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Director

Legislative Services Office

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MEMORANDUM

TO: Senators RICE, Den Hartog, Jordan and,
Representatives BOYLE, Dayley, Erpelding

FROM: Katharine Gerrity - Deputy Division Manager

DATE: March 01, 2017

SUBJECT: Temporary Rule

IDAPA 02.06.17 - Rules Governing the Disposal of Cull Onions and Potatoes - Adoption of Temporary Rule - Docket No. 02-0617-1701

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Katharine Gerrity at the Legislative Services Office at (208) 334-4834. Thank you.

Attachment: Temporary Rule

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IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.17 – RULES GOVERNING THE DISPOSAL OF CULL ONIONS AND POTATOES

DOCKET NO. 02-0617-1701

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is February 8, 2017.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 22-103(21) and 22-2006, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

There is a need to relax the cull onion disposal rule because of severe weather and heavy snowfall which collapsed onion storage sheds and packing buildings. The volume of onions to be disposed of across the onion growing region is significant and flexibility is needed in order to accommodate the challenges facing packing sheds and growers. Governor Otter declared an emergency in Washington County. Onion sheds have collapsed in Owyhee, Canyon, and Payette counties as well. The rule is limited to temporarily suspending the March 15 disposal deadline. All other disposal requirements remain in place. ISDA intends to rescind the temporary rule once the emergency is over.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons

Protection of the public health, safety, or welfare.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Lloyd Knight, Plant Industries, (208) 332-8664.

Dated this 8th day of February, 2017.

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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 02-0617-1701
(Only Those Sections With Amendments Are Shown.)

070. DISPOSITION OF CULL ONIONS.

All cull onions existing in the control area shall be disposed of by a method approved of in Section 071 of this rule, to prevent sprouting. Disposal of all existing cull onions and debris must be completed ~~prior to March 15th, of each year; provided; however, that in the case of onions sorted on or after March 15th of each year, the cull onions resulting therefrom shall be disposed of within one (1) week after such sorting regardless of the disposal method. The Department shall only enforce the cull onion disposal portions of this rule from March 15th through July 1st of each year~~ as soon as reasonably possible. ~~(3-29-10)~~(2-8-17)T

071. DISPOSAL METHODS.

The intent of Section 071 of the rule is to control the spread of the onion maggot and related onion diseases. All disposal methods listed in Section 071 must be carried out to the extent that control of the regulated pest(s) is achieved in order to be in compliance with this rule. (4-11-06)

01. Disposal by Covering in Dumps or Pits. (7-1-93)

a. Cull onions disposed of by being dumped in pits shall be managed and covered as recommended by the University of Idaho Agricultural Extension Service. (3-30-01)

b. Covering shall be accomplished ~~by March 15th of each year~~ as soon as reasonably possible or as provided in Section 070 of this rule. ~~(3-30-01)~~(2-8-17)T

02. Disposal by Feeding ~~After March 15th of Each Year.~~ ~~(3-30-01)~~(2-8-17)T

a. Sheep or goats shall be fed no more than fifty-three (53) pounds of cull onions per individual animal per day. Cull onions shall be fed from either bunks or by spreading throughout the pasture or feedlot. Cull onions shall not be fed from piles. (3-30-01)

b. Cattle shall be fed a ration containing no more than twenty-five percent (25%) cull onions on a dry matter basis. (3-30-01)

c. Onion debris shall be completely removed from feeding areas and buried under twelve (12) inches or more of onion-free soil ~~by March 15th of each year~~ as soon as reasonably possible. ~~(3-30-01)~~(2-8-17)T

d. In the case of residues of onion debris two (2) inches or less in depth, or onions tramped into the soil so that they cannot be removed, such areas shall be disked and plowed as deep as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil ~~by March 15th of each year~~ as soon as reasonably possible. ~~(4-11-06)~~(2-8-17)T

e. Feeding areas and areas where onions are buried shall be treated in the manner set out in Section 071. (3-30-01)

f. Cattle and sheep being finished for market or dairy cattle shall not be fed forage or grains grown on feeding areas treated in the manner set forth in Section 071. (3-30-01)

03. Disposal by Composting. Cull onions being composted shall be covered by twelve (12) inches or more of onion-free soil or composting material until the onions have turned to compost. (3-30-01)

04. Disposal of Residue in Onion Producing Fields. (7-1-93)

a. Commercial onion fields where sort-out bulbs are left at harvest shall be disked and plowed as deep

as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil by March 15th of each year. (4-11-06)

b. Following final seed harvest, seed bulbs shall be disked and plowed as deep as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil by March 15th of each year. (4-11-06)

05. Disposal by Chopping or Shredding. Cull onions that have been chopped or shredded to the point that they are incapable of sprouting, shall be disked and plowed as deep as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil ~~by March 15th of each year~~ as soon as reasonably possible. ~~(4-11-06)~~(2-8-17)T

06. Disposal by Spreading. Cull Onions may be disposed of by being spread on agricultural fields destined to be planted to a crop other than onions provided the onions are disked and plowed as deep as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil. (4-11-06)