

**CHAPTER 17****IMPORTATION OF PLANTS AND  
PLANT MATERIAL****Authority**

N.J.S.A. 4:1-21.5 and 4:7-1 et seq.

**Source and Effective Date**

R.1996 d.300, effective May 31, 1996.  
See: 28 N.J.R. 1583(a), 28 N.J.R. 3299(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 17, Importation of Plants and Plant Material, expires on May 31, 2001.

**Chapter Historical Note**

Chapter 17, Importation of Plants and Plant Material, was filed and became effective prior to September 1, 1969. Pursuant to Executive Order No. 66(1978), an expiration date of May 31, 1996 was established by R.1991 d.317, effective May 31 1991. See: 23 N.J.R. 1966(a).

Pursuant to Executive Order No. 66(1978), Chapter 17 was readopted as R.1996 d.330, effective May 31, 1996. See Source and Effective Date. As part of R.1996 d.330, Subchapter 4, Vegetable Plants from Florida, Subchapter 5, Vegetable Plants from Georgia, Subchapter 6, Tomato Transplants, and Subchapter 7, Pepper Transplants, were repealed and Subchapter 4, Tomato Plants, and Subchapter 5, Pepper Plants, were adopted as new rules, effective July 1, 1996. See, also, section annotations.

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**SUBCHAPTER 1. NURSERY STOCK****2:17-1.1 Persons shipping nursery stock shall file  
certificate of inspection**

(a) 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, prior to shipments, a copy of their current valid resident-state certificate of inspection.

(b) The requirement listed in (a) above shall be satisfied if the nurseryman or plant dealer appears in a then-current listing of certified nurseries and nursery dealers provided by the resident state.

Amended by R.1996 d.300, effective July 1, 1996.  
See: 28 N.J.R. 1583(a), 28 N.J.R. 3299(a).

**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 (*Globodera rostochiensis*), present in the state of New York and in Canada, and not known to be present in New Jersey, constitutes a serious threat to agriculture in New Jersey.

Amended by R.1996 d.300, effective July 1, 1996.  
See: 28 N.J.R. 1583(a), 28 N.J.R. 3299(a).

**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 requirement**

(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 certificate 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 five 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.

3. Any person importing vegetable plants into the State of New Jersey shall notify the Department of Agriculture of such shipment prior to, or within 24 hours after, arrival of the shipment.

Amended by R.1996 d.300, effective July 1, 1996.  
See: 28 N.J.R. 1583(a), 28 N.J.R. 3299(a).

## SUBCHAPTER 4. TOMATO PLANTS

### 2:17-4.1 Purpose of subchapter

In order to control the movement into New Jersey of late blight (*Phytophthora infestans*) and of bacterial diseases: bacterial spot (*Xanthomonas campestris* pv. *vesicatoria*), bacterial speck (*Pseudomonas syringae* pv. *tomato*) and bacterial canker (*Clavibacter michiganensis* subsp. *michiganensis*), the specifications in this subchapter for the admission of tomato plants into New Jersey are established.

### 2:17-4.2 Scope of subchapter

This subchapter shall apply to all tomato plants shipped into the State of New Jersey.

### 2:17-4.3 Conditions governing the production of tomato plants to be shipped to New Jersey

(a) The following shall apply to tomato plants to be shipped to New Jersey:

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

2. All seed shall be tested or treated for bacterial diseases.

3. From the time the tomato seedlings produce their first pair of true leaves, plants shall be sprayed with antibiotic sprays labeled for use on tomato plants at four to five day intervals until pulling following a schedule recommended by the state's cooperative extension service, satisfactory to state plant regulatory officials or other official certifying agencies, as appropriate for bacterial disease control.

4. From the time the tomato seedlings produce their first pair of true leaves, plants are to be sprayed with fungicide sprays (maneb, mancozeb or other labeled equivalent) at four to five day intervals, unless otherwise directed on the fungicide label, until pulling following a schedule recommended by the state's cooperative extension service, satisfactory to state plant regulatory officials or other official certifying agencies, as appropriate for late blight control.

