

02.06.05 – RULES GOVERNING PLANT DISEASE AND QUARANTINES

000. LEGAL AUTHORITY.

~~This chapter is adopted under legal authority of~~ Sections 22-2004, and 22-2006, Idaho Code. ()

001. ~~TITLE AND SCOPE.~~

~~01. Title. The title of this chapter is IDAPA 02.06.05, “Rules Governing Plant Disease and Quarantines.”~~ ()

~~012. Scope.~~ This rule establishes regulated pests, regulated products, regulated articles, control areas, quarantine areas and special permits for certain crops to prevent the spread of plant disease and pests. This rule will provide regional consistency for plant pest quarantines. ()

0012. -- 009. (RESERVED)

010. DEFINITIONS.

The definitions set forth in Section 22-2005, Idaho Code, apply in the interpretation and enforcement of this rule. ()

SUBCHAPTER A – DISEASES OF HOPS

011. -- 111. (RESERVED)

112. REGULATED PESTS.

01. **Verticillium Wilt.** Plant Material infected with the disease caused by the fungus *Verticillium nonalfalfae* (formerly known as *Verticillium albo-atrum Reinke* and *Berth*) and any species or strains of the genus *Verticillium* pathogenic to hops. ()

02. **Powdery Mildew.** Plant Material infected with the disease caused by the fungus *Podosphaera macularis* (Wallr. Fr.), synonyms *Sphaerotheca macularis* (Wallr. Fr.) Lind and *Sphaerotheca humuli* (Burril) Lind. ()

03. **Hop Stunt Viroid.** Plant Material infected with the disease caused by the viroid *Hostuviroid hop stunt viroid* and all strains and genetic variants associated with the genus. ()

04. **Ilarvirus Species.** Plant Material infected with the disease caused by virus species within the Genus *Ilarvis*, including but not limited to Apple Mosaic Virus and Prunus Necrotic Ringspot Virus. ()

113. -- 119. (RESERVED)

120. REGULATED ARTICLES.

01. **Plant Material.** Plants and all plant parts of hops, except kiln dried cones. ()

~~02. Machinery. Machinery, vehicles, tools, equipment, trellis poles, wire, anchor irons, and any other appurtenances used in the culture and/or production of hops.~~ ()

121. -- 129. (RESERVED)

130. QUARANTINE AREA.

Commented [LK1]: Jennifer Moss – concerns with getting hops into the state.

Andrea – there is consistency in requirements between OR/WA/ID.

All areas outside of the territorial borders of Idaho, Oregon, and Washington. ()

131. -- 139. (RESERVED)

140. RESTRICTIONS ON IMPORT.

No person may import restricted articles from the quarantined area into Idaho unless the person importing the regulated articles first obtains a special permit from the department as set forth in Section 160. ()

141. ~~149~~150. (RESERVED)

~~150. MOVEMENT OF USED FARMING EQUIPMENT.~~

~~01. Clean and Free. Used farm equipment including, but not limited to, tillage equipment, vehicles, and hop yard appurtenances moving into Idaho from the quarantine area, must be clean and free of soil and plant material including, but not limited to, hop debris. ()~~

~~02. Requirements. Freedom from plant material and soil may be accomplished by washing, steam cleaning, and/or use of a disinfectant appropriately labeled for the purpose. ()~~

151. -- 159. (RESERVED)

160. SPECIAL PERMITS.

Any person(s) or agencies wishing to import covered commodities from the ~~area under~~ quarantine ~~area~~ must apply in writing for a special permit as authorized by the ~~director of the~~ department. ()

01. Application. Application for special permits must list the prospective buyer and seller; the number, and origin of stock; location of proposed planting site; and any other relevant information. ()

02. Conditions. Special permits, when granted, may include such conditions as may be necessary to prevent disease establishment. All permitted material must be found free from regulated pests by ~~a federal, state, or university laboratory~~ the Clean Plant Center at Washington State University, Prosser, Washington, or an equivalent lab approved by the department. ()

161. -- ~~169~~211. (RESERVED)

~~170. PEST DETECTION.~~

~~01. Inspection. If evidence of a regulated pest is detected by visual inspection, the Department, in cooperation with the University of Idaho, Department of Plant, Soil and Entomological Sciences, will perform laboratory procedures sufficient to determine the causal organism. ()~~

