IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE

Plants Division

02.06.10 – Rules Governing the Growing of Potatoes

Who does this rule apply to?
Growers of potatoes for all uses, including seed production.

What is the purpose of this rule?
This rule governs the procedures for all potato management within Seed Potato Crop Management Areas and establishes the procedures of identifying, handling and testing uncertified seed potatoes to be planted in Idaho. This rule also seeks to prevent the spread of Pale Cyst Nematode and the introduction and/or spread of Cms and subsequently bacterial ring rot throughout Idaho and the United States.

Each of these sub-chapters is necessary to protect Idaho's potato crop from pests and disease that could impact production or the ability to export potatoes. In the case of Pale Cyst Nematode, the sub-chapter outlines steps to identify, contain, and treat infestations. In the case of Seed Potato Crop Management Areas, potato seed growers rely on the restrictions in the rule to ensure that these geographic areas are kept free of production that may harbor pests and disease that could infect seed production. Finally, sub-chapters related to Bacterial Ring Rot and Seed Potatoes put requirements in place that industry requested to limit the spread of pests and diseases affecting production.

What is the legal authority for the agency to promulgate this rule?
This rule implements the following statutes passed by the Idaho Legislature:

- 22-505, Idaho Code –Rules for Seed Potatoes
- 22-1907, Idaho Code – Rules and Orders Regarding Idaho Invasive Species Act
- 22-2004, Idaho Code – Duties of the Department Regarding Idaho Plant Pest Act
- 22-2006, Idaho Code – Promulgation of Rules – Collection and Deposit of Fees and Penalties
- 22-2013, Idaho Code – Quarantine Rules – Regulated Areas and Articles – Temporary Rules

Who do I contact for more information on this rule?

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This rule chapter will be reviewed in compliance with Section 67-5292, Idaho Code, and in accordance with the 8-year rule review schedule linked here.

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000. LEGAL AUTHORITY.
Sections 22-505, 22-1504, 22-1907, 22-2004, 22-2006, and 22-2013, Idaho Code. (7-1-24)

001. SCOPE.
These rules govern the procedures for all potato management within Seed Potato Crop Management Areas and establish the procedures of identifying, handling and testing uncertified seed potatoes to be planted in Idaho. These rules also seek to prevent the spread of Pale Cyst Nematode and the introduction and/or spread of *Cms* and subsequently bacterial ring rot throughout Idaho and the United States. (7-1-24)

002. -- 103. (RESERVED)

SUBCHAPTER A – PALE CYST NEMATODE

104. INCORPORATION BY REFERENCE.
The following documents are incorporated by reference into this Subchapter A: (7-1-24)

01. 7 CFR Part 301 SubPart S - Pale Cyst Nematode. Sections 301.86 through 301.86-9 as published under Docket No. APHIS-2006-0143 in the Federal Register Volume 72, No. 176, Wednesday, September 12, 2007, and as amended under Docket No. APHIS-2006-0143 published in the Federal Register Vol. 74, No. 81, Wednesday, April 29, 2009, and as amended under docket No. APHIS-2018-0041 published in the Federal Register Vol. 85, No. 249, Tuesday, December 29, 2020, and except as amended below in Subchapter A of this rule. (7-1-24)

02. USDA APHIS PPQ Treatment Manual Schedule T406-d. https://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/treatment.pdf. (7-1-24)

03. 7 CFR Part 305 - Phytosanitary Treatments, as revised January 1, 2022. (7-1-24)

105. -- 109. (RESERVED)

110. DEFINITIONS AND TERMS.
In addition to the definitions found in Section 22-2005, Idaho Code, the following definitions found in Section 110 apply in the interpretation and enforcement of Subchapter A only: (7-1-24)

01. Inspector. Any employee of Idaho State Department of Agriculture (ISDA), Animal and Plant Health Inspection Service (APHIS), the United States Department of Agriculture (USDA), or other person authorized by the USDA APHIS Administrator or ISDA Director to perform the duties required under Subchapter A. (7-1-24)

02. Interstate. From any state into or through any other state. (7-1-24)

03. Intrastate. Movement within the boundaries of the state of Idaho. (7-1-24)

120. INTRASTATE MOVEMENT.
No regulated articles may move within the state of Idaho without complying with the federal regulations, as incorporated by reference in Subsection 104.01 in Subchapter A. (7-1-24)

121. QUARANTINED AREAS.
Those areas of the State quarantined or regulated for PCN under 7 CFR Part 301 Sections 301.86-3 as published on the USDA APHIS website at https://www.aphis.usda.gov/plant-pests-diseases/pcn/regulated-field-01-11-2023. (7-1-24)

