

IDAPA 02 – AGRICULTURE

02.06.27 - RULES CONCERNING BACTERIAL RING ROT CAUSED BY (*Clavibacter michiganensis* subsp. *sepedonicus*) OF POTATO

DOCKET NO. 02-0627-1401 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is February 26, 2014.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Idaho Code Sections 22-103, 22-505, 22-1907 and 22-2006.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

Bacterial Ring Rot is a serious disease of potato and can dramatically affect the quality of the potato during production and particularly during storage. It can survive in infected potatoes and potato residue and can be easily transmitted by potato seed and contaminated equipment. Bacterial Ring Rot has become an increasingly difficult disease to control and cleanse to the Idaho potato production system. Industry has appealed to the Idaho State Department of Agriculture (ISDA) for help in getting control of this disease prior to and in conjunction with the upcoming 2014 growing season.

ISDA received a resolution from the Idaho Potato Commission, requesting that ISDA conduct rulemaking regarding BRR.

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 is necessary to confer a benefit to the Idaho potato industry. Bacterial Ring Rot is a serious disease of potato and can dramatically affect the quality of the potato during production and particularly during storage. The disease can manifest itself (causing the potatoes to rot) during winter storage, only becoming evident when the potatoes are removed from storage for processing, at which point the economic losses can be staggering. Bacterial Ring Rot poses a real threat to the health of the Idaho potato crop, as well as to the ability to ensure that certified seed potatoes exported from Idaho are free from the disease.

Inspection and sample analysis of potatoes currently in storage needs to be facilitated immediately, because seed potatoes will be moved from storage to growers for planting. Finding and eliminating seed potatoes infected with BRR is a priority, as it will protect markets receiving Idaho potatoes. Mandatory reporting and trace back are essential components of an effective overall disease management program.

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:

The ICIA Rules of Certification for Seed Potatoes in Idaho currently represent the accepted statewide standards for the testing of seed potatoes for Bacterial Ring Rot and the certification of seed potatoes as Bacterial Ring Rot free.

It is ISDA's understanding that the Idaho Crop Improvement Association (ICIA), under legal authority vested by the University of Idaho for the certification of seed in Idaho, is currently in the process of promulgating rules according to Title 67, Chapter 52, Idaho Code, related to, among other things, potato seed certification and Bacterial Ring Rot testing. ISDA will incorporate by reference those rules, if and when they are approved by the Idaho legislature, into this temporary rule and/or any resulting proposed rule.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

Fees for laboratory testing samples for Bacterial Ring Rot will be those normally charged by the approved laboratory that is performing the testing.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Michael E. Cooper, Phone (208) 332-8620.

DATED this 26th day of February, 2014.

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