



## Proposed/Temporary Administrative Rules Form

### Section 1 (To be Completed by Agency)

<b>Agency Name:</b> Agriculture		<b>STARS Agency Code:</b> 210	<b>Fax Number:</b> (208) 334-2283	<b>Date:</b> 04/22/14
<b>Contact Person:</b> Jared Stuart	<b>Title:</b> Section Manager	<b>Phone:</b> (208) 332-8620	<b>Email:</b> Jared.stuart@agri.idaho.gov	
<b>Person Authorizing Rule:</b> Brian Oakey	<b>Title:</b> Deputy Director	<b>Phone:</b> (208) 332-8500	<b>Email:</b> Brian.Oakey@agri.idaho.gov	
<b>Statutory Authority for the rule making (Idaho Code, Federal Statute or Regulation):</b> Idaho Code Title 22, Chapter 7; Title 22, Chapter 20				
<b>Title, Chapter, and Possible Docket (IDAPA) Number:</b> 02.06.05 Rules Governing Diseases of Hops Amendment				
<b>This rule is:</b> <input checked="" type="checkbox"/> Proposed <input checked="" type="checkbox"/> Temporary			<b>Effective Date:</b>	
<p><b>If this is a temporary rule:</b></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><b>Please explain:</b> This temporary rule would maintain the health of Idaho's commercial hops industry while allowing access to safe propagation sources for the general public.</p>				
<b>If this is a temporary rule which imposes a fee or charge, provide justification as described in Idaho Code 67-5226(2):</b> N/A				
<b>Agency has determined according to Idaho Code 67-5220(1):</b>				
<input checked="" type="checkbox"/> This rule is to be negotiated <input type="checkbox"/> Negotiation of this rule is not feasible				
<b>If rule is negotiated:</b>				
<b>Agency certifies that the rule</b> <input type="checkbox"/> <b>has been or</b> <input checked="" type="checkbox"/> <b>will be negotiated with interested persons as outlined in Idaho Code 67-5220(3).</b> <i>(indicate which)</i>				
<b>If rule negotiation is not feasible, the agency has determined:</b>				
<input type="checkbox"/> Rule is temporary; or <input type="checkbox"/> Lack of identifiable representatives of affected interests; or <input type="checkbox"/> Rule is simple in nature; or <input type="checkbox"/> Affected interests are not likely to reach consensus; or <div style="text-align: right;"><input type="checkbox"/> Other.</div>				
<b>Please explain:</b>				
<b>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:</b>				
<p>There will be no fiscal impact to the General Fund within Idaho State Department of Agriculture. There is no expected impact to dedicated funds. This will be a fee for service program as special services are requested.</p>				
<b>Provide a short explanation of the need for this rule:</b>				
<p>ISDA was petitioned by the Idaho Hops Commission regarding concerns of a possible hybridization of a powdery mildew in hops, and the need for a change in the quarantine area to address this concern. Currently, Oregon and Washington have rules that allow for free movement of hops green matter and planting stock between Idaho, Oregon, and Washington. The Commission is requesting that this rule be amended to be consistent with the newly amended Oregon and Washington rules with regards to movement between the three states.</p>				

The Commission is concerned with movement of green matter and planting stock from the eastern U.S., where a different strain of powdery mildew exists. There is one strain of powdery mildew in the Pacific Northwest that is easily managed and treated. Hybridization of the western and eastern strains would make management and treatment very difficult. Pursuant to the Plant Pest Act, a quarantine investigation was conducted with a representative of the Commission present, and the agency agrees with the need for a change in the quarantine area. The proposal is for the change in the quarantine area to allow free movement between Idaho/Oregon/Washington, and require a negative test and a Clean Plant Health Network certification prior to shipment to Idaho from any other state.

In addition to the commercial industry, this rule would affect shipments of hops green matter and planting stock to nursery, landscape, and residential growers.

**Provide a short summary of the changes this rule makes:**

The proposal is for the change in the quarantine area to allow free movement between Idaho/Oregon/Washington, and require a negative test and a Clean Plant Health Network certification prior to shipment to Idaho from any other state.

In addition to the commercial industry, this rule would affect shipments of hops green matter and planting stock to nursery, landscaping, and residential growers.

The temporary rule is requested so the industry would be allowed to move root stock in early February of 2015 (prior to it possibly becoming law).

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

Idaho Hops Commission, commercial hops growers, landscape and nursery companies, residential and hobby growers

**Section 2 (To be Completed by DFM)**

**DFM Analyst Comments:**

This change is necessary for the hop industry to help prevent the spread of powdery mildew from the eastern part of the country. This rule change would be consistent with Oregon and Washington with who the hop industry does most of their transporting of hops.

**DFM Analyst Fiscal Impact Review:**

Any fiscal impact will be paid with fees from the industry.

**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

Return via email to: [info@dfm.idaho.gov](mailto:info@dfm.idaho.gov)