122. RESTRICTIONS.

01. Movement From a Non-Quarantined Area. Movement of regulated articles from a non-quarantined area is subject to inspection by an inspector. Permits and certifications are not required. (7-1-24)

02. Movement From a Quarantined Area. Movement of regulated articles from a quarantined area is subject to the provision of Section 123 of Subchapter A. (7-1-24)

03. Other Restrictions. No potatoes, tomatoes, eggplants, or any other known host crops may be planted in the infested fields. Soil must not be moved from the infested fields. Any equipment leaving the infested

fields must be sanitized and certified using USDA APHIS approved protocols. (7-1-24)

04. **Seed Potatoes**. Seed potatoes may not be grown in a quarantined area. (7-1-24)

05. **Exemptions**. Host plant material may be planted in infested fields under the authorization and supervision of the USDA and ISDA eradication program. (7-1-24)

123. CONDITIONS FOR INTRASTATE OR INTERSTATE MOVEMENT OF REGULATED ARTICLES.
Regulated articles may only be moved intrastate or interstate from a quarantined area by a person under a compliance agreement if accompanied by a certificate or limited permit issued by an inspector in accordance with the federal regulations, as incorporated by reference in Section 104 in Subchapter A. (7-1-24)

124. -- 129. (RESERVED)

130. INSPECTION, SAMPLING, AND TESTING.
In order to accomplish the purposes of Subchapter A, an inspector may enter upon and inspect any public or private premises, lands, means of conveyance, or article of any person within this State, for the purpose of inspecting, surveying, sampling, testing, treating, controlling, or destroying any soil, plant, or plant material thought to or found to contain or be infested with Pale Cyst Nematode. (7-1-24)

131. – 209. (RESERVED)

SUBCHAPTER B – SEED POTATO CROP MANAGEMENT AREA

210. DEFINITIONS.
In addition to the definitions found in Idaho Code Sections 22-501 and 22-2005, Idaho Code, the definitions found in section 210 apply to the interpretation and enforcement of Subchapter B. (7-1-24)

01. **Cull Potatoes**. Potatoes not usable for planting or consumption. (7-1-24)

02. **Grower**. Any person who plants and cultivates more than fifteen one-hundredths (.15) acres of potatoes within a Seed Potato Crop Management Area. (7-1-24)

03. **Volunteer Potatoes**. Volunteer potatoes are defined as any residue left in a field from previous years of production that has sprouted and is growing. (7-1-24)

211. -- 219. (RESERVED)

220. SEED POTATO CROP MANAGEMENT AREAS.
Area boundary maps as published on ISDA website: https://agri.idaho.gov/main/plants/potatoes/ for the following Seed Potato Crop Management Areas: All of Teton, Caribou and Franklin Counties; Portions of Fremont and Madison County; and areas known as: Lost River, Almo Valley Bridge, Ririe Reservoir, Picabo, Little Camas, and Hog Hollow. (7-1-24)

221. -- 229. (RESERVED)

230. REGULATED ARTICLES.

01. **Irish Potato**. All plants and plant parts of the Irish potato, ***Solanum tuberosum***. (7-1-24)

02. **Green Peach Aphid Hosts**. All plants that are hosts to the green peach aphid, ***Myzus persicae***, including but not limited to peach and apricot trees and bedding plants. (7-1-24)

03. **Any Host**. Any host that may spread or assist in the spread of any of the diseases or pests of concern. (7-1-24)

04. Equipment. All ground working, earth moving, or potato handling equipment shall be cleaned of soil and plant debris and disinfected before entering the Seed Potato Crop Management Areas in order to prevent the introduction of disease(s) or pest(s) of concern. (7-1-24)

231. -- 239. (RESERVED)

240. DISEASES AND PESTS OF CONCERN.

01. Introduction of Pests. Introduction into the Seed Potato Crop Management Areas of any of the pests or diseases listed in this Section by a contaminated vehicle or any other means constitutes a violation of Subchapter B of this rule. (7-1-24)

02. Leaf Roll. ***Net necrosis*** or leaf roll, caused by potato leaf roll virus. (7-1-24)

03. Ring Rot. Ring rot, ***Corynebacterium sepedonicum***. (7-1-24)

04. Columbia Root Knot Nematode. Columbia root knot nematode, ***Meloidogyne chitwoodii***. (7-1-24)

05. Green Peach Aphid. Green peach aphid, ***Myzus persicae***, a vector of the leaf roll virus. (7-1-24)

06. Northern Root Knot Nematode. Northern root knot nematode, ***Meloidogyne hapla***. (7-1-24)

07. Corky Ring Spot. Corky ring spot, a disease caused by tobacco rattle virus. (7-1-24)

08. Powdery Scab. Powdery scab, ***Spongospora subterranea (Wallr.) Lagerh. f. sp. subterranea***. (7-1-24)

09. Stubby Root Nematode. Stubby root nematode, ***Paratrichodorus pachydermus, Paratrichodorus christiei, Trichodorus primitivus***. (7-1-24)