~~02. Consequences. Positive identification of the presence of Verticillium wilt, hop stunt viroid, ilar viruses, or powdery mildew virulently pathogenic to hops will result in loss of eligibility for sale or transfer for those rootstocks within the infested field. The director may also order that the infested area be removed from hop production and the soil be disinfested. ()~~

~~171. -- 179. (RESERVED)~~

~~180. AUTHORITY TO ENTER AND INSPECT.~~

~~The Director of the Idaho State Department of Agriculture or his designated agent is authorized to enter and inspect any and all hop plantings within the state of Idaho. ()~~

~~181. -- 189. (RESERVED)~~

~~190. FEES AND CHARGES.~~

~~01. Special Permits. For special permits for importation of hops from areas under quarantine, the fee will be sixty dollars (\$60) per permit. ()~~

~~02. General Fees and Charges. The fees and charges for inspection, certificates, and permits are as set forth in IDAPA 02.06.04, "Idaho Department of Agriculture, Rules Governing Plant Exports," Section 195. ()~~

~~191. – 211. (RESERVED)~~

SUBCHAPTER B – WHITE ROT DISEASE OF ONION

212. REGULATED PEST.
Onion white rot (*Sclerotium cepivorum*). ()

213. – 219. (RESERVED)

220. DESIGNATED COUNTIES.
Ada, Bingham, Blaine, Boise, Bonneville, Canyon, Cassia, Elmore, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Minidoka, Owyhee, Payette, Power, Twin Falls, and Washington Counties, state of Idaho. ()

221. – 229. (RESERVED)

230. REGULATED PRODUCTS.
Bulbs, sets, or seedlings of onion, garlic, leek, chive, shallot or other Allium species, including all ornamental Allium species, for planting purposes, ~~and all machinery, tools, and equipment used in the production of Allium species.~~
()

231. – 249. (RESERVED)

250. RULES GOVERNING SHIPMENTS.

01. Shipment for Planting Purposes. No person may import into the designated counties bulbs, sets or seedlings of onion, garlic, leek, chives, shallots or other Allium species, including ornamentals, for planting purposes except as provided in Subsections 250.02 through 250.04. ()

02. Designated Counties. Allium production within the designated counties shall be limited to production from seed, or from vegetative propagative material produced from seed within the designated counties. Bulbs, sets or seedlings of Allium species produced within the designated counties then exported from the designated counties for processing or other purposes cannot be returned to the designated counties for planting purposes.
()

03. Vegetative Propagative Material. Vegetative propagative material, produced under aseptic conditions ~~or field inspected by the Department during active growth,~~ may be brought into the designated counties if an exemption is granted by the ~~Director, or the Director's designated agent~~ Department.
()

04. Allium Exemption. Bulbs, sets, or seedlings of Allium species, for planting purposes, produced in Malheur County, Oregon, and regulated by similar rules are exempt from the restrictions of Subsection 250.01.
()

~~**05. Machinery, Tools and Equipment.** Except as provided in Subsections 250.06 and 250.07, no person shall, in any manner, import or move into the designated counties any machinery, tools, or equipment that have been previously used in any manner on fields outside the designated counties where the host plants named in Section 230 have ever been cultivated. ()~~

~~**06. Cleaning Machinery, Tools and Equipment.** Machinery, tools, or equipment may be imported or~~

Commented [LK2]: Jennifer Moss – trouble getting ornamental allium into the state due to the rule, is there a way to get an exemption or loophole that she can work with? Problem with bulbs coming in vs. seed.

Tina – there are possibly two growers in the quarantine area that plant ornamental allium, there is a field inspection option.

Commented [LK3]: Jeffrey Bryant – Would like to see additional testing options for coming from USDA in Pullman, or an exemption similar to Malheur County.

~~moved into the designated counties if they are first steam cleaned and disinfested to the satisfaction of, and with the prior approval of, the Director. The cleaning shall include the complete removal of all soil by the use of steam under pressure. Disinfestation is accomplished as specified by the Director. For the purpose of Subchapter B, machinery, tools and equipment includes, but is not limited to, farm trucks, harvesters, and tillage equipment. ()~~

~~07. Exemptions. Machinery, tools or equipment utilized in Malheur County, Oregon, are exempt from the prohibition in Subsections 250.05 and 250.06. ()~~

~~08. Authority of Director. The Director may stop the movement into or within any designated county of any machinery, tools, or equipment that have not been cleaned and disinfested as provided for in Subsection 250.06 until such machinery, tools and equipment are so cleaned and disinfested. ()~~

