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**IDAPA 02
TITLE 02
CHAPTER 09**

**02.02.09 - RULES REQUIRING THE INSPECTION OF POTATOES INTENDED
FOR SALE OR OFFERED FOR SALE IN RETAIL OUTLETS**

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of sections 22-901, 22-911 and 22-2006, Idaho Code. (10-1-05)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.02.09, "Rules Requiring the Inspection of Potatoes Intended for Sale or Offered for Sale in Retail Outlets". (10-1-05)T

02. Scope. These rules specify the general requirements for the inspection, grading, marking and retail sales of potatoes in the state of Idaho. (10-1-05)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (10-1-05)T

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeals before the Idaho State Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (10-1-05)T

004. INCORPORATION BY REFERENCE.

IDAPA 02.02.09 incorporates by reference: Federal Marketing Order Number 945 – U.S.D.A. Handling Regulations May 4, 2000 Until Revised. Copies of this document may be obtained from the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, P.O. Box 790, Boise, Idaho 83701. (10-1-05)T

005. ADDRESS, OFFICE HOURS, TELEPHONE AND FAX NUMBERS.

01. Physical Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712-0790. (10-1-05)T

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (10-1-05)T

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P. O. Box 790, Boise, Idaho 83701. (10-1-05)T

04. Telephone Number. The telephone number of the central office is (208) 332-8500. (10-1-05)T

05. Fax Number. The fax number of the central office is (208) 334-2170. (10-1-05)T

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records and are available for inspection and copying at the Idaho State Department of Agriculture. (10-1-05)T

007. -- 099. (RESERVED).

100. INSPECTIONS, RESTRICTIONS, AND IDENTIFICATION REQUIRED.

All potatoes packed for resale to retail outlets in Idaho shall be inspected as outlined in Section 100.02 and shall meet the requirements of Federal Marketing Order number 945-USDA and the conditions outlined below: (10-1-05)T

01. Certification and Markings. Each shipment packed for resale to retail outlets in Idaho shall be accompanied by a valid inspection certificate, numbered note sheet or be marked with a positive lot identification number (PLI) number. (10-1-05)T

02. Inspections. For other than Idaho or Oregon, inspections may be performed by any person or persons authorized under the USDA Agricultural Marketing Services Federal—State Service inspection program to inspect potatoes. (10-1-05)T

03. Restrictions. All potatoes packed for resale to retail outlets in Idaho under the provision of this rule shall be inspected as outlined in Section 100.02 and found free from: (10-1-05)T

a. Potato Tuberworm (*Phthorimaea operculella* (Zeller)). (10-1-05)T

b. Potato Wart (*Synchytrium endobioticum*). (10-1-05)T

c. Bacterial Ring Rot (*Clavibacter michiganense* subsp. *Sepedonicus*). (10-1-05)T

101. LOTS TAGGED NOT FOR SALE -- REMOVAL THEREOF.

Retail outlets may be periodically checked by the Idaho State Department of Agriculture. Lots found failing to grade as marked or otherwise found out of compliance with the provisions of this rule will be tagged “Not For Sale” until removed from display and regraded, destroyed or remarked to a lower grade if feasible. (10-1-05)T

102. COMPLIANCE OR NON-COMPLIANCE CERTIFICATE.

Each inspection at the retail outlet will be acknowledged by an inspection report showing compliance or non-compliance. (10-1-05)T

103. SECOND NOTICE ACTION -- NON-COMPLIANCE.

A second inspection showing evidence of non-compliance in any calendar year will constitute sufficient grounds to proceed with prosecution in accordance with Section 108 of this rule. (10-1-05)T

104. GRADE MARKINGS, BULK DISPLAYS.

Bulk displays will follow Idaho Code 22-911 in all respects and the display area marked as to grade. (3-20-77)

105. BULK LOTS LABELED NOT FOR SALE -- REMOVAL THEREOF.

Bulk potatoes failing to meet the grade shown or otherwise found out of compliance with the provisions of this rule shall be labeled “Not For Sale” until removed. They may be regraded, destroyed or re-marked to a lower grade if feasible. (10-1-05)T

106. RESPONSIBILITY OF PERMANENT AND CONDITION DEFECTS.

Defects of condition are those of retailers’ responsibility. Permanent grade defects are those of the original packer. (3-20-77)

107. RESTRICTING STANDARDS TO TABLESTOCK GRADES.

Usable grades or standards are the entire spectrum of U.S. and Idaho Grades excluding processing grades. (3-20-77)

108. PENALTIES FOR VIOLATIONS.

Any person violating the provisions of these rules shall be subject to the penalty provisions of Section 22-2020, Idaho Code. (10-1-05)T

109. -- 999. (RESERVED).

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