5. For purposes of aphid, leafhopper, thrips, white fly, mite and other insect control, pest control measures satisfactory to state plant regulatory officials or other official certifying agencies shall be made.

6. All tomato transplants that are certified shall be inspected periodically and approved as being apparently free from injurious insects, nematodes, and plant disease. The final inspection shall be made not more than five days prior to pulling.

### 2:17-4.4 Transplants packed at point of origin

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

### 2:17-4.5 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 declares such plants to be a nuisance in New Jersey.

(b) All tomato plants shipped into the State of New Jersey shall 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 five days prior to removal from the soil.

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

(d) The following standards apply to imported tomato transplants:

1. The transplants shall be apparently free from injurious insects, nematodes and plant diseases;

2. The plant count shall be as stated on the container;
3. The transplants shall be free of fruit and excessive bloom;
4. The transplants shall be free of noxious weeds;

5. The transplants shall be in good physical condition so as to make successful growth of the plants probable in the opinion of the inspecting authority. At least 80 percent of all the tomato plants in each container shall be:

- 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 nutrient deficiencies;
- vii. Possessed of straight stems;
- viii. Free from excessive weeds; and
- ix. Possessed of 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 this section shall result in destruction or rejection of all or part of violating tomato transplant shipment in New Jersey.

(f) Any person importing plants into the State of New Jersey shall notify the Department of Agriculture of such shipment prior to, or within 24 hours after, arrival of the shipment.

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

## SUBCHAPTER 5. PEPPER PLANTS

### 2:17-5.1 Purpose

In order to control the movement into New Jersey of bacterial spot (*Xanthomonas campestris* pv. *vesicatoria*), the specifications for the admission of pepper plants into New Jersey are set forth in this subchapter.

### 2:17-5.2 Scope of subchapter

This subchapter shall apply to all pepper plants shipped into the State of New Jersey.

### 2:17-5.3 Conditions governing the production of pepper plants to be shipped in New Jersey

(a) The following shall apply to pepper plants to be shipped to New Jersey.

1. All seeds shall be tested or treated for bacterial diseases.

2. From the time the pepper seedlings produce their first pair of true leaves, plants shall be sprayed with antibiotic sprays labeled for use on pepper plants at four to five day intervals until pulling following a schedule recommended by the state's cooperative extension service, satisfactory to state plant regulatory officials or other official certifying agencies, as appropriate for bacterial disease control.

3. For purposes of aphid, leafhopper, thrips, white fly, mite and other insect control, pest control measures satisfactory to state plant regulatory officials or other official certifying agencies shall be made.

4. All pepper transplants that are certified shall be inspected periodically and approved as being apparently free from injurious insects, nematodes, and plant disease. The final inspection shall be made not more than five days prior to pulling.

### 2:17-5.4 Transplants packed at point of origin

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

### 2:17-5.5 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 declares 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 shall be certified to have been grown under an official certification program of the state of origin, or to have been inspected and certified free from injurious insects, nematodes and plant disease, based on an inspection no more than five days prior to removal from the soil.

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

(d) The following standards apply to imported pepper transplant:

1. The transplants shall be apparently free from injurious insects, nematodes and plant diseases;

2. The plant count shall be as stated on the container;

3. The transplants shall not be clipped;  
4. The transplants shall be free of noxious weeds;  
5. The transplants shall be in good physical condition so as to make successful growth of the plants probable in the opinion of the inspecting authority. At least 80 percent of all the pepper plants in each container shall be:

- 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. Possessed of straight stems;

ix. Free from fruit or excessive bloom; and

x. Possessed of 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 this section shall result in destruction or rejection of all or part of violating pepper transplant shipments into New Jersey.

(f) Any person importing plants into the State of New Jersey shall notify the Department of Agriculture of such shipment prior to, or within 24 hours after, arrival of the shipment.

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