Jersey:

1. All vegetable plants shipped into the State of New Jersey must be certified to have been grown under an official certification program of the state of origin, or to have been inspected and certified to be apparently free of injurious insects, nematodes and plant diseases on the basis of an inspection no more than three days prior to removal from the soil.

2. All plants certified as prescribed above must be accompanied by an official certificate so stating attached to each included crate, basket or other container.

SUBCHAPTER 4. VEGETABLE PLANTS FROM FLORIDA

2:17-4.1 Purpose of Subchapter

In order to control the movement into New Jersey of diseased or insect infested vegetable plants from the State of Florida, the following provisions are hereby established.

2:17-4.2 Tomato plants under quarantine

(a) All counties in Florida on a line south of and including Pinellas, Hillsborough, Hardee, Highlands, Okeechobee and Indian River are placed under quarantine.

(b) Tomato plants from these counties will not be allowed entry into New Jersey because of the danger of late blight disease, *Phytophthora infestans*.

(c) In order to control the movement into New Jersey of late blight (*Phytophthora infestans*) diseased tomato plants produced in greenhouse operations south of a quarantine line including all counties in Florida south of and including Pinellas, Hillsborough, Hardee, Highlands, Okeechobee and Indian River counties, the following specifications for admission of tomato plants so produced into New Jersey are hereby established:

1. The requirements listed below are to be considered only as related to a partial waiver or variance of current regulations governing the movement into New Jersey of vegetable plants from Florida.

2. Production:

i. If soil or a soil-less mix is used in production or shipment of the plants, the soil or mix must be sterile.

ii. Production and packing of the plants shall be on raised benches, and reasonable management attention shall be given to maintaining the proper temperature and humidity which will minimize conditions favorable to the late blight disease.

iii. From the time the tomato seedlings produce their first pair of true leaves they are to be sprayed on a three-day fungicide schedule of one or more of the following materials: maneb, manganese-zinc coordination product such as Dithane-M-45, Difolatan or Bravo. The fungicide is to be thoroughly dry on the plants before the foliage is wetted by overhead watering or the like. A final spray of one of the above fungicides is to be applied as nearly before packing for shipment as its drying will permit.

iv. For purposes of aphid, leafhopper, thrips, white fly, mite and other insect control, pesticide applications satisfactory to Florida State Department of Agriculture regulatory officials are to be made.

3. Inspection:

i. Starting with the first true tomato leaf production, inspections of the developing tomato plants are to be made at a regular interval (at least once a week by the official plant inspection service of the State of Florida, for detection and elimination of possible pest problems (especially late blight disease). The finding of any late blight within the greenhouse planting is to immediately disqualify all tomato plants in the entire greenhouse for New Jersey shipment.

ii. Starting at the same time as the above inspection, similar inspections of tomato plantings outside the greenhouse concerned (including adjacent greenhouses) are to be conducted within a radius of at least $\frac{1}{4}$ mile. The finding of late blight within the radius would require immediate notification to the Division Plant Industry, New Jersey Department of Agriculture.

iii. The plants are to be inspected by the official plant inspection service of the State of Florida on the day of pulling. Any late blight found disqualifies all tomato plants from the greenhouse of origin for shipment into New Jersey.

iv. During the period of three to ten days after any tomato plant shipment, any tomato plants remaining in the greenhouse(s) from which tomato plants were shipped into New Jersey, and also tomato plants within the outside " $\frac{1}{4}$ mile radius" of the greenhouse operation concerned, are to be inspected by the official plant inspection service of Florida for detection of possible late blight infection. Any such infection found will require immediate notification to the Division of Plant Industry, New Jersey Department of Agriculture.

4. Packing:

i. Packing of tomato plants is to be in such a place and in such a way as to satisfy the official inspection service of the State of Florida that the plants are not exposed to a greater risk of late blight infection than existed in the greenhouse during the growing period.

5. Notification of shipment (Registration):

i. Florida greenhouse growers concerned will notify the Division of Plant Industry of the New Jersey State Department of Agriculture as far in advance as is practical of the date and time of shipment, place of origin, expected date, time and place(s) of New Jersey delivery, and details of contents of each shipment into New Jersey of greenhouse produced tomato plants from below the quarantine line.