~~251. -- 259~~**309. (RESERVED)**

~~260. DISPOSITION OF VIOLATIONS.~~

~~Any plant material, plant products or machinery, tools or equipment, imported into any designated county in violation of Subchapter B shall immediately be sent out of the county and all counties specified in Section 220 or destroyed at the option and expense of the owner or owners, his or their agents and under the direction of the Director. ()~~

~~261. -- 269. (RESERVED)~~

~~270. INSPECTION AND CONTROL PROCEDURES.~~

~~01. Inspection. The Director may inspect any regulated product or regulated product planting areas within the designated counties during any time of the year to determine if the disease organism is present therein. If the Director finds that any of the regulated products enumerated in Section 230, whether or not being transported, or any fields are infested with the disease organism, the Director will, by written control order, delivered or mailed to the grower and/or land owner, direct the control of the infestation, and may, prior to issuance of the order, seize any infested regulated products that are separated from the land on which grown. ()~~

~~02. Movement. Movement of such regulated products within the designated counties or removal of such from the designated counties may be carried out only with the Director's prior approval and under the Director's supervision. ()~~

~~03. Controls. Control methods used are only those approved by the Director and may include, but are not limited to, the following directives: ()~~

~~a. Any infested regulated products will be destroyed. ()~~

~~b. A directive that a specific part or all of any infested area will be taken out of Allium species production. ()~~

~~c. Any infested area will be fenced, properly diked to prevent runoff or irrigation or rainwater, and planted to an approved crop that will prevent soil erosion and will not require annual tillage. ()~~

~~d. The pasturing of animals on any infested area is prohibited. ()~~

~~e. Equipment, tools and machinery used on an infested area will be cleaned and disinfested prior to removal from said area. ()~~

~~271. -- 279. (RESERVED)~~

~~280. SPECIAL EXEMPTIONS.~~

~~The Director may, with the consent of the owner, allow use of an infested growing area as an experimental plot in cooperation with the University of Idaho for onion white rot research. ()~~

~~281. – 309. (RESERVED)~~

SUBCHAPTER C – APPLE AND CHERRY PESTS

310. DEFINITIONS.

The definitions found in section 310 apply to the interpretation and enforcement of Subchapter C only: ()

01. Commercial Fruit. Fruit harvested from a commercial orchard and destined to a commercial processing plant, packing plant, or for retail or wholesale sales. ()

02. Commercial Orchard. An orchard in which fruit is grown for commercial purposes under accepted industry, university agricultural extension service, and regulatory guidelines. ()

03. Graded Culls. Apples that have failed to meet industry quality standards for fresh markets, yet meet industry quality standards for processing purposes. ()

04. Infested Area. An area where a regulated pest is known to be present and is capable of reproducing and maintaining a viable population. ()

05. Threatened with Infestation. The entire commercial orchard is threatened with infestation when an outside boundary is within one-half (1/2) mile of an established regulated pest even if a portion of the commercial orchard is beyond one-half (1/2) mile of an established regulated pest. ()

~~311. – 319. (RESERVED)~~

320. REGULATED PESTS.

01. Apple Maggot (*Rhagoletis pomonella*). ()

02. Cherry Fruit Fly (*Rhagoletis cingulata* complex, including *R. indifferens* and *R. fausta*); **Plum curculio** (*Conotrachelus nenuphar* (Coleoptera: Curculionidae)) ()

321. REGULATED ARTICLES.

~~01. Apple Maggot. All commercially packed fresh fruit of apple (including crabapple), cherry (except cherries that are commercial fruit), hawthorn (haw), pear (except pears that are commercial fruit from California, Idaho, Oregon, Utah, and Washington), plum, prune, and quince, and rose hips are regulated under quarantine for apple maggot. ()~~

~~02. Cherry Fruit Fly. All domestic and wild cherries and cherry trees. ()~~

~~322. – 329. (RESERVED)~~

330. REGULATED AREAS – APPLE MAGGOT.

01. Non-Infested Areas -- Within Idaho. ~~Any commercial orchard surveyed for verification of pest freedom and found negative. The entire counties of Canyon, Owyhee and Payette; portions of the counties of Gem and Washington lying south of the quarantine areas as outlined in Subsections 330.02.a. and 330.02.b. ()~~

~~02. Infested Areas -- Within Idaho. The following areas are declared by the director to be under quarantine for Apple maggot: the counties of Franklin, Oneida, Caribou, Ada, Boise and Gooding; and portions of Gem and Washington counties as outlined in Subsections 330.02.a. and 330.02.b. ()~~

Commented [LK4]: Jared Stuart – if there is an area where a treatment is taking place outside of a designated area...should also be surveyed.

