

IDAPA 02
TITLE 06
CHAPTER 04

02.06.04 – PHYTOSANITARY AND POST-ENTRY CERTIFICATION RULES GOVERNING PLANT EXPORTS

02.06.34 – RULES CONCERNING VIRUS-FREE CERTIFICATION OF NURSERY STOCK

02.06.40 – RULES GOVERNING GINSENG EXPORT

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections ~~22-103(22)~~, 22-107, ~~22-112~~ 22-702, and ~~22-2303(5)~~ Idaho Code. (2-1-95)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “~~Phytosanitary and Post-Entry Certification Rules~~ Governing Plant Exports.” (2-1-95)

02. Scope. These rules govern the production of pest-free plants and plant products, and provide procedures for compliance with phytosanitary regulations of other states and foreign countries, in order to protect Idaho agriculture from the introduction of foreign pests on imported plant materials. These rules also govern procedures for voluntary certification of virus-free nursery stock for export. (2-1-95)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (2-1-95)

003. ADMINISTRATIVE APPEAL.

~~There is no provision for administrative appeal before the Department of Agriculture under this chapter. Hearing and appeal rights are~~ Persons are entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (2-1-95)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (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 have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code and are public records. (6-30-19)T

007. – 109. (RESERVED)

SUBCHAPTER A – PHYTOSANITARY AND POST-ENTRY SEED CERTIFICATION

110. DEFINITIONS.

The definitions found in Section 110 apply to the interpretation and enforcement of Subchapter A only:

01. Applicant. Any person applying for an inspection or certification under Subchapter A ~~these rules.~~ (2-1-95)

02. Federal Phytosanitary Certificate. This certificate is issued by the Department pursuant to a “Memorandum of Understanding” with the United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine, in accordance with the Code of Federal Regulations, Title 7, Part 353, Sections 353.1 - 353.7 as amended. This type certificate may only be issued for domestic plants and plant products being exported into a foreign country. (2-1-95)

03. Federal Phytosanitary Certificate for Reexport. This certificate is issued by the Department pursuant to a “Memorandum of Understanding” as referenced in Subsection 110.02 above. This type certificate may only be issued for plants and plant products of foreign origin to certify that, based on the original foreign phytosanitary certificate and/or an additional inspection, the plants and plant products entered the United States in conformance with the phytosanitary regulations of the importing country and have not been subjected to the risk of infestation or infection during storage in the United States. Shipments transiting the United States under a Customs bond are not eligible for reexport certification. (2-1-95)

04. Post-Entry Quarantine Certification. This program is carried out pursuant to a “Memorandum of Understanding” between the Department and the United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine, in accordance with the Code of Federal Regulations, Title 7, Part 319.37-7 as amended. The purpose of this program is to prevent the accidental introduction of plant pests in living plants that are imported into the United States and Idaho under permit. (2-1-95)

05. Rush Service. This service is to accommodate phytosanitary certification applications that must be issued earlier than the routine three (3) to four (4) day turn-around. This service will be carried out only after a mutual agreement between the applicant and the Department. (2-1-95)

06. State Phytosanitary Certificate. This certificate may be issued for shipments of Idaho produced plants and plant products to foreign or domestic locations. This certificate is issued to confirm a field or commodity inspection for foreign destinations. This certificate must be issued to the same standard as a federal certificate as outlined in Subsection 110.02. Idaho Crop Improvement Association field inspections may serve as the basis for the issuance of a state phytosanitary certificate for domestic markets only. This certificate ~~shall~~ will also bear any notation or comment the Director may make as to any findings concerning the inspection or import requirements of the products being certified. (2-1-95)

111. -- 119. (RESERVED)

120. DESIGNATED INSPECTION AREAS.

The land mass of the state has been divided into fourteen (14) “inspection areas” to facilitate the inspection of all seed-producing localities and to confine the loci of disease infestations when they arise. These areas ~~shall~~ will be numbered serially and the boundaries of each ~~shall~~ remain fixed as described below. The cultural conditions, i.e., weather, elevation, soil type and general farming practices, are relatively uniform within each area; therefore, the disease content of the seed produced within each respective area may be expected to be uniform. (2-1-95)

01. Area 1. Kootenai County. (2-1-95)

02. Area 2. Benewah County. (2-1-95)

03. Area 3. That portion of Latah County above two thousand (2,000) feet elevation and that portion of Nez Perce County north of the Clearwater River and above two thousand (2,000) feet elevation. (2-1-95)

04. Area 4. That portion of Latah County below two thousand (2,000) feet elevation and all of the Clearwater River and below two thousand (2,000) feet elevation (2-1-95)

05. Area 5. Lewis County. (2-1-95)

06. Area 6. Canyon, Ada, Owyhee, Payette, Washington and Gem Counties. (2-1-95)

07. Area 7. Gooding, Jerome, Lincoln and Elmore Counties. (2-1-95)

- 08. **Area 8.** Twin Falls County. (2-1-95)
- 09. **Area 9.** Cassia County. (2-1-95)
- 10. **Area 10.** That portion of Minidoka County lying south of the main line of the Union Pacific Railroad. (2-1-95)
- 11. **Area 11.** That portion of Minidoka County lying north of the main line of the Union Pacific Railroad. (2-1-95)
- 12. **Area 12.** Bingham, Bonneville, Power and Bannock Counties. (2-1-95)
- 13. **Area 13.** Jefferson, Madison, Fremont, Teton, Clark and Butte Counties. (2-1-95)
- 14. **Area 14.** All other agricultural areas of the state not specifically designated above. (2-1-95)

