

IDAPA 02 – DEPARTMENT OF AGRICULTURE

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

DOCKET NO. 02-0627-1401 (NEW CHAPTER)

NOTICE OF RULEMAKING - AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: A temporary rule was adopted under this docket number in the February 26, 2014, Idaho Administrative Bulletin, Volume 14-3, and is being amended. The effective date of the amended temporary rule is February 26, 2014.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has amended a temporary rule. The action is authorized pursuant to Sections 22-103, 22-505, 22-1907 and 22-2006, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation and the reasons for amending the previously adopted temporary rule:

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. After adoption of the temporary rule, ISDA continued the negotiated rulemaking process in order to present the rule to the Legislature in 2015 as a proposed rule. ISDA made changes to the existing temporary rule as a result of negotiated rulemaking. This rule is in place to help prevent the introduction and/or spread of BRR into and through Idaho and the United States.

This rule is also being promulgated as a proposed rule in this Bulletin under Docket No. 28-0401-1402 and rather than keep the temporary rule as previously adopted, the agency has amended the temporary rule to align it with the language of the proposed rule which accompanies this docket and is being promulgated in this Bulletin under Docket No. 02-0627-1402.

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.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this temporary rule amendment, 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.

DATED this 8th day of September, 2014

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