~~a. Gem County Quarantine Area. Those portions of Gem county lying northerly of a line described as follows: Commencing at the Northwest corner of Section 3, T.7N, R.2W; thence East along section lines to the Northwest corner of Section 6, T.7N, R.1W; thence South along section lines to the Southwest corner of Section 7; thence East along section lines to the Northeast corner of Section 15, T.7N, R.1W; thence South along section lines to the middle of the main channel of the Payette River; thence easterly along said river to the East line of the county. ()~~

~~b. Washington County Quarantine Area. Those portions of Washington county lying northerly of a line described as follows. Commencing at the Snake River at the Southern boundary of T.12N, R.7W; thence East along section lines to the Southwest corner of Section 35, T.12N, R.5W; thence North along section lines to the Northwest corner of Section 23, T.12N, R.5W; thence East along section lines to the Northwest corner of Section 21, T.12N, R.4W; thence South along section lines to the Southwest corner of Section 33, T.12N, R.4W; thence East along section lines to the Southwest corner of Section 31, T.12N, R.1E; thence East along section lines to the East line of the county. ()~~

~~03. Infested Areas—Outside of Idaho. All states or foreign countries or portion thereof where Apple maggot is known to occur. ()~~

331. – 339. (RESERVED)

340. RESTRICTIONS—~~APPLE MAGGOT.~~

~~01. Certification Required. Shipments. Any shipment of regulated articles shall be free from infestation of regulated pests. Regulated articles described in this quarantine that are produced in or shipped from infested areas are prohibited movement into or within the state of Idaho unless a certificate accompanies the shipment evidencing compliance with Subsections 340.03, 340.04, 340.05, or 340.07. No certificate is required for regulated articles meeting the requirements of Subsections 340.02 or 340.06. ()~~

~~02. Reshipments in Original Containers. Regulated articles in original unopened containers, each bearing labels or other identifying marks evidencing origin outside an infested area, may be reshipped to the regulated area from any point within the area under quarantine. ()~~

~~03. Repacked Regulated Articles. Regulated articles may be repacked and shipped by common carrier from any point within an infested regulated area provided that each lot or shipment is accompanied by a certificate stating that the regulated articles have been grown outside an infested regulated area and have had their identity continuously maintained while in an infested regulated area. The certificate shall contain the following information: ()~~

~~a. The county in which the regulated articles were grown. ()~~

~~b. The point of repacking and reshipment. ()~~

~~c. The amount and kind of regulated articles comprising the lot or shipment. ()~~

~~d. The names and addresses of the shipper and consignee. ()~~

~~04. Apples Exposed to Controlled Atmosphere Storage. Apples exposed for a continuous period of ninety (90) days, during which period the temperature within the storage room has been maintained at thirty-eight (38) degrees Fahrenheit or less, may be admitted into the regulated area, provided that the storage room or building is approved by the Director as a controlled atmosphere facility, and each lot or shipment of such apples to the regulated area is accompanied by a certificate, as provided in Subsection 340.01. ()~~

~~05. Shipments From Cold Storage. Regulated articles described in Subsection 321.01 that are held in cold storage for a continuous period of forty (40) days or more, during which period the temperature within the storage room is maintained at thirty-two (32) degrees Fahrenheit or less, may be admitted into the regulated area, provided~~

that each lot or shipment is accompanied by a certificate as stated in Subsection 340.01 evidencing compliance with the minimum temperature requirements. ()

~~06. Solid Frozen Fruits Exempt.~~ No restrictions are placed on the movement of fruits that upon arrival are frozen solid and that are under refrigeration to assure their solid frozen state. ()

~~07. Regulatory and Control Measures.~~ Regulatory and control measures may be prescribed by the Director within designated areas to prevent or minimize the possible movement of Apple maggot from commercial orchards. When it has been determined that commercial fruit of apple (including crabapple), hawthorn (both native and ornamental), plum, prune, peach and apricot trees (except graded culls—see Subsection 340.07.b.iii.) may be infested with or threatened with infestation by Apple maggot, the fruit will be sampled by an investigator, following accepted industry procedures for sampling and inspection for presence of Apple maggot. ()