121. -- 129. (RESERVED)

130. CROP/COMMODITY, DISEASE AND PEST(S) INSPECTIONS.

01. Minimum Field Inspection(s). Unless otherwise requested by the applicant, minimum field inspections for diseases ~~shall~~ will be as follows: (2-1-95)

a. Corn: Stewart's wilt, - *Erwinia stewartii* ((E.F.Sm.)Dye), head smut - *Sphacelotheca reiliana*, common smut - *Ustilago zeae* (*U. maydis*), and maize dwarf mosaic virus. (2-1-95)

b. Peas: Bacterial blight, *Pseudomonas* species. (2-1-95)

c. Beans: Halo Blight, caused by *Pseudomonas syringae* pv. *phaseolicola* (Burkholder 1926) Young, Dye & Wilkie 1978, (synonym *P. phaseolicola* (Burkholder 1926) Dawson 1943); common blight caused by *Xanthomonas campestris* pv. *phaseoli* (Smith 1897) Dye 1978, (synonyms *X. phaseoli* (Smith 1897) Dawson 1939, *X. phaseoli* var. *fuscans* (Burkholder 1930) Starr and Burkholder 1942); brown spot, caused by *Pseudomonas syringae* pv. *syringae*, van Hall 1902, (synonym *P. syringae*, van Hall 1902) only strains virulent to *Phaseolus* sp.; bacterial wilt, caused by *Corynebacterium flaccumfaciens* (Hedges 1922) Dawson 1942; or any variations or new strains of these bacteria, which are recognized as virulent to and seedborne in *Phaseolus* spp., and are a potential threat to seed production, all of which are hereafter referred to as bacterial diseases of beans. Anthracnose, *Colletotrichum lindemuthianum* (Sacc. and Magn.) Scrib. (2-1-95)

d. Alfalfa: Verticillium Wilt - *Verticillium albo-atrum*, stem and bulb nematode - *Ditylenchus dipsaci*. (2-1-95)

e. Lettuce: Lettuce mosaic virus. (2-1-95)

f. Radish: Bacterial spot - *Xanthomonas campestris* pv. *vesicatoria*, Anthracnose -- *Colletotrichum higginsianum*, blackleg - *Leptosphaera maculans*. (2-1-95)

g. Onion: Stem and bulb nematode -- *Ditylenchus dipsaci*, Onion white rot -- *Sclerotium cepivorum*, onion smut -- *Urocystis cepulae*, neck rot -- *Botrytis alli*, purple blotch -- *Alternari porri*. (2-1-95)

h. Carrot: Bacterial blight *Xanthomonas campestris* pv. *carotae*, soft rot - *Erwinia carotovera*. (2-1-95)

02. Special Inspection Requests. Requests for inspection of plants and plant products for plant diseases or pests not specifically listed in ~~these rules~~ Subchapter A will be performed subject to the availability of Department inspectors and the biology of the pest and plant or plant products for which the request is being made. Procedures for

conducting the special field or commodity inspections, the time the inspection is to be made, and any charges or fees will be made at the discretion of the Department and may be in addition to those listed in Section 195. (2-1-95)

131. -- 139. (RESERVED)

140. APPLICATION FOR INSPECTION - PROCEDURES.

01. Application for Field Inspection. Application(s) must include but will not be limited to the following: company name, grower name, crop, variety, lot number (if available), pest(s)/disease(s) inspections being requested, field location, number of acres and type of irrigation. Application(s) must be filed with the Idaho Department of Agriculture, Division of Plant Industries, P.O. Box 7249, Boise, ID 83707 or Idaho Department of Agriculture, Division of Plant Industries, P.O. Box 401, 434 Shoshone St. West, Twin Falls, Idaho 83303-0401, on forms provided by the Department. (2-1-95)

02. Application for Area Inspection (Peas and Corn Only). Application shall be made in writing on company letterhead listing crop, grower name, variety, lot number, acres, and area grown in as outlined in Subsections 120.01 through 120.14. A minimum of two hundred (200) acres per company per designated inspection area must be submitted to be eligible for an area inspection. Applicants submitting under two hundred (200) acres within a designated inspection area must do so pursuant to Subsection 140.01 above. (2-1-95)

03. Deadlines. Applications for individual and/or area field inspections ~~shall~~ are to be submitted no later than: April 30 for Alfalfa, May 1 for peas and mint, May 15 for lettuce, radish, onion, or other vegetable crops, and July 1 for beans and corn. Applications submitted after these dates will be performed only at the discretion of the Director. (2-1-95)

04. Special Field Inspection Requests. Requests for field inspections of plants and plant products for diseases or pests not listed in Subsections 130.01.a. through 130.01.h. above shall be written in on the application as provided in Subsection 140.01 above and be subject to the conditions as outlined in Subsection 130.02. (2-1-95)

141. -- 149. (RESERVED)

150. INSPECTION AUTHORITY.

The Director will authorize the crop inspections and will delegate competent agents or agencies to conduct the work. Phytosanitary certificates will be issued only by the Director. (2-1-95)

151. -- 159. (RESERVED)

160. INSPECTION PROCEDURES.

01. Mechanics of Inspection. The mechanics of inspection for a particular crop(s) will be left to the discretion of the Department, but will take into account sound sampling procedures, the biology of the pest, and the crop being inspected. A crop will be inspected a minimum of, but not limited to, one (1) time during the growing season, depending on the biology of the pest or disease being inspected. (2-1-95)

