

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.27 - RULES GOVERNING BACTERIAL RING ROT CAUSED BY (*CLAVIBACTER MICHIGANENSIS* SUBSP. *SEPEDONICUS*) OF POTATO

DOCKET NO. 02-0627-1402

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 22-101a, 22-505, 22-1907, and 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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

ISDA adopted a temporary rule regarding Bacterial Ring Rot caused by *Clavibacter michiganensis*, subsp. *sepedonicus* (BRR) on February 26, 2014, and that rule was published in the March 5, 2014, Idaho Administrative Bulletin Volume 14-3, page 13-18. ISDA continued the negotiated rulemaking process in order to present the rule to the Idaho Legislature in 2015 as a proposed rule. ISDA made certain changes to the existing temporary rule as a result of negotiated rulemaking. This proposed rule represents the final negotiated rulemaking and will supplant the temporary rule now in place at the end of the 2015 legislative session. This rule is in place to help prevent the introduction and/or spread of BRR into and through Idaho and the United States.

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

The laboratory that performs the testing for *Clavibacter michiganensis*, subsp. *sepedonicus* will set the fee. Any other fees associated with seed potato certification or phytosanitary certification for export are detailed in those respective rules. See IDAPA 08.05.01.000 *et seq.* and 02.06.04.000 *et seq.*, respectively.

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 36. Negotiated rulemaking meetings were held in Pocatello, Idaho on June 17, July 9, and August 5, 2014. Representatives of the Idaho Crop Improvement Association, Idaho Potato Commission, Idaho Farm Bureau Federation, as well as multiple individual potato growers and producers, were present and provided comments to the draft rule. The final language of the proposed rule language incorporates the comments from the negotiated rulemaking meeting attendees and industry representatives.

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 "Rules Governing Seed and Plant Certification" IDAPA 08.05.01.000 are incorporated by reference because those rules include detailed requirements regarding inspection and sampling related to BRR.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance

on technical questions concerning the temporary and proposed rule, contact Lloyd B. Knight, Plant Industries Division Administrator, 208-332-8620 or email **Lloyd.Knight@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 8th day of September, 2014

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