



Proposed/Temporary Administrative Rules Form

Section 1 (To be Completed by Agency)

Agency Name: Idaho State Department of Agriculture		STARS Agency Code: 210	Fax Number: 334-2283	Date: 4/23/2014
Contact Person: Lloyd Knight	Title: Administrator	Phone: 332-8664	Email: Lloyd.knight@agri.idaho.gov	
Person Authorizing Rule: Brian Oakey	Title: Deputy Director	Phone: 332-8500	Email: Brian.oakey@agri.idaho.gov	
Statutory Authority for the rule making (Idaho Code, Federal Statute or Regulation): 22-2006, Idaho Code				
Title, Chapter, and Possible Docket (IDAPA) Number: 02.06.27 – Rules Governing Bacterial Ring Rot of Potato				
This rule is: <input checked="" type="checkbox"/> Proposed <input checked="" type="checkbox"/> Temporary			Effective Date:	
<p>If this is a temporary rule:</p> <p><input type="checkbox"/> Necessary to protect the public health, safety, or welfare; or</p> <p><input type="checkbox"/> Compliance with deadlines in amendments to governing law or federal programs; or</p> <p><input checked="" type="checkbox"/> Conferring a benefit.</p> <p>Please explain: The rule is currently temporary and changes would need to be in effect immediately upon publication so as to allow for application of requirements during the fall harvest season.</p>				
If this is a temporary rule which imposes a fee or charge, provide justification as described in Idaho Code 67-5226(2):				
<p>Agency has determined according to Idaho Code 67-5220(1):</p> <p><input checked="" type="checkbox"/> This rule is to be negotiated <input type="checkbox"/> Negotiation of this rule is not feasible</p>				
<p>If rule is negotiated:</p> <p>Agency certifies that the rule <input type="checkbox"/> has been or <input checked="" type="checkbox"/> will be negotiated with interested persons as outlined in Idaho Code 67-5220(3). (indicate which)</p>				
<p>If rule negotiation is not feasible, the agency has determined:</p> <p><input type="checkbox"/> Rule is temporary; or <input type="checkbox"/> Lack of identifiable representatives of affected interests; or</p> <p><input type="checkbox"/> Rule is simple in nature; or <input type="checkbox"/> Affected interests are not likely to reach consensus; or</p> <p style="text-align: right;"><input type="checkbox"/> Other.</p> <p>Please explain:</p>				
<p>Provide a fiscal impact statement for all programs affected. Be sure to reflect both positive and negative impacts and to include all fund sources including both the General Fund and dedicated funds:</p> <p>This program is new and therefore the fiscal impact of this rule is unknown until the rulemaking is complete and the duties are clearly defined.</p>				
<p>Provide a short explanation of the need for this rule:</p> <p>These rules are to prevent the introduction and/or spread of the bacteria <i>Clavibacter michiganensis</i> subsp. <i>sepedonicus</i> (Cms), and subsequently bacterial ring rot, into and through Idaho and the United States. These rules govern mandatory reporting, mandatory testing, traceback, inspection, investigation, sampling and laboratory analysis of samples. Further, these rules will help</p>				

ensure that, along with all other Idaho agricultural commodities, commercial potatoes grown in and exported from Idaho and, in particular, that seed potatoes being grown for planting in, exported from or imported into Idaho are of the highest quality.

This rule was originally published on February 26, 2014. Subsequent to that, ISDA has investigated six cases of positive laboratory tests for *Cms* and is currently in discussions with the Idaho Crop Improvement Association (ICIA), Idaho Potato Commission (IPC), and University of Idaho (UI) regarding possible amendment to this rule and a rule yet to be finalized by ICIA through the UI. The current temporary rule needs to be negotiated before it is presented to the Legislature in 2015 as a proposed rule.

Provide a short summary of the changes this rule makes:

Changes to the current temporary rule have not yet been identified, but may focus on requirements for traceback and sampling.

Provide a list of those persons or interest group(s) affected by this rule:

Idaho Potato Commission, Idaho Crop Improvement Association, University of Idaho, potato industry at large.

Section 2 (To be Completed by DFM)

DFM Analyst Comments:

This rule is necessary to protect the potato industry and will be negotiated before it goes before the legislature.

DFM Analyst Fiscal Impact Review:

There may be some fiscal impact depending on what steps are necessary to combat this new disease.

DFM Analyst Signature & Date:

Anita Hamann, May 5, 2014

Recommend:

Yes No

Gov Special Assistant Signature & Date:

Cally Younger, May 8, 2014

Recommend:

Yes No

DFM Administrator Action:

- Approved**
 Authorized to Advance Rulemaking Process, DFM to review draft rule prior to publication (See Section 3)
 Not Approved

DFM Administrator Signature & Date:

 5/9/2014

Section 3 (To Be Completed By DFM if Required)

DFM Analyst Signature & Date:

Recommend:

Yes No

DFM Administrator Signature & Date:

Approved:

Yes No

PARF No. 2014-210-2