02. Reports of Inspection Summaries and Requests for Inventory. Written reports of the field and area inspections will be filed and retained in the office of the Director, for a minimum of five (5) years after the inspection of the fields is completed. At the end of each inspection season, each applicant will be sent a summary of the inspections performed with a request for any corrections or adjustments to be made as far as lot numbers, varietal names, or other information is concerned. A request will also be made at that time for the clean weights of the product harvested from each lot inspected. No phytosanitary certificate will be issued for any inspected lot for which there is incomplete documentation. (2-1-95)

03. Notification of the Detection of Disease(s) or Pest(s). The Department will notify the applicant in writing upon the confirmation of the presence of a disease or pest. Notification will be limited to those disease(s) or pest(s) outlined in Subsections 130.01.a. through 130.01.h. above or as specifically requested on the applicant's application for inspection for phytosanitary certification pursuant to Subsection 140.04. (2-1-95)

161. -- 169. (RESERVED)

170. PROCEDURE FOR OBTAINING PHYTOSANITARY CERTIFICATES.

01. Requests for Phytosanitary Certificates. Application shall be made in writing to the Department on the appropriate application form(s) provided by the Department for the certificate(s) being requested. Only fully completed applications will be accepted. Applications can be submitted to either the State of Idaho, Department of Agriculture, Plant Industries Division, P.O. Box 7249, Boise, ID 83707, or State of Idaho, Department of Agriculture, P.O. Box 401, Twin Falls, Idaho 83301. (2-1-95)

02. Application Information. Applications for phytosanitary certificates must include, but will not be limited to the following information: variety, crop (including scientific name), lot number (in the case of blends, all lots used in the blend must be included), number of pounds in each lot, name of grower, area and year in which crop was grown, state number, consignor and consignee, and chemical treatment applied. (2-1-95)

03. "Rush" Service. As defined in Subsection 110.05 must be requested before or upon submission of an application for phytosanitary certification. The request may be made by telephone. "Rush" service will be subject to the fees as outlined in Subsection 195.02.d. (2-1-95)

171. -- 179. (RESERVED)

180. SIZE OF SAMPLES.

Size of samples for visual inspection for phytosanitary seed inspection certificates shall be: When shipment is: under two hundred (200) pounds - one half (1/2) pound sample (minimum); two hundred (200) pounds up to one thousand (1,000) pounds - two (2) pound samples; over one thousand (1,000) pounds - five (5) pound samples (maximum); or as may be required by the importing state or country. (2-1-95)

181. – 189. (RESERVED)

190. POST-ENTRY QUARANTINE CERTIFICATION.

Applications shall be made on forms provided by the Department and accompanied by the fee as stated in Subsection 195.05. The applicant must allow inspection by the Department as a condition of application approval, and additional inspections as required by the Department or the United States Department of Agriculture. The United States Department of Agriculture has final approval authority. The minimum period of the quarantine ~~shall be~~ ^{is} two (2) years, with a minimum of one (1) inspection being performed during each of the two (2) years. (2-1-95)

191. -- 194. (RESERVED)

195. FEES AND CHARGES.

- 01. Phytosanitary Certificates.** (3-16-04)
- a.** Federal Phytosanitary Inspection Certificates or like documents: sixty dollars (\$60) per certificate. (3-29-10)
 - b.** State Phytosanitary Inspection Certificates or like documents: twenty-five dollars (\$25) per certificate. (3-16-04)
- 02. Phytosanitary Certification and Like Inspections and Official Treatment Observations.** (2-1-95)
- a.** Officially Drawn Samples: (i.e., purity and germ samples, referee samples, lab analysis) - twenty dollars (\$20) per sample. (3-16-04)
 - b.** Submitted Samples: twenty dollars (\$20) per item submitted. (3-16-04)

c. Treatment Observations: for official verification of seed and plant treatment, seed lot fumigation, cold storage treatments, and treatment of agricultural products brought into the state in violation of a state quarantine, fees are thirty dollars (\$30) per hour (including travel time), and any per diem incurred. Per diem will be at established state rates. (3-29-10)

d. Rush service fees will be one hundred dollars (\$100) per certification which will be in addition to the normal phytosanitary certification charges outlined in this Section 195. (2-1-95)

e. Request for phytosanitary or treatment observation services after normal working hours, on weekends, or holidays are subject to overtime and state per diem charges in addition to the normal charges outlined in this section. (2-1-95)

03. Area Inspections. Area Inspection: fourteen cents (\$.14) per hundred-weight. (3-16-04)

04. Field or Lot Inspections. (2-1-95)

a. Application for Field Inspection: five dollars (\$5) per application. (3-16-04)

b. Acreage Inspection Fee: three dollars and fifty cents (\$3.50) per acre per inspection. A minimum of fifty dollars (\$50) per inspection will be charged when the total acreage submitted by any one (1) applicant is fifteen (15) acres or less. (3-16-04)

05. Post-Entry Quarantine Inspections. The inspection fee is two hundred dollars (\$200) for the required two (2) year quarantine and an additional one hundred dollars (\$100) per year for each year beyond the initial two (2) years, if required. For rejected applications, twenty-five dollars (\$25) of the two hundred dollar (\$200) inspection fee is non-refundable, and will be retained to cover administrative costs. (2-1-95)

