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**IDAPA 02
TITLE 06
CHAPTER 39**

**02.06.39 - RULES GOVERNING MINIMUM STANDARDS FOR PLANTING
UNCERTIFIED SEED POTATOES IN IDAHO**

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-505, Idaho Code. (3-23-98)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.39, "Rules Governing Minimum Standards for Planting Uncertified Seed Potatoes in Idaho". (3-23-98)

02. Scope. These rules will establish the procedures of identifying, handling and testing uncertified seed potatoes to be planted in Idaho. These rules also provide procedures for reporting the planting of uncertified seed potatoes to the department and enforcement. (3-23-98)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-23-98)

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. (3-23-98)

004. DEFINITIONS.

The Idaho Department of Agriculture adopts the definitions set forth in Section 22-501, Idaho Code, and additionally the following: (3-23-98)

01. Disease. Disease means any fungus, bacteria, virus, or other organism injurious to plant life or plant products, including the spore or any other propagative state thereof. (3-23-98)

02. Pest. Pest means any form of animal life which is or may be detrimental or injurious to plant life or plant products, including the egg, larva, pupa, or any other immature stage thereof. (3-23-98)

005. FINDINGS.

The adoption of IDAPA 02.06.39 will confer benefits to the potato industry. The planting of uncertified seed potatoes that meet the standard for the last generation of certified seed potatoes according to the Idaho Crop Improvement Association (ICIA) rules of certification authorized pursuant to Title 22, Chapter 15, Idaho Code, will reduce the incidence of diseases and improve the quality of Idaho potatoes. (3-23-98)

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records available for inspection and copying at the department. (3-23-98)

007. -- 049. (RESERVED).

050. REQUIREMENTS - UNCERTIFIED SEED POTATOES SHALL BE:

01. No More Than One (1) Generation. No more than one (1) generation from certified parent seed potatoes. (3-23-98)

02. Grown By The Farmer. Grown by the farmer and separated and graded at the storage of the farmer planting the uncertified seed potatoes. (3-23-98)

03. Planting. Planted only on the farm of the farmer who produced the uncertified seed potatoes. (3-23-98)

04. Disease Content. In compliance with ICIA rules of certification for seed potatoes by having a disease content that does not exceed the standard for the last generation of certified seed potatoes. (3-23-98)

05. Laboratory Testing. Laboratory tested for bacterial ring rot prior to planting. (3-23-98)

06. Laboratory Tested And/Or Grown Out. Laboratory tested and/or grown-out for potato leaf roll virus and potato virus Y prior to planting. (3-23-98)

07. Testing By Designated Agencies. Laboratory and/or grow-out tested by agencies designated by the department. (3-23-98)

08. Sampling. Sampled in accordance with procedures established by the department. (3-23-98)

051. -- 059. (RESERVED).

060. ENFORCEMENT.

01. Reporting. All growers planning to plant uncertified seed potatoes shall complete an uncertified seed potatoes report form approved by the department. The completed report shall be submitted to the department prior to planting. (3-23-98)

02. Survey. The department shall randomly survey not less than fifteen percent (15%) of the Idaho potato growers annually for compliance with these rules and the provisions of Title 22, Chapter 5, Seed Potatoes, Idaho Code. (3-23-98)

061. -- 069. (RESERVED).

070. VIOLATIONS.

Any person violating any provisions of these rules shall be subject to the provisions of Section 22-504, Idaho Code. (3-23-98)

071. -- 999. (RESERVED).

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