

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.05 - RULES GOVERNING DISEASES OF HOPS (*HUMULUS LUPULUS*)

DOCKET NO. 02-0605-1401

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is September 1, 2014.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 22-2006, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2014.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The rule is being amended to change the hops quarantine area to allow free movement of hops green matter among Idaho, Oregon, and Washington. The rule requires a negative disease test and a Clean Plant Health Network certification prior to shipment to Idaho if the hops green matter is imported from outside of the three-state area.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This temporary rule would maintain the health of Idaho's commercial hops industry, while allowing access to safe propagation sources for the general public.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The fees and charges associated with the inspection of hops for certificates and permits allowing shipment will be assessed according to Section 500 of the "Phytosanitary and Post-Entry Certification Rules" as outlined in IDAPA 02.06.04.500.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

ISDA does not anticipate any negative fiscal impact.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 4, 2014, Idaho Administrative Bulletin, Volume 14-6, page 33. A negotiated rulemaking meeting was held at the University of Idaho Parma Research and Extension Center on June 16, 2014. A representative of the Idaho Hops Commission was present and provided comments to the draft rule. The final language of the temporary and proposed rule incorporates the comments from the industry representative.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Jared Stuart, Section Manager, Plant Industries Field Services, 208-332-8620 or email Jared.Stuart@agri.idaho.gov. Materials pertaining to this rulemaking can be found on the ISDA web site at the following web address: http://www.agri.idaho.gov/Categories/LawRules/sub_rules/Rulemaking.php.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this _____ day of August, 2014

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Rd.
P.O. Box 790
Boise, ID 83701
Phone: (208) 332-8500
Fax: (208) 334-2170