06. Plant Pathological Laboratory Services. Fees available upon request. (2-1-95)

07. Special Project Fee. (3-29-10)

a. Special projects not covered by the existing fee schedule may be billed at twenty-five dollars (\$25) per hour with a minimum twenty-five dollar (\$25) fee. Special projects include, but are not limited to, the following: (3-29-10)

i. Research; (3-29-10)

ii. Lot history verification; (3-29-10)

iii. Data entry; (3-29-10)

iv. Sales and purchases; (3-29-10)

v. Transfer of lots into ISDA database; (3-29-10)

vi. ISDA training of private company personnel; (3-29-10)

vii. Special plant pest detection surveys; or (3-29-10)

viii. Any other circumstance approved by the Director. (3-29-10)

b. This fee does not include any laboratory analysis fees that might be required as part of a special plant pest detection survey. (3-29-10)

195. -- 209. (RESERVED)

SUBCHAPTER B - VIRUS-FREE NURSERY STOCK CERTIFICATION

210. DEFINITIONS.

In addition to the definitions found in Section 22-2302, Idaho Code, the following definitions in Section 210 apply in the interpretation and enforcement of Subchapter B only:

01. **Certification.** Verification that proper field sampling procedures were followed and that the indexing results as outlined in this rule are those determined by an approved laboratory designated to test for virus diseases under Subchapter B ~~this rule~~. (3-20-97)
02. **Idaho Certified Nursery Seed.** Seed produced from registered seed trees or commercial seed having been tested and found to have a transmissible virus content that does not exceed five percent (5%). (3-20-97)
03. **Idaho Certified Nursery Stock.** Nursery-grown, true seedlings, clonal rootstocks originating from certified virus-free trees, and nursery-grown trees or seedlings propagated by using top-stock from certified virus-free trees and rootstock originating from certified virus-free trees except as herein provided for certain rootstocks. (3-20-97)
04. **Index.** To determine virus infection by means of inoculation from the plant to be tested to an indicator plant or by any other acceptable method as designated by the Director. (3-20-97)
05. **Indicator Plant.** Any herbaceous or woody plant used to index or determine virus infection. (3-20-97)
06. **Interstock.** Scionwood used for compatibility purposes to graft between a particular top-stock and rootstock. (3-20-97)
07. **Nursery Stock.** For purposes of this rule includes the plants and plant parts of the genera *Prunus*, *Malus*, *Pyrus*, *Chaenomeles* and *Cydonia*. (3-20-97)
08. **Off-Type.** Not true-to-name (phenotype) as registered under Subchapter B ~~this rule~~. (3-20-97)
09. **Registered Tree.** A tree or clonal planting that has been inspected and tested in accordance with the provisions of this program and assigned a registration number by the Department. (3-20-97)
10. **Rootstock.** That part of a plant including the roots on which another variety of plant material may be grafted. (3-20-97)
11. **Scion-Block.** A planting of certified virus-free trees which serves as a source of scionwood for the propagation of "Idaho certified nursery stock." (3-20-97)
12. **Scion (Scionwood).** A detached shoot or other portion of a plant consisting of one or more buds used in propagation by grafting. (3-20-97)
13. **Seed Block.** A planting of certified virus-free trees which serves as a source of seed for producing rootstock used in the propagation of "Idaho certified nursery stock." (3-20-97)
14. **Stool Bed.** A clonal planting of self-rooted, certified virus-free trees for the specific purpose of producing vegetatively propagated rootstock used in the propagation of "Idaho certified nursery stock." (3-20-97)
15. **Top-Stock.** Usually scionwood used for grafting onto interstock or rootstock, may include seed. (3-20-97)
16. **True Seedling.** A tree which has been grown from seed. (3-20-97)

17. **Virus-Infected.** The presence of a harmful virus(es) in a plant or plant part. (3-20-97)

18. **Virus-Like.** A disorder of genetic or non-transmissible origin and also includes mycoplasma-like organisms and rickettsia-like organisms. (3-20-97)

211. – 219. (RESERVED)

220. **REQUIREMENTS.**

01. **Participation.** Participation is open only to those nurseries registered under Title 22, Chapter 23, Idaho Code, and is voluntary. (3-20-97)

02. **Application.** Application forms for the establishment of new blocks will be provided by the Idaho Department of Agriculture. The applicant nurseryman shall furnish to the Department all information pertinent to the operation of this program, including a diagram of each block and shall give his consent to the Department to take plant parts (buds, leaves, roots, etc.) from any tree for testing purposes. (3-20-97)

03. **Registration.** Trees may be registered as rootstock, top-stock, or seedstock sources for the propagation of certified nursery stock when inspected, tested, and found to be true-to-name and discernibly free from known harmful virus and virus-like diseases by procedures outlined in this program. (3-20-97)

04. **Responsibility.** The applicant nurseryman is responsible, subject to the approval of the Director, for the selection of the location and the proper maintenance of registered plantings grown under the provisions of Subchapter B ~~this rule~~. The applicant nurseryman is responsible for maintaining the identity of all nursery stock entered into this program in a manner approved by the Department. Any planting entered into this program shall be kept in a healthy growing condition and free of plant pests. (3-20-97)

05. **Filing Date.** Application for inspection and testing of new or existing blocks of registered scion, seed, and stool-bed trees and for inspection of nursery stock for certification shall be filed by June 1 of each year with the Idaho Department of Agriculture. (3-20-97)

