

IDAPA 02
TITLE 02
CHAPTER 07

02.02.07 – RULES GOVERNING BULK PERMITS PROCEDURE AND RETAIL SALE OF POTATOES

**~~02.02.09 – RULES REQUIRING THE INSPECTION OF POTATOES INTENDED FOR SALE
OR OFFERED FOR SALE IN RETAIL OUTLETS~~**

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-901, 22-911, and 22-2006, Idaho Code. (6-30-19)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.02.07, “Rules Governing Bulk Permits Procedure and Retail Sale of Potatoes.” (6-30-19)T

02. Scope. These rules govern the application for a permit to ship bulk potatoes, permit fees, and marketing order requirements and specify the general requirements for the inspection, grading, marking and retail sales of potatoes in the State of Idaho. (6-30-19)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (6-30-19)T

003. ADMINISTRATIVE APPEAL.

Persons are entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (6-30-19)T

004. INCORPORATION BY REFERENCE.

~~There are no documents incorporated by reference in this chapter.~~ The following document is incorporated by reference into this chapter: (6-30-19)T

01. Federal Marketing Order Number 945 - U.S.D.A. Handling Regulations October 3, 2018, until revised. Copies of this document may be obtained from the Idaho State Department of Agriculture.
(6-30-19)T

005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (6-30-19)T

006. PUBLIC RECORDS ACT COMPLIANCE.

~~These rules have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code and are public records.~~ These rules are public records and are available for inspection and copying at the Idaho State Department of Agriculture. (6-30-19)T

007. -- 119. (RESERVED)

SUBCHAPTER A - BULK PERMITS

120. PERMIT FEES.

The first handler or shipper shall apply through the nearest District Inspection Office for a permit to ship bulk potatoes. The permittee shall pay the potato advertising tax at combined grower-shipper rates for either fresh or processing potatoes, and inspection fees, if required, within thirty (30) days of shipment. Failure to pay either fee within the prescribed time ~~shall be~~ is grounds for denial of future permits, so long as the fees remain outstanding.

(7-1-93)

121. APPLICATION FORM.

Application for permit ~~shall is to~~ be on a form furnished by the department. Acknowledgment of receipt of processing potatoes, when leaving the Federal Marketing Order area, shall be accomplished immediately by the processor upon receipt of the shipment and forwarded to the issuing office. A copy of each permit issued ~~shall be is to be~~ forwarded to the Idaho Potato Commission by the issuing officer.

(7-1-93)

122. MARKETING ORDER.

Permits for shipment of processing potatoes require a Marketing Order Certificate of Privilege number, issued by the Marketing Order Manager, if leaving the Marketing Order area. Inspection of bulk shipments for processing is not required. Bulk shipments for repacking or fresh sale must be graded and meet all applicable minimum Marketing Order requirements. Each shipment ~~shall~~ requires a Federal-State inspection certificate, certifying minimum standards and include the percentage of U.S. No. 1 quality.

(7-1-93)

123. REQUEST FOR PERMIT.

Request for permits must be made forty-eight (48) hours prior to shipment, excluding weekends and Legal Holidays. Any violation or improper use of permits will invalidate the permit and may be grounds for denial of future permits.

(6-30-19)T

124. -- 219. (RESERVED)

SUBCHAPTER B – RETAIL SALES

220. INSPECTIONS, RESTRICTIONS, AND IDENTIFICATION REQUIRED.

All potatoes packed for resale to retail outlets in Idaho shall be inspected as outlined in Section 220.02 and meet the requirements of Federal Marketing Order number 945-USDA and the conditions outlined below:

(3-30-07)

01. Certification and Markings. Each shipment packed for resale to retail outlets in Idaho ~~shall~~ is to be accompanied by a valid inspection certificate, numbered note sheet or be marked with a positive lot identification number (PLI) number.

(3-30-07)

02. Inspections. For other than Idaho or Eastern Oregon, inspections may be performed by any person or persons authorized under the USDA AMS Specialty Crop Inspection Program to inspect potatoes.

(6-30-19)T

03. Restrictions. All potatoes packed for resale to retail outlets in Idaho under the provision of this rule ~~shall be~~ are inspected as outlined in Section 220.02 and found free from:

(3-30-07)

a. Potato Tuberworm (*Phthorimaea operculella* (Zeller)).

(3-30-07)

b. Potato Wart (*Synchytrium endobioticum*).

(3-30-07)

221. LOTS TAGGED NOT FOR SALE -- REMOVAL THEREOF.

Retail outlets may be periodically checked by the Idaho State Department of Agriculture. Lots found failing to grade as marked or otherwise found out of compliance with the provisions of this rule will be tagged "Not For Sale" until removed from display and regraded, destroyed or remarked to a lower grade if feasible.

(3-30-07)

222. COMPLIANCE OR NON-COMPLIANCE CERTIFICATE.

Each inspection at the retail outlet will be acknowledged by an inspection report showing compliance or non-compliance.

(3-30-07)

223. SECOND NOTICE ACTION -- NON-COMPLIANCE.

A second inspection showing evidence of non-compliance in any calendar year will constitute sufficient grounds to proceed with prosecution in accordance with Sections 22-2020 or 22-912, Idaho Code. (6-30-19)T

224. BULK LOTS LABELED NOT FOR SALE -- REMOVAL THEREOF.

Bulk potatoes failing to meet the grade shown or otherwise found out of compliance with the provisions of this rule shall be are labeled “Not For Sale” until removed. They may be regraded, destroyed or re-marked to a lower grade if feasible. (3-30-07)

225. RESPONSIBILITY OF PERMANENT AND CONDITION DEFECTS.

Defects of condition are those of retailers’ responsibility. Permanent grade defects are those of the original packer. (3-20-77)

226. RESTRICTING STANDARDS TO TABLESTOCK GRADES.

Usable grades or standards are the entire spectrum of U.S. and Idaho Grades excluding processing grades. (3-20-77)

227. -- 999. (RESERVED)

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