

MINNESOTA
SUMMARY OF PLANT PROTECTION REGULATIONS
Updated April 2012

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The information, as provided, is for informational purposes only and should not be interpreted as complete, nor should it be considered legally binding. Coordination with both the originating state and the destination state plant regulatory agency listed above may be necessary to stay current on revised requirements

Administrative

PRE-NOTIFICATION OF SHIPMENTS TO MINNESOTA

Notification of nursery stock shipment to Minnesota can be sent via E-mail to Steven.Shimek@state.mn.us or faxed to 651-201-6209. Mailing address: Steven Shimek, Minnesota Department of Agriculture, Plant Protection Division, 625 Robert Street North, St. Paul, MN 55155.

Fruit, Vegetable & Grain Unit

FOOD SAFETY AUDIT PROGRAM

The Fruit and Vegetable Inspection Program Staff is licensed by the USDA to provide USDA Good Agricultural Practices/Good Handling Practices audits for any growers, shippers, receivers, wholesalers, retailers, and re-packers in Minnesota. These audits consist of asking questions, reviewing documentation, and onsite viewing of warehouse, storage, packing, and transportation facilities. The audits verify that the practices and procedures of growers or sellers meet USDA Food Safety Standards and reduce or eliminate food safety hazards.

FRUIT AND VEGETABLE INSPECTION PROGRAM

The Fruit and Vegetable Inspection Program operates under a cooperative agreement between the State of Minnesota and the USDA. The program inspects fruits, vegetables, raw nuts, and ornamental crops, based on USDA-established U.S. standards for commodities; and certifies the various grades for each commodity. Inspections are performed for any financially interested party in the world including growers, packers, shippers, brokers, transporters, and receivers. Inspections ensure that the commodities meet the specifications and/or grades that have been agreed on and U.S. Standard requirements. Providing unbiased third party inspections ensures that the proper quality of produce is being delivered, and receiver and grower contracts are being met. This results in protection for both grower and receiver, and lower costs to the public. This Program's staff is federally licensed by the USDA and have the authority to inspect all commodities from around the world.

Inspection Requests: 651-201-6067

GRAIN LICENSING PROGRAM

The Grain Licensing Program licenses grain buyers, grain warehouses, grain banks, and general merchandise warehouses to protect sellers and depositors of grain and those who deposit goods in a general merchandise warehouse. These four different license types have different requirements to obtain each license.

License to Buy Grain: Required by anyone to buy grain. A license is required for each buying location; additionally must obtain a bond ranging from \$10,000 to \$150,000 dollars, based on the dollar amount of annual grain purchases.

License to Store Grain: Required by persons operating grain warehouse (elevators) to store grain for the public. All grain storage licensed elevators must also obtain a grain buyers license. Grain storage elevators must provide a storage bond which provides reimbursement to depositors experiencing damage or other grain loss. This bond which ranges from \$20,000 to \$500,000 is based on 50% of the dollar value of the grain stored by depositors at peak storage.

Grain Bank License: Issued to persons operating grain warehouses that receive and store grain to be processed into animal feed, where the feed is returned to the depositor. Elevators that have a storage bond are not required to have grain bank license. The grain bank bond ranges from \$1500 to \$150,000 and is based on 50 % of the dollar value of the grain stored by depositors at peak storage.

General Merchandise Storage License: Issued to persons not storing grain but who operates a warehouse to store other property such as household goods, for the public. A \$10,000 general warehouse bond for each warehouse operated is required (companies

that do not store household goods may substitute \$50,000 of warehouse liability insurance instead of a bond).

To buy and store, grain warehouses are required to have two examinations each year. Annual certified financial statements are required of all grain licensees. General warehouse merchandise license-holders are not required to provide financial statements.

Licensing Requests and Information: 651-201-6011

WHOLESALE PRODUCE DEALERS LICENSING PROGRAM

The Wholesale Produce Dealers Licensing Program licenses the buyers of fresh fruits & vegetables, milk, poultry, and eggs. This provides protection to the sellers (farmers as well as wholesalers) by requiring a surety bond. Other provisions of the law include the trust and contract language requirements.