~~a.~~ If found to be free from Apple maggot, a certificate as provided for in Subsection 340.01 will be issued. ()

~~b.~~ If found to be infested with Apple maggot, one (1) or more of the following procedures will be prescribed before fresh fruit of apple (including crabapple) and hawthorn (both native and ornamental) are moved from designated or regulated areas. ()

~~i.~~ Fresh fruit to be exposed to controlled atmosphere storage as provided in Subsection 340.04. ()

~~ii.~~ Fresh fruit to be exposed to cold storage as provided in Subsection 340.05. ()

~~iii.~~ Graded culls are subject to Subsections 340.07.b.i. or 340.07.b.ii. ()

~~08. Infested or Damaged Regulated Articles.~~ All regulated articles as described in Section 321.01 known, or found to be infested with, or damaged by Apple maggot shall not be sold, held for sale, or offered for sale, except as provided for in Subsections 340.04 and 340.05. ()

341. – 349-511. (RESERVED)

350. REGULATED AREAS – CHERRY FRUIT FLY.

~~01. Canyon County, Idaho.~~ The following is hereby designated an area of mandatory control for Cherry fruit fly: Commencing at the corner common to Sections 22, 23, 26 and 27 of Township 4 North, Range 5 West, Boise, Meridian; thence South to the Snake River to the point formed by section line between Sections 11 and 14 in Township 2 North, Range 4 West, Boise, Meridian; then East along said section line projected to where said line meets Lake Lowell; thence northwesterly across Lake Lowell to a point on the section line between Sections 26 and 27 of Township 3 West, Range 3 North, Boise, Meridian where said line meets Lake Lowell; then North along said section line to a point which is the corner common to Sections 10, 11, 14 and 15 of Township 3 North, Range 3 West, Boise, Meridian; thence West to a point, the west corner common to Sections 7, 12, 13 and 18, Township 3 North, Range 3 West Boise, Meridian; thence North to a point the east corner common to Sections 1 and 12, Township 3 North, Range 4 West, Boise, Meridian; thence West to a point the corner common to Sections 2, 3, 10 and 11, Township 3 North, Range 4 West, Boise, Meridian; thence North to a point which is the section corner common to Sections 26, 27, 34 and 35 of Township 4 North, Range 4 West, Boise, Meridian; thence West to a point which is the section corner common to Sections 27, 28, 33 and 34 of Township 4 North, Range 4 West, Boise, Meridian; thence North to a point which is the section corner common to Sections 21, 22, 27 and 28, Township 4 North, Range 4 West, Boise, Meridian; thence West to the point of beginning. ()

~~02. Gem County, Idaho.~~ The following is hereby designated an area of mandatory control for Cherry fruit fly: Commencing at the corner common to Sections 4 and 5 of T. 6 N., R. 3 W., B. M. and Sections 32 and 33 of T. 7 N., R. 3 W., B. M., which corner is on the West line of Gem County, Idaho; thence South along said county line to a point which is the Southwest corner of Section 33 of T. 6 N., R. 3 W., B. M.; thence East along the South line of said Section 33 to its Southeast corner; thence North along the East line of said Section 33; and continuing North

along the extension of said line to a point which is the corner common to Sections 15, 16, 22 and 23 of T. 6 N., R. 3 W., B. M.; thence East along the section line between Sections 15 and 22 of T. 6 N., R. 3 W., B. M. to a point on the division line between Ranges 2 and 3 W., T. 6 N., B. M.; thence South along the division line between the said Ranges 2 and 3 W., T. 6 N., B. M., to the East corner common to Sections 24 and 25, T. 6 N., R. 3 W., B. M.; thence East to a point which is the East corner common to Sections 19 and 30 of T. 6 N., R. 2 W., B. M.; thence South to a point which is the East corner common to Sections 30 and 31, T. 6 N., R. 2 W., B. M.; thence East along the section line between said Sections 30 and 31, extended to a point which is the East corner common to Sections 29 and 32, T. 6 N., R. 1 W., B. M.; thence North to a point which is the East corner common to Sections 20 and 29, T. 6 N., R. 1 W., B. M.; thence East to a point which is the East corner common to Sections 21 and 28, T. 6 N., R. 1 W., B. M.; thence North to a point which is the East corner common to Sections 16 and 21, T. 6 N., R. 1 W., B. M.; thence East to a point which is the East corner common to Sections 15 and 22, T. 6 N., R. 1 W., B. M.; thence North to a point which is the East corner common to Sections 8 and 10, T. 6 N., R. 1 W., B. M.; thence East to a point which is the East corner common to Sections 2 and 11, T. 6 N., R. 1 W., B. M.; thence North to a point which would be the East corner common to Sections 23 and 26, T. 7 N., R. 1 W., B. M.; thence West to a point which is the Northwest corner of Section 25, T. 7 N., R. 2 W., B. M.; thence South to a point which is the Northwest corner of Section 1, T. 6 N., R. 2 W., B. M.; thence West to the point of beginning. (—)

