

1. The current Rules in Part 2.2.0 became effective on March 30, 2015 and applies to all seed potatoes planted after August 1, 2015. When these Rules were adopted they required all seed potatoes to undergo a postharvest test to be eligible to be planted in 2016 and subsequent years. The postharvest test is typically conducted by Colorado State University as part of the seed potato certification process.

2. Colorado seed potatoes are certified under rules and regulations promulgated by the Board Of Governors of the Colorado State University system in conjunction with the Colorado Certified Potato Growers Association. When Rule 2.2.2 of the Seed Potato Act was adopted, it was not clear that the Colorado certified seed potato growers rules only required that nuclear stock and Generation 1 seed potatoes be subjected to a postharvest test if the seed was to be sold. A large percentage of nuclear stock and Generation 1 seed potatoes are not sold but rather are retained to be planted by the producer in the next year. Therefore after production of the 2015 seed potato crop, very few lots of nuclear or Generation 1 seed potatoes were subjected to a postharvest test. All other classes of seed potatoes (G2 – G6) that were requested for certification were subjected to postharvest testing.

3. Over 100 lots of nuclear stock and Generation 1 seed potatoes were not subjected to a postharvest test. Without a change to the Rule to allow these two classes of seed potatoes to be planted, almost two entire generations of seed potatoes would be lost and the resulting effect on the availability of seed potatoes to be planted in future years would be catastrophic. It could result in a shortage of certified seed potatoes or potato growers needing to import significant amounts of seed potatoes from other states.

4. This oversight was not noticed until early 2016, well after the postharvest tests could be completed. The alternative option proposed in this Rule to allow for the production of nuclear stock and Generation 1 seed potatoes to be planted if the second field inspection showed no more than 1% total virus provides adequate protection for other potato growers from these classes of seed as they are rarely infected with viruses at this level.