Ashley Hacker, Wholesale Licensing Program Coordinator
Phone: 651-201-6620

Harley Olinske Jr, Unit Supervisor
Phone: 651-201-6076

Pest Detection and Response Unit

MINNESOTA STATE PLANT PEST SURVEY

New pests are a constant threat to Minnesota's agriculture, horticulture and environment. To effectively control or eliminate these threats, prevention, early detection and rapid response is essential. Unit staff performs all these tasks, although most time is spent on conducting statistically designed and science-based detection plant pest surveys. State funds as well as federal Cooperative Agricultural Pest Survey (CAPS) funding are used to develop accurate and timely surveys for new pests. Pest risk assessments are reviewed to determine the risk to our state for selected pests, and we cooperate with the University of Minnesota to conduct cold hardiness studies on selected new pests. In addition, the MDA has outreach programs targeted for both plant health professionals and the general public, and responds to calls and reports from both on possible sightings of new invasive species. Current project pests include emerald ash borer, potato cyst nematode and cereal cyst nematodes.

Robert Koch, State Survey Coordinator
Phone: 651-201-6549

Teresa McDill, Unit Supervisor
Phone: 651-201-6448

Pest Mitigation and Biocontrol Unit

GYPSY MOTH PROGRAM

Since 1973, Minnesota has participated in the Gypsy Moth Slow the Spread program. And since 1980, the MDA has eliminated more than 65 gypsy moth infestations on thousands of acres. Although moth numbers are relatively low in most parts of the state, MDA staff continues to monitor nurseries and mills, mapping, trapping and creating compliance agreements when necessary. The natural rate of spread has been reduced to approximately six miles per year in the state from 15 on a national average. Through these efforts, the Gypsy Moth Program protects forest health, local property values and the state's vital tourism industry.

TREE CARE COMPANY REGISTRY

All tree care providers, tree trimmers, and persons who remove trees, limbs, branches brush, or shrubs for hire must be registered by the Commissioner of Agriculture. Effective January 2011 the registration fee is \$25.

BIOLOGICAL CONTROL PROGRAM

The biological control program provides cost-effective and sustainable management for target pests and conducts applied research. Successful projects that are implemented statewide include leafy spurge and spotted knapweed bio-control. A study on the efficacy of a stem weevil to control Canada thistle is in progress. Acting as the U.S. coordinator for a joint Canadian and U.S. effort, we are developing biological control for common tansy. Projects that will be initiated in 2010 include an emerald ash borer bio-control research project in collaboration with USDA researchers, and fungal pathogen releases for gypsy moth management, a cooperative venture with multiple agencies.

Monika Chandler, Biological Control Program Coordinator
Phone: 651-201-6537

Lucia Hunt, Unit Supervisor
Phone: 651-201-6329

Nursery Inspection and Export Certification Unit

ANIMAL DAMAGE COMPENSATION PROGRAM

Livestock or crop losses resulting from wolf or elk may be compensated through a fund provided by the state of Minnesota. Verification of the damage and loss assessment by appropriate officials is required. Individual claims are limited to \$20,000. Up to \$150,000 is available on an annual basis to fund the program.

Blane White, Animal Damage Compensation Program Coordinator
Phone: 651-201-6578

APIARY PROGRAM

This program provides inspection services for apiary industry needing certification to ship bees to other states.

EXPORT CERTIFICATION PROGRAM

The goal of this program is to facilitate and expedite the movement of Minnesota's agricultural products into and through the international marketplace. This is accomplished by staff trained by the USDA as Authorized Certification Officials responsible for interpreting the foreign import regulations governing the entry of raw or processed plant products. The program staff conducts field inspections, examines the actual shipment or official samples, certifies the product and issues the appropriate export document.

Stephanie Visker, Export Certification Program Coordinator

Phone: 651-201-6558; Fax 651-201-6209

mda.exports@state.mn.us

NURSERY INSPECTION PROGRAM

The mission of this program is to prevent the introduction into and dissemination and spread within Minnesota of serious plant pests. This is accomplished through the annual inspection of all nursery stock-growing acreage and certification audits of nursery stock dealers, paying particular attention to stock originating from states with federally and/or state regulated plant pests. Nursery staff participates in various plant pest surveys and cooperate with the USDA in plant pest enforcement actions.

Steven Shimek, Nursery Inspection Program Coordinator

Phone: 651-201-6619 or 651-201-6507

Nursery Stock Definition: Trees, shrubs, and other plants having a persistent woody stem; all Minnesota-hardy herbaceous perennials; and parts of either of those which are capable of propagation.