~~351. — 359. (RESERVED)~~

~~360. — RESTRICTIONS — CHERRY FRUIT FLY.~~

~~01. — Treatments Required.~~ Each person, or person's agent, located in Cherry fruit fly regulated areas as stated in Section 350 shall treat, or cause to be treated at his own expense, each of the regulated articles as listed in Subsection 321.02 on their property in order to minimize the population of the Cherry fruit fly. (—)

~~02. — Chemical Treatments.~~ Chemical treatments shall be carried out utilizing proper timing, methods and pesticides as recommended by the University of Idaho Cooperative Extension Service, approved for use on the commodity by the Environmental Protection Agency, and registered with the Idaho State Department of Agriculture. The regulated articles will be treated so as to effect the best control of the Cherry fruit fly, as per the pesticide label and University recommendations. (—)

~~03. — Emergence.~~ The date of the emergence of the first Cherry fruit fly in the county will be made public in the Cherry fruit fly regulated areas by the Department. The date of first emergence is determined by historical evidence, a population model utilizing degree-day accumulations or by actual trapping of adult individuals. (—)

~~04. — Additional Spraying Responsibilities.~~ The duty to treat cherry trees includes a similar duty to treat all parts of any type of tree within twenty (20) feet of any portion of a cherry tree, using methods specified in Subsection 360.02. (—)

~~05. — Failure to Treat.~~ In the event that the person or person's agent fails or refuses to effect the treatment specified in Subsection 360.02, the Director will carry out the treatment at the expense of the person in charge or possession of the tree(s), as provided under Section 22-2010, Idaho Code. (—)

~~361. — 369. (RESERVED)~~

~~370. — SPECIAL PERMITS.~~

~~The Director may issue special permits admitting regulated articles covered in this quarantine not otherwise eligible for entry from the area under quarantine, subject to conditions and provisions, that the Director may prescribe to prevent introduction, escape or spread of the quarantine pests. (—)~~

~~371. — 411. (RESERVED)~~

~~SUBCHAPTER D — EUROPEAN CORN BORER~~

~~412. — REGULATED PEST.~~

European corn borer (*Ostrinia nubilalis*). ()

413. — 419. (RESERVED)

420. AREA AND ARTICLES UNDER QUARANTINE.

01. Infested Area. ()

a. Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. ()

b. In Florida, the counties of Calhoun, Escambia, Gadsden, Hamilton, Holmes, Jackson, Jefferson, Madison, Okaloosa, and Santa Rosa. ()

c. In Louisiana, the parishes of Bossier, Caddo, Concordia, East Carroll, Franklin, Madison, Morehouse, Natchitoches, Ouachita, Red River, Richland, Tensas, and West Carroll. ()

d. In Texas, the counties of Bowie, Carson, Castro, Dallam, Deaf Smith, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, and Sherman. ()

02. Noninfested Area. All parishes, counties, states, districts, and territories of the United States not named in the infested area are known as the non-infested area. ()

03. Articles and Commodities Covered. ()

a. Corn, broomcorn, sorghum, and sudan grass plants and all parts thereof (including shelled grain and stalks, ears, cobs, and all other parts, fragments, or debris of said plants); ()

b. Beans in the pod and pepper fruits; ()

c. Plants of aster, chrysanthemum, geranium, hollyhock, dahlia, and gladiolus. ()

421. — 429. (RESERVED)

