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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, 22-2006, and 22-2020, Idaho Code. (3-30-07)

**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.” (3-30-07)

**02. Scope.** These rules specify the general requirements for the inspection, grading, marking and retail sales of potatoes in the state of Idaho. (3-30-07)

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of these rules. (3-30-07)

**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. (3-30-07)

**004. INCORPORATION BY REFERENCE.**

IDAPA 02.02.09 incorporates by reference: Federal Marketing Order Number 945 - U.S.D.A. Handling Regulations October 3, 2018, until revised. Copies of this document may be obtained from the Idaho State Department of Agriculture. (6-30-19)T

**005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.**

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (6-30-19)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. (3-30-07)

**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 meet the requirements of Federal Marketing Order number 945-USDA and the conditions outlined below: (3-30-07)

**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. (3-30-07)

**02. Inspections.** For other than Idaho or Oregon, inspections may be performed by any person or persons authorized under the USDA AMS Specialty Crop Inspection Program to inspect potatoes. (6-30-19)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 Subsection 100.02 and found free from: (3-30-07)

**a.** Potato Tuberworm (*Phthorimaea operculella* (Zeller)). (3-30-07)

- b. Potato Wart (*Synchytrium endobioticum*). (3-30-07)
- 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. (3-30-07)
- 102. COMPLIANCE OR NON-COMPLIANCE CERTIFICATE.**  
Each inspection at the retail outlet will be acknowledged by an inspection report showing compliance or non-compliance. (3-30-07)
- 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 22-2020, Idaho Code. (6-30-19)T
- 104. 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. (3-30-07)
- 105. 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)
- 106. 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)
- 107. -- 999. (RESERVED)**

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