General Shipping Requirements: Any person from another state shipping nursery stock into Minnesota shall be accorded treatment similar to that which is required of Minnesota nursery operators, dealers, or agents who ship or sell nursery stock. Each out-of-state nursery operator or dealer shall file a certified current copy of an out-of-state nursery certificate/license in the Office of the Commissioner. The Commissioner may accept, in lieu of such individual certificates/licenses, a certified list of current certified nursery operators or dealers from the regulatory agency having jurisdiction in the state or origin. Each shipment must be accompanied by documentation as to shipper (or origin if different from the shipper) along with proof of compliance with applicable state and/or federal plant pest quarantines.

Pre-Notification of Shipments to Minnesota: Notification of nursery stock shipment to Minnesota can be sent via E-mail to Steven.Shimek@state.mn.us or faxed to 651-201-6209. Mailing address: Steven Shimek, Minnesota Department of Agriculture, Plant Protection Division, 625 Robert Street North, St. Paul, MN 55155.

Mark Schreiber, Unit Supervisor

Phone: 651-201-6388 or 651-201-6095

Potato Inspection Unit

POTATO SHIPPING POINT INSPECTIONS

Shipping Point Inspection enables the industry to ship seed potatoes as “certified” and provides grades for fresh, processing and seed potatoes. The program provides voluntary and mandatory shipping point inspection to the industry, which certifies the shipments as within grade. This is the last control measure to prevent diseased potatoes from being shipped and the first look by government at our food supply.

SEED POTATO CERTIFICATION

The main objectives of the seed potato certification are to ensure that there are available to the public: dependable sources of quality, disease-tested seed potatoes of recognized cultivars, and to encourage better methods of production. Planting certified seed potatoes is required in most of the U.S. and in any importing country. Crop insurance also requires the planting of certified seed potatoes as they meet the minimum disease standards. Planting certified seed potatoes in Minnesota prevents the spread of plant diseases and pests.

Minimum Standards for Planting: Seed potatoes may not be planted in the state in lots of ten or more acres unless the seed meets minimum disease standards.

Restricted Seed Potato Growing Area: Qualifying potatoes, grown in the counties that are designated as restricted seed potato growing areas, must be certified as seed potatoes.

Seed Potato Certification: Potatoes for certification shall be inspected while growing in the field and again after harvest at the time of shipment. Certification shall be based upon visual inspection by the Commissioner of sample plants and tubers from each field and lot, or, for varieties that do not express visible symptoms of a specific pathogen, seed potatoes must be subjected to laboratory tests to determine the level of the pathogen in a seed lot. This testing may occur during the growing season, storage season, or winter testing. Certificates shall be issued to show the varietal purity, relative freedom from disease, and physical defects of the potatoes at the time of inspection.

Mike Horken, Unit Supervisor
Phone: 218-773-4956

Seed and Noxious Weed Unit

SEED REGULATORY PROGRAM

The seed regulatory program inspects seed marketing facilities, samples seed, reviews advertisements, and takes appropriate enforcement action in order to provide effective and uniform administration of the Minnesota Seed Law and Rules. This results in protection for consumers within the state, and a fair and competitive marketplace for seed labelers.

Prohibited Noxious Weed Seeds

None allowed in seeds intended for planting:

Cirsium vulgare bull thistle
Cirsium arvense Canada thistle
Carduus nutans musk thistle
Lepidium draba perennial peppergrass
Carduus acanthoides plumeless thistle

Restricted Noxious Weed Seeds

Maximum allowed is 25 per pound when found in seed intended for planting:

Plantago lanceolata buckhorn plantain
Cuscuta spp dodder
Thlaspi arvense Frenchweed
Raphanus raphanistrum wild radish
Setaria faberi giant foxtail

Convolvulus arvensis field bindweed
Cannabis sativa hemp
Euphorbia esula leafy spurge
Sonchus arvensis perennial sowthistle
Centaurea repens Russian knapweed

Solanum ptycanthum Eastern black nightshade
Solanum carolinense horse nettle
Brassica arvensis wild mustard
Agropyron repens quack grass

NOXIOUS WEED PROGRAM

The noxious weed regulatory function of this program provides administrative assistance to counties and local governments in the enforcement of the state's noxious weed law. Local government officials provide the inspection and primary enforcement responsibilities, county governments provide technical assistance to local governments and a prosecutorial function for enforcement, and state government promotes uniformity by providing standardized enforcement methods and materials and educational services to counties and local governments.