10. Potato Late Blight. Potato late blight, a disease caused by ***Phytophthora infestans***. (7-1-24)

241. -- 249. (RESERVED)

250. PLANTING OF POTATOES.

01. Seed Potato Crop Management Area. No person shall plant any potatoes in any of the Seed Potato Crop Management Areas except those that have met standards for recertification of the Idaho Crop Improvement Association (ICIA) or equivalent agency of another state or political jurisdiction in accordance with Section 22-503, Idaho Code. (7-1-24)

02. Certification. All plantings of potatoes shall be entered for certification with ICIA who notifies ISDA of any lots of potatoes rejected. Exceptions: (7-1-24)

a. All plantings of potatoes in Lost River Seed Potato Crop Management Area; and (7-1-24)

b. All plantings of potatoes in home gardens that are fifteen one-hundredths (.15) acre or less. (7-1-24)

03. Control. The grower shall spray with a pesticide or take other control measures approved by ISDA when potato late blight is found within a twenty-five (25) mile radius of a Seed Potato Crop Management Area boundary except the Lost River Seed Potato Crop Management Area. A grower in the Lost River Seed Potato Crop Management Area shall spray with a pesticide or take other control measures approved by ISDA when potato late blight is found within the boundaries of the Lost River Seed Potato Crop Management Area. (7-1-24)

251. -- 259. (RESERVED)

260. PEACH, APRICOT TREES, OR ANY HOST.
Peach, apricot trees, or any host of green peach aphid growing in Seed Potato Crop Management Areas shall be controlled with an ISDA approved pesticide. (7-1-24)

261. BEDDING PLANTS.

01. Aphid Inspection. All bedding plants are subject to inspection by the Director for aphids. If aphids are found, the plants shall be treated by a method approved by the Director. Such methods may include destruction of infested plants. (7-1-24)

02. Treatment for Infestation. Bedding plants in transit to Seed Potato Crop Management Areas are subject to inspection for aphids and if found infested, treated in a manner approved by the Director before delivery into Seed Potato Crop Management Areas. (7-1-24)

03. Treatment of Property. The Director may order treatment of property on which there are bedding plants or cut floral arrangements where he determines such treatment is necessary to control aphids. (7-1-24)

04. Treatment of Cemeteries. All cemeteries within Seed Potato Crop Management Areas shall be sprayed or controlled for insects immediately after the Memorial Day holiday. Such spraying or control will be done in compliance with all State and Federal laws, rules and regulations. (7-1-24)

262. -- 269. (RESERVED)

270. STORAGE OF POTATOES.

01. Potatoes Produced Within Seed Potato Crop Management Areas. All potatoes found to be infested with any disease or pests of concern as defined in Section 240 or those that have not met standards for recertification by ICIA shall be removed from Seed Potato Crop Management Areas no later than April 15 of the year following harvest. (7-1-24)

02. Potatoes Produced Outside Seed Potato Crop Management Areas. Before any lot of potatoes can be brought into Seed Potato Crop Management Areas, the lot shall be inspected, certified, and tagged by ICIA, the State Shipping Point Inspection Service or a recognized equivalent agency of another state or territory in accordance with Section 22-503, Idaho Code except the Lost River Seed Potato Crop Management Area. Before any lot of potatoes can be brought into the Lost River Seed Potato Crop Management Area the lot shall pass ICIA summer inspection or inspected, certified, and tagged by the State Shipping Point Inspection Service or a recognized equivalent agency of another state or territory in accordance with Section 22-503, Idaho Code. (7-1-24)

271. SEED DISPOSITION NOTIFICATION.
The State Shipping Point Inspection Service will notify the ISDA of all seed lots rejected for certification. This notification will include the variety, grower, storage location and the certification number of each rejected lot. (7-1-24)

272. -- 279. (RESERVED)

280. CULL AND VOLUNTEER POTATOES.

01. Plant Growth. All plant growth on cull potato piles shall be controlled by a state approved chemical or mechanical measure including, but not limited to, burial with a minimum of eighteen (18) inches of soil, field spreading no more than two (2) potato layers and composting. (7-1-24)