06. **Nematode Sampling.** The ground being submitted for planting with virus-free stock as outlined in Subchapter B ~~this rule~~ shall be officially sampled, using established procedures acceptable to the Director, tested, and found free of virus transmitting nematodes prior to planting of any stock. Subsequent sampling for the presence of nematodes after planting may be carried out at the discretion of the Director, to ensure that a nematode-free status is maintained. (3-20-97)

07. **Grafting.** There shall be no budding, grafting, or top-working of registered trees in any scion-block, seed-block, or stool-block. (3-20-97)

08. **Inspection.** Maintenance of virus-free integrity of all plants entered into this program shall will be by inspection and spot-testing at a minimum of every three (3) years or as stated elsewhere in this rule. (3-20-97)

09. **Diseased Plants.** Immediately following notice from the Director or his agent, any plant found to be infected by a virus or virus-like disease or if off-type, the plant(s) shall be removed and destroyed. Any ground found to be infested with virus transmitting nematodes must be fumigated with a fumigant registered and approved by the Idaho Department of Agriculture prior to planting, at the grower's expense. (3-20-97)

221. -- 229. (RESERVED)

230. **SCION-BLOCKS.**

01. **Location.** A scion-block shall be located not less than one hundred (100) feet away from any non-registered cultivated plant of the Rosaceae family. The ground in a scion-block and for a distance of twenty (20) feet surrounding it shall be kept either clean-cultivated or in an approved, properly controlled ground cover. Registered scion-block trees shall be planted and maintained in a manner and at sufficient distance so that branches of different

varieties do not overlap. Care shall be taken in the use of pollenizing insects and pollen application to prevent the transmission and spread of virus diseases through the use of infected pollen or its application. Registered scion-block trees ~~shall may not~~ be used for propagation purposes until trueness-to-name or variety has been established. Each tree ~~shall~~ will bear a permanent registration number. The ground in the scion-block ~~shall~~ will be sampled, using established procedures acceptable to the Director, and be tested and found free of virus transmitting nematodes prior to planting of any stock. (3-20-97)

02. Acceptability. The rootstock and top-stock sources of the scion-block trees shall have originated from foundation trees established under this program or from virus-tested trees originating through the USDA-ARS Inter-Regional Project No. 2 (IR-2) or other approved programs. If the tree is scion-rooted, its source shall have met the requirements stated in ~~this~~ Subchapter B this subsection. Only registered trees ~~shall be~~ are permitted in the scion-block. (3-20-97)

231. -- 234. (RESERVED)

235. SEED-BLOCKS.

01. Location. A Prunus seed-block shall be located not less than three hundred (300) feet from any non-registered flowering plant of the Prunus species. The ground in a seed-block and for a distance of twenty (20) feet surrounding it shall be kept clean-cultivated or in an approved, controlled ground cover. Care shall be taken in the use of pollenizing insects and pollen application to prevent the transmission and spread of virus diseases through the use of infected pollen or its application. Each tree ~~shall~~ will bear a permanent registration number. (3-20-97)

02. Acceptability. The rootstock and top-stock sources of the seed-tree shall have originated from foundation trees established under this program or from virus-tested trees originating through the USDA-ARS Inter-Regional Project No. 2 (IR-2) or other approved program. If the tree is scion-rooted, its source shall have met the requirements stated in ~~this~~ Subchapter B subsection. Only registered trees ~~shall be~~ are permitted in the seed-block. (3-20-97)

236. -- 239. (RESERVED)

240. STOOL-BEDS.

01. Location. A stool-bed shall be located not less than fifty (50) feet from any non-registered cultivated plant of the Rosaceae family. The following exception will apply: Non-registered stool-beds may be located not less than ten (10) feet from registered stool-bed plantings. The ground in a stool-bed and for a distance of ten (10) feet surrounding it shall be kept clean-cultivated. (3-20-97)

02. Acceptability. Existing stool-beds that index clean on the commonly used virus indicators will qualify as Registered Stool-Beds. New stool-beds (those planted after the effective date of Subchapter B this rule) shall have originated from foundation stock established under this program or from virus-tested plants originating through the USDA-ARS Inter-Regional No. 2 (IR-2) or other approved program. If the tree is scion-rooted, its source shall have met the requirements stated in Subchapter B this subsection. Only registered trees ~~shall be~~ are permitted in the stool-beds. (3-20-97)

241. -- 244. (RESERVED)

245. NURSERY STOCK.

01. Rootstocks. All nursery stock being grown for certification, shall be on rootstock from registered trees except for stone fruit trees grown on peach seedlings and pome fruit trees grown on apple and pear seedlings. These seedling rootstocks, when grown from commercial seed, will be acceptable if seed transmissible virus content does not exceed five percent (5%). Clonal rootstock used in the production of Idaho Certified Nursery Stock must originate from Registered Stool-Beds. (3-20-97)

02. Location. The isolation distances between certified and non-certified nursery stock shall be:

(3-20-97)

a. Not less than fifty (50) feet from non-certified plants of the Rosaceae family; (3-20-97)

b. Not less than twenty (20) feet from other non-certified nursery stock; (3-20-97)

c. Program participants shall maintain a twenty (20) foot clean-cultivated area around all certified nursery stock beds. Nursery stock shall be designated as to rootstock, top-stock, and inter-stock sources. There shall be no re-budding or re-grafting of nursery raw stock unless such stock is re-worked with scions from the original registered scion-tree. (3-20-97)