430. RESTRICTIONS AND EXEMPTIONS.

01. Restrictions. ()

a. Articles and commodities covered are prohibited entry into Idaho from the infested area unless accompanied by a certificate, issued by an authorized representative of the origin state Department of Agriculture, as provided below in Subsections 430.01.a.i. and 430.01.a.ii. ()

i. Shelled grain certificate of treatment stating that the grain has passed through a one-half (1/2) inch or smaller size mesh screen. ()

ii. Shelled grain not screened as in Subsection 430.01.a.i. or other articles and commodities certificate of processing and inspection specifying that all of the commodities and articles in the lot or shipment were processed and inspected in conformity with a method and in a manner prescribed by the Director, or the Director's agent. Such methods are obtainable on request from the Department. ()

iii. Articles and commodities covered originating in the parishes of Louisiana and the counties of Florida and Texas that are not infested with European corn borer may enter Idaho if accompanied by a certificate of origin issued by an authorized representative of the origin state Department of Agriculture specifying that no portion

of the articles or commodities in the lot or shipment was grown in an area where the European corn borer is known to occur. Origin certification is not required for entry into Idaho of articles and commodities covered that originated in states, districts, and territories in the noninfested area. ()

b. All certificates must be dated and set forth the kind and quantity of articles or commodities constituting the lot or shipment covered thereby, the initials and number of the railway car or license number of the truck, and the names and addresses of the shipper and consignee. ()

02. **Exemptions.** Certification requirements are waived on the following articles and commodities covered, with the stipulation that such articles and commodities are subject to inspection by the Director and must be free of plant portions or fragments capable of harboring European corn borer. ()

a. Shelled popcorn, seed for planting or clean sacked grain for human consumption. ()

b. Beans in the pod or pepper fruits in lots or shipments of ten (10) pounds or less. ()

c. Seedling plants or divisions without stems of the previous year's growth of aster, chrysanthemum or hollyhock. ()

d. Dahlia tubers without stems. ()

e. Gladiolus corms without stems. ()

f. Very pungent types of pepper fruits. ()

g. Articles and commodities covered when they have been processed or manufactured in a manner that in the judgement of the Director eliminates all danger of carrying European corn borer. ()

h. The Director may, upon application, issue a permit to a recognized research agency to import specified quantities of the quarantined articles listed in Subsection 420.03 for experimental purposes. ()

431. – 439. (RESERVED)

440. **VIOLATIONS.**

01. **Incoming Shipments.** ()

a. Any or all shipments of lots of the quarantined articles enumerated in Subsection 420.03 arriving in Idaho in violation of this quarantine shall immediately be sent out of the state, destroyed, or treated by a method and in a manner prescribed by the Director at the option and expense of the owner or owners, or responsible agents. ()

b. If any lot or shipment certified by the state of origin as prescribed in Subsection 430.01 is found to contain materials capable of harboring an infestation, the Director may review the program of the state of origin to determine if it meets the requirements of Subchapter D. ()

412441. – 511. (RESERVED)

SUBCHAPTER E – PEACH TREE DISEASES

512. **REGULATED PESTS.**

The viral diseases known as Peach Yellows, Peach Rosette, and Little Peach. ()

513. – 519. (RESERVED)

520. **AREA UNDER QUARANTINE.**

~~The entire states of Alabama, Arkansas, (except counties of Benton, Clark, Columbia, Garland and White), Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland (except counties of Worcester and Somerset), Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. All states or foreign countries or portion thereof where Peach Yellows is known to occur.~~

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521. -- 524. (RESERVED)

525. REGULATED ARTICLES.

All trees, cuttings, grafts, scions, or buds of all species and varieties including the flowering forms of peach, nectarine, apricot, almond, plum, and prune, and any trees budded or grafted on peach stock or peach roots, coming from a regulated area. ()

526. -- 529. (RESERVED)

530. RESTRICTIONS GOVERNING SHIPMENTS.

The regulated articles will not be admitted into Idaho from the regulated areas unless the state of origin certifies that they were produced in a county free from infection with the regulated pests, as determined by adequate annual surveys satisfactory to the Director, and from disease-free bud sources, rootstocks, and environs. ()

531. -- 539. (RESERVED)

540. OFFICIAL CERTIFICATE REQUIREMENTS.

The certificates required by Section 530 of these rules, will state the names and addresses of the shipper and consignee, the number and kind of regulated articles in the shipments, and the area where grown. A copy of the certificate accompanies the shipment, and one (1) copy is forwarded at the time of shipment to the Division of Plant Industry, Idaho State Department of Agriculture, Boise, Idaho. ()

541. -- 549. (RESERVED)

550. EXEMPTIONS.

This quarantine does not apply to experiments of the United States Department of Agriculture in the state of Idaho nor to experiments of the College of Agriculture, Department of Pathology of the University of Idaho. ()

551. -- ~~559~~609. (RESERVED)

