

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

N.J.S.A. 4:1-11.1, 4:1-21.5 and 4:7-1 et seq., specifically  
4:7-4 through 14 and 4:7-15 through 35.

**Source and Effective Date**

R.2006 d.423, effective November 8, 2006.  
See: 38 N.J.R. 2767(a), 38 N.J.R. 4993(a).

**Chapter Expiration Date**

Chapter 17, Importation of Plants and Plant Material, expires on November 8, 2011.

**Chapter Historical Note**

Chapter 17, Importation of Plants and Plant Material, was adopted 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, Importation of Plants and Plant Material, was readopted as R.1996 d.300, effective May 31, 1996. As part of R.1996 d.300, 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5, Vegetable Plants from Georgia, Subchapter 6, Tomato Transplants, and Subchapter 7, Pepper Transplants, were repealed and Subchapter 4, Tomato Plants, and Subchapter 5, Pepper Plants, were adopted as new rules, effective July 1, 1996.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: 28 N.J.R. 1583(a), 28 N.J.R. 3299(a).

Subchapter 2, Golden Nematode, was recodified as N.J.A.C. 2:20-1 by R.1997 d.212, effective May 19, 1997. See: 29 N.J.R. 719(a), 29 N.J.R. 2265(a).

Pursuant to Executive Order No. 66(1978), Chapter 17, Importation of Plants and Plant Material, was readopted as R.2001 d.206, effective May 24, 2001. See: 33 N.J.R. 1062(a), 33 N.J.R. 2079(a).

Chapter 17, Importation of Plants and Plant Material, was readopted as R.2006 d.423, effective November 8, 2006. See: Source and Effective Date.

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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. (RESERVED)****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 satis-

factory 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;