03. Identity Maintenance. The maintenance of certified stock identity shall be a tagging program identifying trees produced from: (3-20-97)

a. Registered rootstock produced from registered seed or stool-beds; (3-20-97)

b. Registered scion source trees. The tracking system shall involve a numbering diagram system of each participant's nursery stock beds in the program. (3-20-97)

04. Seed. Certified seed shall have been produced on Registered Seed Trees or commercial seed having been tested and found to have a transmissible virus content that does not exceed five percent (5%). (3-20-97)

05. Tagging. An Idaho Certified Nursery Stock Tag shall designate trees produced from registered scion-source trees and which have been propagated on rootstocks produced from registered seed-source or stool-bed trees, or which are self-rooted. All nursery stock meeting the requirements of this program when sold shall have the variety, inter-stock, and rootstock designated where applicable as follows: variety/inter-stock/rootstock. (3-20-97)

06. Acceptability. All nursery stock meeting the requirements of this program shall be are known as Idaho Certified Nursery Stock. (3-20-97)

246. -- 249. (RESERVED)

250. BLOCK EXPANSION.

Expansion within a scion or stool-bed will be allowed with no restriction regarding the number of generations, provided accepted tissue culture methods are employed. Only two (2) propagative steps will be allowed between "mother plants" and foundation trees for scion, seed, and stool-bed blocks. (3-20-97)

251. -- 259. (RESERVED)

260. INSPECTION PROCEDURES.

01. Time of Inspection. Inspections will be made at the discretion of the Department and at times when specific disease symptoms are most likely to be expressed. (3-20-97)

02. Inspection of Nursery Stock for Certification. At least one (1) visual inspection shall will be made of nursery rootstock in a planting being grown for certification during the first growing season. At the request of the Department, any undesirable rootstock shall will be rogued before propagation. At least two (2) visual inspections shall will be made of nursery stock during the growing season following bud or graft placement. (3-20-97)

03. Refusal of Certification. The Department shall will refuse certification if plants have been propagated from registered trees determined to be affected by a virus or virus-like disease or if other requirements of this program have not been met. (3-20-97)

261. -- 264. (RESERVED)

265. TESTING PROCEDURES.

Testing standards prescribed in this program ~~shall~~ will conform to USDA-ARS Inter-Regional Project No. 2 (IR-2) standards or to any other acceptable and approved procedures developed and used for determining the presence of virus diseases in nursery stock. All testing results shall be made available directly to the Department by the approved agency or laboratory. (3-20-97)

266. -- 269. (RESERVED)

270. TAGGING, IDENTITY, AND RECORDS.

01. Official Certification Tags. The Department will authorize the use of official certification tags for identification of nursery stock or seed that meet the requirements of this program. These tags will be supplied at cost to all program cooperators by the ~~Idaho Department of Agriculture~~. (3-20-97)

02. Identity. Any person selling Idaho Certified Nursery Stock is responsible for the identity of the stock bearing each tag and for such nursery stock meeting the requirements of this program. (3-20-97)

03. Records. Any person selling Idaho Certified Nursery Stock shall keep record on a form prescribed by the Director which ~~shall~~ includes but is not limited to the source of the stock, quantity, and disposition. (3-20-97)

271. -- 279. (RESERVED)

280. FEES.

01. Application Fees. A fee of fifty dollars (\$50) per application submitted plus ten cents (\$0.10) per tree being certified shall be submitted with each application. (3-20-97)

02. Laboratory Fees. Laboratory fees ~~shall be those as are~~ are established by a Department approved testing facility and will be paid directly to the facility. (3-20-97)

03. Service Fees. Fees for plant or soil sampling and inspection services provided by the Idaho Department of Agriculture ~~shall be~~ are in accordance with the following schedule. (3-20-97)

a. A fee of twenty-five dollars (\$25) per hour for inspection and travel time with a minimum charge of fifty dollars (\$50). (3-20-97)

b. Per diem costs ~~shall~~ will be charged according to established state rates. (3-20-97)

c. The fees charged for tags ~~shall~~ will be at cost plus an administrative fee of ten percent (10%) for each order. (3-20-97)

281. -- 309. (RESERVED)

SUBCHAPTER C - GINSENG EXPORT

310. DEFINITIONS.

~~The Idaho State Department of Agriculture adopts the definitions set forth~~ In addition to the definitions found in Section 22-2005, Idaho Code, the following definitions apply in the interpretation and enforcement of Subchapter C, only. (5-3-03)

01. Cultivated Ginseng. Any part of a ginseng plant that is growing or grown in managed beds under artificial or natural shade and cultivated according to recognized ginseng horticultural practices. Cultivated ginseng includes woodsgrown ginseng. (5-3-03)

02. Dealer. Anyone who buys ginseng for resale, or grows and sells it for export. This definition does not apply to persons who buy ginseng solely for the purpose of final retail sale to consumers in the United States.

