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IDAPA 02
TITLE 06
CHAPTER 33

**02.06.33 - RULES CONCERNING THE LATE BLIGHT OF POTATO,
SOLANUM TUBEROSUM L., UNDER THE DIVISION OF
PLANT INDUSTRIES, BUREAU OF FEEDS AND PLANT SERVICES**

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-1905 and 22-1915, Idaho Code. (3-20-97)

001. TITLE AND SCOPE.

The title of this chapter is Idaho Rules Concerning the Late Blight of Potato Solanum Tuberosum L., under the Division of Plant Industries, Bureau of Feeds and Plant Services. This chapter has the following scope: The rules prevent the spread of late blight of potato in the state of Idaho by limiting the importation of certain regulated products. Only seed potatoes with one percent (1%) or less tolerance for late blight based on field and shipping point inspections and winter tests, with a shipping point certificate issued by the seed certification agency of the state or foreign country of origin will be allowed into the state of Idaho. The rules require any person receiving potatoes from late blight infested areas to notify the Idaho Department of Agriculture in writing and to submit a written cull disposal plan to the Department. Additionally, the rules specify the dates for rendering cull piles non-viable, and provide for an exemption and for the disposition of violations. (3-20-97)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-20-97)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeal before the Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (3-20-97)

004. DEFINITIONS.

The Idaho Department of Agriculture adopts the definitions set forth in Section 22-1904, Idaho Code. (3-20-97)

005. FINDINGS.

The adoption of IDAPA 02.06.33 will confer benefits to the potato industry. The late blight of potato is known to exist in the Treasure Valley and Magic Valley of Idaho. The further spread of this disease in Idaho will drastically and adversely affect potato production. Additionally, the occurrence of this disease in Idaho in the future could affect the marketing of Idaho potatoes. (3-20-97)

006. -- 049. (RESERVED)

050. REGULATED DISEASE.

The late blight of potato, caused by the fungus identified as *Phytophthora infestans* (Mont.) de Bary. (3-20-97)

051. -- 099. (RESERVED).

100. REGULATED PRODUCTS.

Potatoes for propagation, plants of the family Solanaceae, any other plant, plant part, article, potato cull piles, or other host plants when it is determined by the Director or his duly authorized agent to present a hazard of introducing the late blight of potato into the state of Idaho. (3-20-97)

101. -- 149. (RESERVED).

150. RESTRICTIONS.

01. Notification of Director. Any person in a late blight free area in Idaho receiving potatoes from a late blight infested area shall notify the Director in writing and submit to the Director a written cull pile disposal plan on a form prescribed by the Director. (3-20-97)

02. One Percent (1%) or Less Tolerance. Only seed potato lots with one percent (1%) or less tolerance for late blight based on field and shipping point inspections and winter tests shall be shipped to or planted in Idaho. (3-20-97)

03. Certification Requirement. Each shipment of a seed potato lot from a late blight infested area shall be accompanied by a certificate issued by the seed certification agency of the state or foreign country of origin. (3-20-97)

04. Non-Certified Potatoes. Non-certified potatoes produced in Idaho to be planted in Idaho shall have been produced in a late blight free area and from certified seed stock. The grower shall notify the Director in writing when non-certified potatoes are used for planting. (3-20-97)

05. Eliminators. Eliminators may be used as seed potatoes provided they are: (3-20-97)

a. Planted by the grower who produced them; and (3-20-97)

b. Produced from certified parent seed stock; and (3-20-97)

c. Eliminated at the original grower's storage shed. (3-20-97)

06. Cull Piles. All cull piles generated from potatoes produced in late blight infested areas and shipped to a late blight free area in Idaho shall be rendered non-viable daily until September 20, 1995. (3-20-97)

07. September 20, 1995. After September 20, 1995, all cull piles west of the Raft River shall be rendered non-viable by April 15, 1996, and those cull piles east of the Raft River shall be rendered non-viable by May 15, 1996. (3-20-97)

08. April 5, 1996. After April 15, 1996, all cull piles west of the Raft River shall be rendered non-viable daily, and those cull piles east of the Raft River shall be rendered non-viable daily after May 15, 1996. (3-20-97)

151. -- 199. (RESERVED)

200. DISPOSITION OF VIOLATIONS.

Any or all shipment of lots of regulated products listed in Section 100 above, arriving in Idaho or any or all fields planted with regulated products or potato cull piles in violation of these rules or found to be infected with the regulated disease listed in Section 050 above, shall immediately be sent out of the state, destroyed, or treated by a method and in manner as directed by the Director or his duly authorized agent. Treatment shall be performed at the expense of the owner, or owners, or their duly authorized agent. (3-20-97)

201. -- 249. (RESERVED)

250. EXEMPTIONS.

Upon receipt of a written application for an exemption from any portion of these rules, the Director may grant an exemption subject to any conditions the Director may deem necessary. The written application for an exemption shall include the reason for the request and evidence demonstrating that an exemption can be granted without posing a threat to the potato industry. (3-20-97)

251. -- 299. (RESERVED)

300. PENALTY.

Any person violating the provisions of these rules may be subject to the penalty provisions of Title 22, Chapter 19, Idaho Code. (3-20-97)

301. -- 999. (RESERVED)