2012 Noxious Weed List

<http://www.mda.state.mn.us/weedcontrol>

The Minnesota Noxious Weed Law (MN Statutes 18.75-18.91) defines a noxious weed as an annual, biennial, or perennial plant that the Commissioner of Agriculture designates to be injurious to public health, the environment, public roads, crops, livestock, or other property. The purpose of the law is to protect residents of the state from the injurious effects of noxious weeds.

There are twenty-two plant species regulated as noxious weeds in Minnesota. Eighteen plants are listed as [prohibited noxious weeds](#) which consist of two regulatory lists– eight plants listed on the [prohibited eradicate list](#) and ten on the [prohibited control list](#). Prohibited noxious weeds must be eradicated or controlled in accordance with the Minnesota Noxious Weed Law. Three species, common buckthorn, glossy buckthorn, and multiflora rose are listed as [restricted noxious weeds](#) and are prohibited from importation, sale, and transportation in Minnesota. One species, poison ivy, is listed as a [specially regulated plant](#) that can be enforced under specific conditions.

Prohibited Noxious Weeds – Attempts must be made by all landowners to control or eradicate species on these lists. These species cannot be transported or sold in Minnesota

Eradicate List –must be eradicated by killing the above and belowground parts of the plant.

1. [Yellow Star Thistle, *Centaurea solstitialis* L.](#)
2. [Greecian Foxglove, *Digitalis lanata* Ehrh.](#)
3. [Oriental Bittersweet, *Celastrus orbiculatus* Thunb.](#)
4. [Japanese Hops, *Humulus japonicas* Siebold & Zucc.](#)
5. [Dalmatian Toadflax, *Linaria dalmatica* \(L.\) Mill.](#)
6. [Common Teasel, *Dipsacus fullonum* L.](#)
7. [Cut-leaved Teasel, *Dipsacus laciniatus* L.](#)
8. [Giant Hogweed, *Heracleum mantegazzianum* Sommier & Levier](#)

Control List –must be controlled by a lawful method that prevents the maturation and spread of propagating parts.

1. [Leafy Spurge, *Euphorbia esula* \(L.\)](#)
2. [Canada Thistle, *Cirsium arvense* \(L.\) Scop.](#)
3. [Musk Thistle, *Carduus nutans* \(L.\)](#)
4. [Plumeless Thistle, *Carduus acanthoides* \(L.\)](#)
5. [Garlic Mustard, *Alliaria petiolata* \(Bieb.\)](#)
6. [Purple Loosestrife, *Lythrum salicaria, virgatum* \(L.\)](#),
7. [Wild Parsnip, *Pastinaca sativa* L.](#)
8. [Common Tansy, *Tanacetum vulgare* \(L.\)](#)
9. [Spotted Knapweed, *Centaurea stoebe* spp. *micranthos*](#)
10. [Narrowleaf Bittercress, *Cardamine impatiens* L.](#)

Restricted Noxious Weeds - may not be sold, transported, or intentionally planted in Minnesota.

1. [Common or European Buckthorn, *Rhamnus cathartica* \(L.\)](#)
2. [Glossy Buckthorn \(and all cultivars\), *Frangula alnus* Mill.](#)
3. [Multiflora Rose, *Rosa multiflora* Thunb.](#)

Specially Regulated Plants –shall be controlled or eradicated according to specified regulations.

1. [Poison ivy, *Toxicodendron radicans* \(Ktze.\)](#) *Must be eradicated or controlled for public safety along rights-of-ways, trails, public accesses, business properties open to the public or on parts of lands where public access for business or commerce is granted. Must also be eradicated or controlled along property borders when requested by adjoining landowners.*

Failure to comply with the Minnesota Noxious Weed Law may result in an enforcement action by a county or local municipality.

Tony Cortilet, Weed Specialist
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Steve Malone, Unit Supervisor
Phone: 651-201-6531

QUARANTINES OR ADDITIONAL REQUIREMENTS

EXTERIOR QUARANTINE: THOUSAND CANKERS DISEASE OF WALNUT (*JUGLANS* SP.)

PESTS: Walnut twig beetle (*Pityophthorus juglandis*) and *Geosmithia morbida*

An AREA FROM WHICH WALNUT IS REGULATED: States in which or near where Thousand Cankers Disease (TCD) occurs, including: Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Tennessee, Utah, Virginia and Washington. And any other areas of the United States as determined by the State Plant Regulatory Official to have TCD.