6. New Jersey farmers responsibilities:

i. In order to control the possible spread into New Jersey of the tomato late blight disease (*Phytophthora infestans*) from below New Jersey's quarantine line in Florida, the following understanding by the New Jersey farmer growing subject tomato plants is hereby established:

(1) The requirements listed below are to apply during the 1973 season only, and only for tomato plants produced under special regulations in greenhouses below New Jersey's quarantine line in Florida.

(2) The New Jersey farmer will grow the plants under the supervision of the Division of Plant Industry, New Jersey Department of Agriculture (Telephone: 609-292-5440) and the Department of Plant Biology, Rutgers—The State University.

(3) The plants will be sprayed with fungicide, at least weekly using approved scheduling, fungicides and application rates. Complete records of the sprays should be maintained.

(4) The plants will be available for inspection and sampling during their entire growing season.

(5) If in the opinion of the New Jersey Department of Agriculture, or Rutgers, the late blight disease (*Phytophthora infestans*) is present in the planting, and constitutes a threat to other farmers, the New Jersey farmer, or if necessary, the New Jersey Department of Agriculture, will take such action as deemed necessary to eliminate the threat, including destruction of the entire planting(s) involved.

7. This special exemption is to apply for the year 1973 only.

R.1973 d.101, eff. April 11, 1973.

See: 5 N.J.R. 135(a).

As amended, R.1974 d.41, eff. February 19, 1974.

See: 5 N.J.R. 402(a), 6 N.J.R. 96(a).

2:17-4.3 Certified tomato plants may enter New Jersey

(a) Only tomato plants certified by the State Plant Board of Florida and grown in the area north of the quarantine line will be allowed to enter New Jersey.

(b) Plants must be sprayed at five to seven day intervals with an approved fungicide (Zineb or Maneb) to qualify for certification.

2:17-4.4 Tomato transplants field inspected

(a) All tomato transplants that are certified must be field inspected periodically and approved as being apparently free from injurious insects, nematodes, and plant diseases.

(b) The final inspection shall be made not more than three days prior to pulling.

(c) All plants certified as prescribed in this section must be accompanied by an official certificate of the state of origin so stating attached to each included crate, basket or other container.

2:17-4.5 Tomato transplants packed at point of origin

All tomato transplants brought into New Jersey for dissemination by sale or otherwise must be packed at the point of origin.

2:17-4.6 Other vegetable plants certified; official certificate required

(a) All vegetable plants other than tomato must be inspected and certified by the State Plant Board of Florida.

(b) Such inspection shall be made not more than three days prior to pulling.

(c) All plants certified as prescribed above must be accompanied by an official certificate so stating attached to each included crate, basket or other container.

SUBCHAPTER 5. VEGETABLE PLANTS FROM GEORGIA
2:17-5.1 Purpose of Subchapter

In order to control the movement into New Jersey of diseased or insect infested vegetable plants from the State of Georgia, the following provisions are hereby established.

2:17-5.2 Tomato plants eligible for movement into New Jersey

Tomato plants grown in Georgia will be eligible for movement into New Jersey only if they have been grown under the official certification program of Georgia, except that plants which have been declared ineligible in Georgia for reasons other than suspicion of or presence of injurious insects, nematodes, or plant diseases may be admitted, provided however, that inspection and certification tags distinguishing the latter plants from those certified under the official certification program accompany the shipment.

2:17-5.3 Pepper plants eligible for movement into New Jersey

Only those pepper plants qualifying under the official Georgia Regulations for the Production of Georgia Certified Pepper Plants will be admitted into New Jersey.

2:17-5.4 Sweet potato plants eligible for movement into New Jersey

Only those sweet potato plants that have qualified under the Georgia Sweet Potato Plant Regulations and are so certified will be permitted to be moved into New Jersey.

2:17-5.5 Cabbage plants eligible for movement into New Jersey

Only those cabbage plants that have qualified under the official Georgia program for the production of Georgia Certified Cabbage Plants will be permitted to be moved into New Jersey.

2:17-5.6 Other vegetable plants inspection and certification

(a) Vegetable plants other than those above specified must be inspected and certified by the Georgia Department of Entomology to be apparently free from injurious insects, nematodes, or plant diseases.

(b) Such inspection shall be made not more than three days prior to pulling.

SUBCHAPTER 6. TOMATO TRANSPLANTS**2:17-6.1 Movement into New Jersey of tomato transplants**

(a) In order to prevent the movement into New Jersey of diseased, insect-infested or substandard quality tomato plants, the State Board of Agriculture does hereby declare such plants to be nuisance and prescribes the following conditions for the entry of tomato plants in New Jersey.