02. Destroying Volunteer Potatoes. It is the responsibility of each grower within Seed Potato Crop Management Areas to destroy all cull piles and volunteer potatoes growing on summer fallow, set-aside and non-cultivated areas of the grower's property. In the event that the grower fails to destroy such plants, the Director may order them destroyed at the expense of the grower. (7-1-24)

281. -- 289. (RESERVED)

290. TRANSPORTATION OF POTATOES.

01. Responsibilities. It is the responsibility of the growers of rejected lots to keep contaminated trucks and equipment, infested vegetable matter and foliage from contaminating public roadways, neighboring fields and cellars. (7-1-24)

02. In Transit. Potatoes in transit through Seed Potato Crop Management Areas shall be in covered vehicles and not be unloaded in Seed Potato Crop Management Areas. (7-1-24)

291. – 294. (RESERVED)

295. POTATOES FOR CONSUMPTION.
Potatoes for human and animal consumption, grown outside Seed Potato Crop Management Areas as defined in Section 220, shall be treated with a sprout inhibitor before being offered for sale within Seed Potato Crop Management Areas as defined in Section 220 of Subchapter B. (7-1-24)

296. -- 303. (RESERVED)

SUBCHAPTER C – BACTERIAL RING ROT

304. -- 309. (RESERVED)

310. DEFINITIONS.
In addition to the definitions in Sections 22-1904 and 22-2005, Idaho Code, the definitions in section 310 apply in the interpretation and the enforcement of this Subchapter C only: (7-1-24)

01. Contact Lot. A seed lot produced on a farming operation using common production and handling equipment or storage facilities, or both. (7-1-24)

02. Seed Lot. A field or a group of fields producing seed potatoes or the potatoes (tubers) harvested from a seed potato field, identified with a certification number and a North American Plant Health Certificate, enabling identity preservation and tracking. (7-1-24)

03. Seed Potato Certification Process. The process, timing, and requirements for the certification of seed potatoes in Idaho, as set forth in the Idaho Potato Certification Standards, as set forth by the Idaho Crop Improvement Association (ICIA). (7-1-24)

04. Seed Stock. Seed potatoes intended for use as a planting source for certification that are "Identity Preserved" with a certification number and a North American Plant Health Certificate. (7-1-24)

05. Sister Lot. Seed lots originating from the same lot of seed stock. (7-1-24)

311. – 319. (RESERVED)

320. REGULATED PEST - BACTERIAL RING ROT (BRR).
Caused by a bacterium, ***Clavibacter michiganensis*** subsp. ***sepedonicus (Cms)***. (7-1-24)

321. -- 329. (RESERVED)

330. REPORTING OF BRR.

01. Mandatory Reporting. It is mandatory for any person including, but not limited to, a grower, processor, shipper, laboratory staff member, field inspector, or shipping point inspector, to immediately report the presence of ***Cms*** to the Idaho State Department of Agriculture (ISDA) when: (7-1-24)

a. The ***Cms*** is discovered or observed in seed potato plants or tubers prior to final seed potato certification by ICIA; and (7-1-24)

b. The presence of ***Cms*** is confirmed via laboratory testing; and (7-1-24)

c. The positive tubers or plant parts are still in the possession of the original seed grower. (7-1-24)

02. Contents. All reports shall, to the best of the reporter's ability, contain the following information: (7-1-24)

a. The field, facility or other location at which ***Cms*** was found; (7-1-24)

b. The date of discovery; (7-1-24)

c. The location at which the suspect potatoes were grown; (7-1-24)

d. The variety and generation of the suspect potatoes; (7-1-24)

e. The laboratory submission report and test results; (7-1-24)

f. The certification tags and origin of the seed potatoes used to produce the suspect crop; (7-1-24)

g. North American Plant Health Certificate. (7-1-24)

03. Methods of Reporting. The report shall be made by phone, in person or in writing (which may include electronic mail sent to BRR@agri.idaho.gov. (7-1-24)

331. HOLD HARMLESS.

Reporting parties and those parties participating in and cooperating with the ISDA's trace back investigation of any alleged ***Cms*** contaminated potatoes will be held harmless from any civil penalties the ISDA has authority to issue. (7-1-24)

332. TRACE BACK INVESTIGATION, SAMPLING, AND TESTING.

01. Trace Back and Investigation. ISDA, upon receiving a mandatory report of ***Cms*** infected potatoes, investigates the origin and destination of such potatoes. Trace back and investigation activities may include, but not be limited to: (7-1-24)

a. A review of all inspection, certification, shipping and production records held by any person for the potatoes in question; (7-1-24)

b. Inspection and sampling at the reporting operation as well as points for origin, storage and destination related to that operation; and (7-1-24)

c. Laboratory testing records of any samples. (7-1-24)