(5-3-03)

03. Dealer Registration. An annual registration issued by the department authorizing a dealer to buy, collect, or otherwise acquire ginseng for resale or export. (5-3-03)

04. Dry Weight. The weight in pounds and ounces of harvested or collected ginseng root that is dried and is no longer viable. (5-3-03)

05. Export. Outside the boundaries of the United States. (5-3-03)

06. Ginseng. Any and all parts of the plant known as American ginseng (*Panax quinquefolius*) including but not limited to:(5-3-03)

a. Plants; (3-30-01)

b. Whole roots; (3-30-01)

c. Essentially intact roots; (3-30-01)

d. Root chunks; (3-30-01)

e. Slices; (3-30-01)

f. Seeds; and (3-30-01)

g. Tissue. (3-30-01)

07. Green Ginseng. A ginseng root from which the moisture has not been removed by drying. (5-3-03)

08. Green Weight. The weight in pounds and ounces of freshly harvested or collected ginseng root that is not dried and is still viable. (5-3-03)

09. Grower. A person who grows “cultivated,” “wild simulated,” and or “woodsgrown” ginseng, and sells it to a dealer. (5-3-03)

10. Grower Registration. An annual registration issued by the department which enables a grower to sell cultivated ginseng that the grower has produced. (5-3-03)

11. Out-of-State Ginseng. Ginseng that is grown or originated outside the state of Idaho. (5-3-03)

~~**12. Person.** An individual, partnership, corporation, firm, association or agent. (5-3-03)~~

13. Wild Ginseng. Ginseng growing naturally within its native range. (5-3-03)

14. Wild Simulated Ginseng. Wild ginseng seeds or roots planted in natural habitat, within the natural range, in suitable ginseng habitat that is not further cultivated. (5-3-03)

15. Woodsgrown Ginseng. Ginseng grown in managed beds under natural shade. (5-3-03)

311. -- 319. (RESERVED)

320. REGULATED PRODUCTS.
American ginseng (*Panax quinquefolius*). (3-30-01)

321. -- 329. (RESERVED)

330. COLLECTION OF WILD GINSENG.

No grower's or dealer's registration will be issued for the collection, sale or distribution of wild ginseng. (3-30-01)

331. DEALERS AND GROWERS ANNUAL REGISTRATION WITH THE DEPARTMENT.

No person shall may act as a dealer or grower without first registering with the department. Any person who acts as a dealer and a grower shall register as both. The department will assign a registration number to each person registered. Registration with the applicable fee shall will be made annually no later than January 15 of each year on a form provided by the department and the registration will expire on December 31. (3-30-01)

332. --339. (RESERVED)

340. GROWER RECORDS.

A grower selling cultivated ginseng shall do all of the following when selling to a dealer: (3-30-01)

01. Record of Sale. Provide to the dealer a record of sale containing all of the following information: (3-30-01)

a. Grower's name and address; (3-30-01)

b. Grower's registration number; (3-30-01)

c. Ginseng certificate number; (3-30-01)

d. Ginseng dry weight; (3-30-01)

e. Year harvested; (3-30-01)

f. County of harvest; and (3-30-01)

g. Date of transaction. (3-30-01)

02. Certificate of Origin. Certify that the ginseng was grown in the state of Idaho. The certificate of origin shall be in the form is prescribed by the department. (3-30-01)

03. Records. Maintain records of all ginseng production and sales. Records must be maintained for a period of three (3) years. (3-30-01)

341. -- 349. (RESERVED)

350. DEALER RECORDS.

Dealers shall keep true and accurate records of transactions, including both sales and purchase records, in a format prescribed by the department. Records must be maintained for a period of three (3) years. (3-30-01)

01. Purchase Records. Purchase records shall include: (3-30-01)

a. Dealer's name, address and registration number; (3-30-01)

b. Grower/seller name and registration number; (3-30-01)

c. Ginseng weight in pounds and ounces; (3-30-01)

d. Designation of green or dry ginseng; (3-30-01)

e. Designation of wild or cultivated ginseng; (3-30-01)

- f. Harvest year of ginseng; (3-30-01)
- g. County in which the ginseng was harvested; and (3-30-01)
- h. Date of transaction. (3-30-01)
- 02. Sales Records Shall Include the Following Information:** (3-30-01)
- a. Dealer's name, address and registration number; (3-30-01)
- b. Buyer's name, address and registration number; (3-30-01)
- c. Ginseng weight in pounds and ounces; (3-30-01)
- d. Designation of green or dry ginseng; (3-30-01)
- e. Designation of wild or cultivated ginseng; (3-30-01)
- f. Harvest year; (3-30-01)
- g. County in which the ginseng was harvested; and (3-30-01)
- h. Date of transaction. (3-30-01)

351. -- 359. (RESERVED)

360. OUT-OF-STATE GINSENG.

01. Certificate of Origin. No dealer may purchase, receive or import out-of-state ginseng unless it is accompanied by a valid certificate of origin issued by the state or country of origin. The certificate must include: (3-30-01)

- a. The state or country of origin; (3-30-01)
- b. The source (wild or cultivated); (3-30-01)
- c. Year of harvest; and (3-30-01)
- d. Dry weight of the out-of-state ginseng. (3-30-01)

02. Recordkeeping. The dealer shall retain for a period of three (3) years a copy of each written certificate of origin received. (3-30-01)

03. Uncertified Ginseng. If a dealer receives ginseng not accompanied by a valid certificate of origin, the uncertified ginseng must be returned within thirty (30) days to the state or country of origin. Failure to do so ~~shall~~ renders the ginseng illegal for commerce. (3-30-01)

361. SELLING OR SHIPPING OF GINSENG -- CERTIFICATES.

01. Export. Except as described in Subsection 361.06, no person ~~shall~~ may sell or ship ginseng out-of-state or export Idaho grown ginseng unless it is accompanied by a valid, prenumbered certificate of origin on a form issued by the department. The department will ~~shall~~, upon request and receipt of the required fee(s), provide each registered grower or dealer with forms for certificates of origin. The department will ~~shall~~ identify each certificate of origin form with a serial number, and the registration number of the grower or dealer. Registered growers or dealers may certify their own cultivated ginseng by filling out and signing a certificate of origin form. The certificate of origin

