



Tracking #: A210-2019-14

Status: DFM Analyst: Recommended 06/13/19

Gov's Office: Recommended 06/26/19

DFM Regulatory: Recommended 06/26/19

DFM Admin:

Administrative Rules Request Form

Agency Name: Agriculture, Department of		Submitted on: 05/22/2019
Primary Contact: Jared Stuart	Phone: 208-332-8620	Email: Jared.Stuart@isda.idaho.gov
Secondary Contact:	Phone:	Email:
Person Authorizing Rule: Brian Oakey	Phone: 208-332-8500	Email: Brian.Oakey@ISDA.Idaho.gov
State or Federal Statute that Authorizes this Rule: Sections 22-2004, 22-2006, Idaho Code		
IDAPA, Title, Chapter, and Section Number(s) (e.g. - 35.01.02.028): 02.06.20.101		
Administrative Bulletin for Publication: July 2019		
This rule is: <input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Temporary		
Under the Red Tape Reduction Act (Executive Order 2019-02), this rulemaking (select all that apply): <input checked="" type="checkbox"/> Increases regulatory requirements <input type="checkbox"/> Decreases regulatory requirements <input type="checkbox"/> Neither Increases nor decreases regulatory requirements <input type="checkbox"/> Qualifies for an exemption		
Agency has determined, according to Idaho Code 67-5220(1), that <input checked="" type="checkbox"/> This rule will be negotiated with interested persons as outlined in Idaho Code 67-5220(3) <input type="checkbox"/> Negotiation of this rule is not feasible		
Provide a short summary of the changes this rule makes: ISDA has received two petitions related to this particular rule. Both petitions – one from the Northwest Foundation Block Advisory Group (NW-FBAG) and one from Williamson Orchards and Vineyards – mentioned restrictions to quarantine pests to align Idaho standards with those of Oregon and Washington. The NW-FBAG includes university researchers and regulators from Washington, Oregon, and Idaho. Over a three-year period, the group has worked to review science behind quarantine pests affecting the grape industry and has recommended changes to standardize state restrictions across the Pacific Northwest. The rules in Oregon and Washington have already included these changes, and now industry requests that ISDA make Idaho's rules consistent with these other states. The industry relies on these standards to protect from the movement of quarantine pests on grape planting stock. In addition to the petitions, ISDA received letters of support from the Idaho Grape Growers and Wine Producers Commission and Williamson Orchards and Vineyards. Also, IDAPA 02.06.20 will be reviewed for amendment or repeal of select sections in order to comply with Gov. Little's Executive Order 2019-02, Red Tape Reduction Act.		
Why is this rule needed? What prompted this request? The two petitions and the letters of support both point to a region-wide effort to update and standardize standards for the movement of grape planting stock between the three states. Industry groups, researchers, and regulatory agencies from across the region have participated in conversations about these standards for the past three years. They have identified the requested change as necessary. These requested amendments will make movement of grape planting stock between the two states more predictable and workable for industry, while ensuring protection of the industry from quarantine pests.		
List any affected parties and potential concerns they may have with this rule. How will the agency involve these parties in the negotiated rulemaking process? The parties of interest to this rule include members of the grape growing industry. The ISDA will hold negotiated rulemaking meetings with a scheduled location and time to allow for party participation. We will continue outreach to growers, the Idaho Grape Growers and Wine Commission, and other industry stakeholders in anticipation of rulemaking. In addition, rulemaking notices will be sent to stakeholder groups and will be posted at www.agri.idaho.gov when they are officially published. Rulemaking meetings locations will be identified in order to ensure broad participation and availability of stakeholders.		
Provide the projected fiscal impact for all programs affected, including both positive and negative impacts to all fund sources (General, dedicated and federal): The ISDA does not anticipate any fiscal impact to either general fund or dedicated funds. The overall activity and fiscal impact will not be changed by the proposed amendments to the rule.		

What impact will this rule have on the competitiveness of businesses and individuals?

The changes to this rule will provide a safeguard for imported grape stock from harmful quarantine pests and disease that affect grape production. It will also standardize importation requirements with the surrounding states of Oregon and Washington.

DFM Analyst: David Hahn ☒ Recommended ☐ Not Recommended **Date:** 06/13/2019

Comments:

This industry supported rule change will create consistent standards between Idaho, Washington, and Oregon as it relates to quarantine pests that affect the grape industry.

Fiscal Impact Comments:

There is no known fiscal impact as a result of this proposed rule change.

Final Draft Review Analyst Recommendation: ☐ Recommended ☐ Not Recommended **Date:**

Governor's Office: Sam Eaton ☒ Recommended ☐ Not Recommended **Date:** 06/26/2019

Comments:

This is an industry request to update Idaho's rules related to grape quarantine pests. The industry seeks consistency across the PNW.

DFM Regulatory Review: Colby Cameron ☒ Recommended ☐ Not Recommended **Date:** 06/26/2019

Comments:

A reminder to be reviewing current rules, and to draft all proposed rules to be clear and concise. Negotiated rule making is a great opportunity to review the specific rule for clarity, conciseness, duplication, etc. Once the proposed rule language is submitted we will be doing a review under the Red Tape Reduction Act. The word count for new text will be checked against any cuts and reduction of administrative rules.

DFM Administrator Action: Alex Adams

Negotiation of proposed rule: ☒ Authorized to begin negotiated rulemaking ☐ Not Approved **Date:** 06/26/2019

Final Approval: ☐ Approved ☐ Not Approved **Date:**

Comments:

Are the projected fiscal impact and business impact statements still accurate? ☐ Yes ☐ No