



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

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### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Agricultural Affairs Committee and the House Agricultural Affairs Committee

**FROM:** Principal Legislative Research Analyst - Katharine Gerrity

**DATE:** October 06, 2014

**SUBJECT:** Department of Agriculture

IDAPA 02.06.05 - Rules Governing Diseases of Hops (*Humulus Lupulus*) - Temporary and Proposed Rule (Fee Rule) (Docket No. 02-0605-1401)

IDAPA 02.06.27 - Rules Governing Bacterial Ring Rot Caused by (*Clavibacter Michiganensis* Subsp. *Sepedonicus*) of Potato (Fee Rule - New Chapter) - Proposed Rule (Docket No. 02-0627-1402)

#### **1. IDAPA 02.06.05 - Rules Governing Diseases of Hops (*Humulus Lupulus*)**

The Idaho Department of Agriculture submits notice of a temporary and proposed fee rule at IDAPA 02.06.05 - Rules Governing Diseases of Hops (*Humulus Lupulus*). According to the department, the purpose of the rulemaking is to change the hops quarantine area to allow free movement of hops green matter among Idaho, Oregon and Washington. The department notes that the rule requires a negative disease test and a Clean Plant Health Network certification prior to shipment to Idaho if the hops green matter is imported from outside of the three-state area. The department states that fees and charges associated with the inspection of hops for certificates and permits allowing shipment will be assessed according to IDAPA 02.06.04, "Idaho Department of Agriculture, Phytosanitary and Post-Entry Certification Rules," Section 500.

The department indicates that negotiated rulemaking was conducted. The rulemaking appears to be authorized pursuant to Section 22-2006, Idaho Code.

#### **2. IDAPA 02.06.27 - Rules Governing Bacterial Ring Rot Caused by (*Clavibacter Michiganensis* Subsp. *Sepedonicus*) of Potato**

The Idaho Department of Agriculture submits notice of a proposed fee rule at IDAPA 02.06.27 - Rules Governing Bacterial Ring Rot Caused by (*Clavibacter Michiganensis* Subsp. *Sepedonicus*) of Potato. According to the department, it adopted a temporary rule relating to this matter in February 2014. Negotiated rulemaking was commenced and as a result of that process, the department made certain changes to the existing temporary rule. The department notes that the proposed rule represents the final negotiated rulemaking and will supplant the temporary rule now in place at the end of the 2015 legislative session. The department states that the rule is in place to help prevent the introduction and/or spread of Bacterial Ring Rot into and

through Idaho and the United States. The department indicates that the laboratory that performs the testing for the disease will set the fee and that any other fees associated with seed potato certification or phytosanitary certification for export are detailed in the rules for those respective certifications.

As noted, negotiated rulemaking was conducted. The rulemaking appears to be authorized pursuant to Sections 22-101a, 22-505, 22-1907 and 22-2006, Idaho Code.

cc: Department of Agriculture  
Brian J. Oakey

## PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency:** Idaho State Department of Agriculture

**Agency Contact:** Jared Stuart      **Phone:** (208) 332-8620

**Date:** 8/4/2014

**IDAPA, Chapter and Title Number and Chapter Name:**

IDAPA 02 TITLE 06 CHAPTER 05 - Rules Governing Diseases of Hops

**Fee Rule Status:**     **Proposed**       **Temporary**

**Rulemaking Docket Number:** **02-0605-1401**

### **STATEMENT OF ECONOMIC IMPACT:**

Fees associated with this rule are outlined in Section 500. General Fees and Charges for inspection, certificates, and permits are set forth in Section 500 of the "Phytopsanitary and Post-Entry Certification Rules." IDAPA 02.06.04.500. These are standard fees that apply to a number of similar functions in the agency.

Special Permits for importation of hops from areas under quarantine will be assessed a fee of sixty dollar (\$60) per permit.

## PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency:** Idaho State Department of Agriculture

**Agency Contact:** Lloyd Knight **Phone:** (208) 332-8620

**Date:** 8/13/2014

**IDAPA, Chapter and Title Number and Chapter Name:**

IDAPA 02 TITLE 06 CHAPTER 27 - Rules Governing Bacterial Ring Rot of Potato

**Fee Rule Status:**  **Proposed**  **Temporary**

**Rulemaking Docket Number:** 02-0627-1402

### STATEMENT OF ECONOMIC IMPACT:

Traceback investigation, sampling, and testing related to reported BRR positive potatoes will be conducted as needed based on the reports received. Costs associated with the traceback investigation and sampling will be paid from existing agency funds. The circumstances under which reporting is mandatory are narrow, which in turn means that the number of traceback investigations, sampling and testing performed as a result of reports will be limited.

As reflected in the rule, any costs associated with lab analysis of samples will be charged based on those fees normally charged for those tests by ISDA's Plant Pathology Lab. Fees for that lab are based on the cost of supplies and staff time necessary to perform the analysis. The Plant Pathology Lab's fee schedule is published on ISDA's website.

The rule no longer requires additional testing for BRR in seed potatoes for export, and as a result no costs are associated with that section.

All costs associated with inspection and sampling as part of the seed certification process governed by the Idaho Crop Improvement Association (ICIA) are administered by that agency. Fees associated with inspection, certificates, and permits for export are set forth in Section 500 of the "Phytosanitary and Post-Entry Certification Rules." IDAPA 02.06.04.500. These are standard fees that apply to a number of similar functions in the agency.