02. Mutual Cooperation. ISDA and the ICIA will mutually cooperate with each other in trace back investigations where appropriate. (7-1-24)

03. Testing Positive for Cms. If certified seed potatoes in a lot test positive for ***Cms*** after they have left the control of the grower of that lot, ISDA's trace back investigation may include ***Cms*** testing any remaining seed from that lot that is still at the seed potato grower's facility. The testing level will be at a rate, depending on lot size, up to a maximum of four hundred (400) randomly selected tubers. (7-1-24)

04. Trace Back Investigations. The public disclosure of information obtained during an investigation conducted under Subchapter C of this rule is subject to disclosure to the public only insofar as it is allowed by Title 74, Chapter 1, Idaho Code. (7-1-24)

333. RESTRICTION ON THE USE OF INFECTED POTATOES.
Those potatoes found to be infected with ***Cms*** may not be utilized for planting as seed. (7-1-24)

334. -- 349. (RESERVED)

350. TESTING FOR BRR.

01. Compliance With Certification Standards. Seed potato tubers for planting for commercial production or for seed certification in Idaho or being imported into Idaho as seed potatoes for commercial production or certification as seed for planting must comply with the Idaho Potato Certification Standards, as set forth by the ICIA. (7-1-24)

02. Seed Potatoes to Be Exported Tested. Seed potato tubers being exported from Idaho to a foreign country as seed potatoes for planting must meet all ICIA requirements for certification and export tag placement, as well as all phytosanitary certification requirements of the importing country. All costs for sampling, transport and testing are borne by the exporter. (7-1-24)

351. -- 359. (RESERVED)

360. HOLD ORDERS.
The Director may authorize Hold Orders restricting the movement of infested or suspect potatoes until investigation, trace back, and sample analysis are complete. Hold Orders may require verification that said potatoes will not be utilized for any purposes not authorized in writing by the Department. When potatoes from a certified seed potato lot are sampled and test positive for ***Cms*** after the seed potatoes have left the seed potato grower's facility, the department will not issue a hold order on any seed potatoes from that lot that remain on the seed potato grower's facility unless and until potatoes from the affected lot are sampled at the seed potato grower's facility and test positive for ***Cms***. (7-1-24)

361. -- 369. (RESERVED)

370. FEES.
Fees for samples for laboratory testing for ***Cms*** are those normally charged by the approved laboratory doing the testing. (7-1-24)

371. -- 409. (RESERVED)

SUBCHAPTER D – PLANTING SEED POTATOES

410. DEFINITIONS.
In addition to the definitions found in Section 22-501, Idaho Code, the definitions found in section 410 apply in the interpretation and the enforcement of this subchapter D of this rule: (7-1-24)

01. Disease. Any fungus, bacteria, virus, or other organism injurious to plant life or plant products, including the spore or any other propagative state thereof. (7-1-24)

02. Pest. Any form of animal life that is or may be detrimental or injurious to plant life or plant products, including the egg, larva, pupa, or any other immature stage thereof. (7-1-24)

411. -- 449. (RESERVED)

450. REQUIREMENTS FOR UNCERTIFIED SEED POTATOES.

01. No More Than One Generation. No more than one (1) generation from certified parent seed potatoes. (7-1-24)

02. Grown by the Farmer. Grown by the farmer and separated and graded at the storage of the farmer

planting the uncertified seed potatoes. (7-1-24)

03. Planting. Planted only on the farm of the farmer who produced the uncertified seed potatoes. (7-1-24)

04. Disease Content. In compliance with Idaho Crop Improvement Association (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. (7-1-24)

05. Laboratory Testing. Laboratory tested for bacterial ring rot prior to planting. (7-1-24)

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. (7-1-24)

07. Testing by Designated Agencies. Laboratory and/or grow-out tested by agencies designated by the department. (7-1-24)

08. Sampling. Sampled in accordance with procedures established by the department. (7-1-24)

451. -- 459. (RESERVED)

460. ENFORCEMENT.

01. Reporting – Uncertified Seed Potatoes. All growers planning to plant uncertified seed potatoes shall complete an uncertified seed potatoes report form approved by the department and submit it to the department prior to planting. (7-1-24)

02. Records - Certified Seed Potatoes. All potato growers are required to keep seed potato certification records for a minimum of four years after planting. The records may be official tags or other official documentation issued by the certifying agency and representing each lot planted. These records must include the potato variety name, certification number and certifying agency. These records are to be made available to a Department representative upon request. (7-1-24)

461. – 999. (RESERVED)