MATERIALS REGULATED: Living and non-living articles of walnut (*Juglans species*) trees are regulated: logs, lumber, wood chips, mulch, packaging materials, and live trees. All hardwood firewood is regulated. Exceptions: Nuts, nutmeat, and hulls; processed lumber = 100% bark free and kiln dried, with squared edges; finished wood products without bark, including walnut furniture, musical instruments and gun stocks.

RESTRICTIONS: No person shall move or cause to be moved a regulated article which originates in, or has transited through, a regulated area into or through the state of Minnesota unless:

- a. The person first enters in a compliance agreement with the Minnesota Department of Agriculture, and;
- b. The regulated article is accompanied by a phytosanitary certificate from the originating state verifying that the material complies with the conditions of the associated Minnesota Department of Agriculture compliance agreement.

The sale and/or movement of all regulated articles originating in areas other than those listed above must provide proof of harvest location of the wood by state.

<http://www.mda.state.mn.us/en/plants/plantdiseases/1000cankers/tcdquarantine.aspx>

INTERIOR QUARANTINE: EMERALD ASH BORER

PEST: Emerald ash borer, *Agrilus planipennis*

STATES REGULATED: All currently under federal program regulation for this pest.

Note: Within the state, the Minnesota interior quarantine includes a requirement for a compliance agreement to ship regulated ash commodities and non-coniferous firewood from Counties where a known infestation of emerald ash borer is known to exist. All regulated ash commodities and non-coniferous firewood may not be moved out of the infested and quarantined counties without a valid compliance agreement in place.

MATERIALS REGULATED: The emerald ash borer, *Agrilus planipennis* Fairmaire, in any stage of development, Entire ash trees, Ash limbs and branches, Ash stumps and roots, Ash logs, Ash lumber, Ash chips and ash bark chips, Firewood of any non-coniferous (hardwood) species and any article, product, or means of conveyance which the Commissioner determines to present a risk of spread of EAB and the Commissioner has notified the person in possession of that article, product, or means of conveyance, is subject to this quarantine.

RESTRICTIONS: Regulated items must be in compliance with federal quarantine and with Indiana regulations for counties/states containing a regulated site. Within the state, an interior quarantine has been placed on several counties. Refer to the Minnesota Department of Agriculture website for a current list of quarantined areas, listed in the current quarantine language:

<http://www.mda.state.mn.us/en/plants/pestmanagement/eab/eabquarantine.aspx>

EXTERIOR QUARANTINE: GRECIAN FOXGLOVE

PEST: Grecian foxglove (*Digitalis lanata*)

STATES REGULATED: All states, districts and territories of the United States

MATERIALS REGULATED: All Grecian foxglove plants or parts capable of growing.

RESTRICTIONS: The regulated products may not be moved into the State of Minnesota from the regulated area.

EXTERIOR QUARANTINE: IMPORTATION OR TRANSPORTATION OF IRISH OR COMMON POTATOES

PESTS: All injurious bacteria, insects and nematodes associated with Irish or common potatoes.

STATES REGULATED: All states, districts and territories of the United States

MATERIALS REGULATED: Irish or common potatoes (*Solanum tuberosum*) and other materials capable of carrying plant pests.

RESTRICTIONS: The regulated products may not be moved into all of Lake of the Woods County, the townships of Laona and Oaks in Roseau County, and the township of Williams in Koochiching County, Minnesota from the regulated area.

EXTERIOR QUARANTINE: POTATO CONTAINER REGULATIONS

PESTS: All injurious bacteria, insects and nematodes associated with used containers.

STATES REGULATED: All states except Minnesota and North Dakota.

MATERIALS REGULATED: Bags, boxes and other containers which have been used for potatoes.

RESTRICTIONS: The regulated products may not be moved into the State of Minnesota from the regulated area unless cleaned and disinfected in an authorized and approved manner so as to kill all bacteria, insects and nematodes.

EXTERIOR QUARANTINE: VERTICILLIUM QUARANTINE

PEST: *Verticillium* spp.

STATES REGULATED: All states, districts and territories of the United States

MATERIALS REGULATED: Mint (*Mentha piperita* and *M. spicata*).

RESTRICTIONS: Movement of regulated articles into Minnesota is prohibited unless certified free of *Verticillium* spp. fungi.