(b) All tomato plants shipped into the State of New Jersey must be certified to have been grown under an official certification program of the state of origin, or to have been inspected and certified to be apparently free from injurious insects, nematodes and plant diseases, based on an inspection no more than three days prior to removal from the soil.

(c) All plants certified as prescribed above must be accompanied by an official certificate so stating attached to each included crate, basket or other container. Also, each such package must be labeled as to variety and number of transplants per container.

(d) Imported tomato transplant standards include the following:

1. Apparently free from injurious insects, nematodes and plant diseases;
2. Plant count as stated on the container;
3. Free of fruit and excessive bloom;

4. Free of noxious weeds;

5. Good physical condition so as to make successful growth of the plants probable in the opinion of the inspecting authority. At least 80 per cent of all the tomato plants in each container must conform to the following standards:

i. Not too soft or hard (over-mature);

ii. Not excessively heated;

iii. Free from excessive wilting;

iv. Free from excessive physical injury by insects, diseases, hail or other factors;

v. Not severely clipped;

vi. Free from excessive cold injury;

vii. Free from excessive nutrient deficiencies;

viii. Straight stems;

ix. Free from excessive weeds;

x. Stem length six to 11 inches from soil line to growing point, with a minimum stem diameter of $\frac{3}{16}$ inch. If the inspecting authority is notified of agreement between the plant producer and plant purchaser, plant size standards may be altered.

(e) Failure to comply with the regulations will result in destruction or rejection of all or part of violating tomato transplant shipments into New Jersey.

(f) Complaints or dissatisfaction with shipments must be received by the inspecting authority, prior to planting, within 24 hours of arrival in New Jersey.

R.1976 d.30, eff. January 30, 1976.

See: 8 N.J.R. 2(a), 8 N.J.R. 95(c).

As amended, R.1977 d.87, eff. March 15, 1977.

See: 9 N.J.R. 158(a).

SUBCHAPTER 7. PEPPER TRANSPLANTS**2:17-7.1 Movement into New Jersey of pepper transplants**

(a) In order to prevent the movement into New Jersey of diseased, insect-infested or substandard quality pepper plants, the State Board of Agriculture does hereby declare such plants to be a nuisance and prescribes the following conditions for the entry of pepper plants in New Jersey.

(b) All pepper plants shipped into the State of New Jersey must be certified to have been grown under an official certification program of the state of origin, or to have been inspected and certified to be apparently free from injurious insects, nematodes and plant diseases, based on an inspection no more than three days prior to removal from the soil.

(c) All plants certified as prescribed above must be accompanied by an official certificate, so stating, attached to each included crate, basket or other container. Also, each such package must be labeled as to variety and number of transplants per container.

(d) Imported pepper transplant standards include the following:

1. Apparently free from injurious insects, nematodes and plant diseases;
2. Plant count as stated on the container;
3. Not clipped;
4. Free of noxious weeds;
5. Good physical condition so as to make successful growth of the plants probable in the opinion of the inspecting authority. At least 80 per cent of all the pepper plants in each container must conform to the following standards:
 - i. Not too soft or hard (over-mature);
 - ii. Not excessively heated;
 - iii. Free from excessive wilting;
 - iv. Free from excessive physical injury by insects, diseases, hail or other factors;

- v. Free from excessive weeds;
- vi. Free from excessive cold injury;
- vii. Free from excessive nutrient deficiencies;
- viii. Straight stems;
- ix. Free from excessive fruit or bloom;

x. Stem length six to 11 inches from soil line to growing point, with a minimum stem diameter of $\frac{5}{32}$ inch. If the inspecting authority is notified of agreement between the plant producer and plant purchaser, plant size standards may be altered.

(e) Failure to comply with the regulations will result in destruction or rejection of all or part of violating pepper transplant shipments into New Jersey.

(f) Complaints or dissatisfaction with shipments must be received by the inspecting authority, prior to planting, within 24 hours of arrival in New Jersey.

R.1977 d.88, eff. March 15, 1977.

See: 9 N.J.R. 158(b).

Emergency Amendment, R.1991 d.317, effective May 31, 1991.

See: 23 N.J.R. 1966(a).

Exception made to import certain clipped pepper transplants in order to avoid shortage during planting season.

Emergency Amendment, R.1991 d.317, expired on July 30, 1991.

Section reverted to text in effect prior to May 31, 1991.