~~shall~~ contains the following information: (3-30-01)

- a. State of origin; (3-30-01)
- b. Serial number of certificate; (3-30-01)
- c. Dealer's and/or grower's state registration number; (3-30-01)
- d. Year of harvest of ginseng being certified; (3-30-01)
- e. Designation as cultivated roots or plants; (3-30-01)
- f. Designation as dried or fresh (green) roots, or live plants; (3-30-01)
- g. Weight of roots or plants (or number of plants) separately expressed both numerically and in writing; (3-30-01)
- h. Date of certification; and (3-30-01)
- i. Signature of grower or dealer making certification. (3-30-01)

02. Idaho Certificate of Origin. All of the following conditions must be met in order for an Idaho certificate of origin to be valid: (3-30-01)

a. The grower or dealer whose registration number was entered on it by the department shall sign the certificate; and (3-30-01)

b. The ginseng ~~shall be~~ is cultivated ginseng grown in Idaho. (3-30-01)

03. Forms. Forms for certificates of origin are issued by the department in triplicate. The original is designated for the dealer's use in commerce; the first copy is for the dealer's records; and the grower or dealer shall send the second copy, within two (2) weeks of issuance, to the Division of Plant Industries, Idaho State Department of Agriculture, P.O. Box 7249, Boise, ID 83707. (3-30-01)

04. Out-of-State Issued Certificates. No person ~~shall~~ may export ginseng grown in Idaho using an out-of-state issued certificate. (3-30-01)

05. Wild Ginseng Certificates. Certificates of origin ~~shall~~ will not be issued for wild ginseng. (3-30-01)

06. Final Retail Sales. Subsection 361.01 ~~shall~~ does not apply to a person who sells or ships cultivated ginseng out-of-state to a person who is buying or receiving it solely for the purpose of final retail sale to consumers in the United States, if the person selling or shipping keeps a record for a period of three (3) years which includes: (3-30-01)

- a. Name and address of the buyer or receiver; (3-30-01)
- b. Weight of the ginseng in pounds and ounces; (3-30-01)
- c. Date of the sale or shipment; (3-30-01)
- d. County of harvest of the ginseng; and (3-30-01)
- e. Year of harvest of the ginseng. (3-30-01)

362. -- 369. (RESERVED)

370. MAINTAINING SEPARATE LOTS OF GINSENG.

Dealers shall maintain separation between lots of out-of-state ginseng and that harvested in Idaho until a certificate of origin has been issued for the ginseng harvested in Idaho. (3-30-01)

371. DEALER OR GROWER HOLDING GINSENG AFTER DECEMBER 31 OF THE YEAR.

Any grower or dealer holding ginseng on or after December 31 shall report all carryover stocks on a form provided by the department. The form shall list the following: (3-30-01)

- 01. Name and Address of the Grower or Dealer.** (3-30-01)
- 02. Location of the Lot.** (3-30-01)
- 03. Lot Identification.** (3-30-01)
- 04. County of Harvest.** (3-30-01)
- 05. Dry or Green Weight in Pounds and Ounces.** (3-30-01)
- 06. Year of Harvest.** (3-30-01)

372. -- 379. (RESERVED)

380. INSPECTION AND DISCLOSURE OF RECORDS.

01. Inspection. All records required to be kept under ~~this Subchapter C~~ shall be made available to the department upon request for inspection and copying. (3-30-01)

02. Disclosure. The department ~~shall~~ will not disclose information obtained regarding purchases, sales, or production of an individual ginseng dealer, except for providing reports to the United States Fish and Wildlife Service. (3-30-01)

381. -- 389. (RESERVED)

390. EXPORT PROCEDURES.

Valid federal Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) documents are necessary to export ginseng. (3-30-01)

391. FEES - HOURLY, OVERTIME.

Fees ~~shall~~ will be charged to cover the department's cost of implementing ~~these rules~~ Subchapter C. (3-30-01)

01. Certification and Overtime Rate. Ginseng certification services ~~shall~~ will be provided at an hourly and overtime rate as provided in Section 392 of Subchapter C ~~these rules~~. The overtime rate ~~shall~~ will apply for service provided subsequent to a regularly scheduled eight (8) hour week day shift or on Saturdays, Sundays, and state legal holidays. No service will be performed on Thanksgiving Day, Christmas Day or New Year's Day, beginning at 5 p.m., on the previous day. (3-30-01)

02. Minimum Charges. Charges ~~shall~~ will be for a minimum of one (1) hour. Additional time ~~shall~~ will be charged in one-half (1/2) hour increments. (3-30-01)

392. SCHEDULE OF FEES AND CHARGES.

The following schedule for ginseng certification services apply: (3-30-01)

- 01. Registration.** Registration (grower or dealer or grower and dealer), twenty-five dollars (\$25). (3-30-01)

- 02. **Certificate of Origin Form.** Certificate of origin form, each, ten dollars (\$10). (3-30-01)
- 03. **Hourly Rate.** Hourly rate for certification services, twenty-eight dollars (\$28). (3-30-01)
- 04. **Overtime Rate.** Overtime rate for certification services, thirty-three dollars (\$33). (3-30-01)
- 393. -- 999. **(RESERVED)**

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