~~**560. — PENALTY.**~~

~~Any or all shipments or lots of the regulated articles enumerated in Section 525, of these rules, arriving in Idaho in violation of this chapter shall immediately be sent out of the state or destroyed at the option and expense of the owner or owners, or responsible agents and under the direction of the Director. ()~~

~~561. — 569. — (RESERVED)~~

~~**570. — COMMON CARRIER AGENTS MUST HOLD SHIPMENTS.**~~

~~Any and all lots of shipments of commodities covered by this quarantine must be held and not delivered to consignee or agent until inspected and passed by the Director. ()~~

~~571. — 609. — (RESERVED)~~

SUBCHAPTER F – DISPOSAL OF CULL ONIONS AND POTATOES

610. DEFINITIONS.

The definitions found in section 610 apply to the interpretation and enforcement of Subchapter F only. ()

01. Cull Onions. Refers to those onions that are not marketable or useable for consumption or are

generally considered waste, and includes the residue left in the field from the production of onion seed as well as commercial onions. ()

02. Cull Potatoes. Refers to those potatoes that are not marketable or useable for consumption or as seed potatoes and includes the residue left in the field from commercial or seed potato production, or as a result of spoilage while in storage. ()

611. -- 619. (RESERVED)

620. REGULATED AREA.

01. Onions. Ada, Canyon, Gem, Payette, Owyhee, and Washington Counties, state of Idaho. ()

02. Potatoes. The entire state of Idaho. ()

621. -- 629. (RESERVED)

630. REGULATED PRODUCTS.

01. Cull Onions. All cull onions produced as a result of market conditions, the grading process, or as a result of breakdown in storage or sorted out in the field during harvest and bulbs and waste left over from seed production. ()

02. Cull Potatoes. All cull potatoes produced as a result of market conditions, the grading process, or as a result of breakdown in storage, or sorted out in the field during harvest and tubers and waste left over from potato seed production. ()

631. -- 639. (RESERVED)

640. DISPOSITION OF CULL ONIONS.

All cull onions existing in the control area shall be disposed of by a method approved of in Section 641 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 only enforces the cull onion disposal portions of this rule from March 15th through July 1st of each year. ()

641. DISPOSAL METHODS.

To control the spread of the onion maggot and related onion diseases, all disposal methods listed in Section 641 must be carried out to the extent that control of the regulated pest(s) is achieved in order to be in compliance with Subchapter F. ()

01. Disposal by Covering in Dumps or Pits. ()

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. ()

b. Covering shall be accomplished by March 15th of each year or as provided in Section 640 of this rule. ()

02. Disposal by Feeding After March 15th of Each Year. ()

~~**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 may not be fed from piles. ()~~

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

ae. 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. ()

bd. 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. ()

ce. Feeding areas and areas where onions are buried shall be treated in the manner set out in Section 641. ()

~~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 641. ()~~

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. ()

04. Disposal of Residue in Onion Producing Fields. ()

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. ()

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. ()

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. ()

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. ()

642. INCLEMENT WEATHER.

If inclement weather prevents disposal by the methods in Subsections 641.01 through 641.06, culls shall be treated with an EPA-labeled insecticide at prescribed intervals as recommended by the University of Idaho Agricultural Extension Service until proper disposal as prescribed in Subsections 641.01 through 641.06 can be carried out. ()

643. (RESERVED)

644. NOTIFICATION REQUIRED.

Any person or entity delivering cull onions for disposal in the area regulated for cull onion disposal shall provide written notification to the recipient of those cull onions advising the recipient of this rule and the recipient's obligations for the disposal of the cull onions under this rule. If the recipient is not the property owner, written notification shall also be made to the owner of the property where the onions are to be disposed of. Failure to make such notification in writing is a violation of Subchapter F. ()

645. -- 649. (RESERVED)

650. DISPOSITION OF CULL POTATOES.

All cull potatoes existing west of the Raft River shall be rendered non-viable by April 15th of each year and all cull

potatoes generated after April 15th shall be rendered non-viable on a daily basis until September 20th. All cull potatoes existing east of the Raft River shall be rendered non-viable by May 15th of each year and all cull potatoes generated after May 15th shall be rendered non-viable on a daily basis until September 20th. ()

651. CULL POTATO DISPOSAL METHODS.

Cull potatoes shall be disposed of in a manner as to render them non-viable. Disposal methods are those as recommended by the University of Idaho Agricultural Extension Service. ()

652. -- 659819. (RESERVED)

660. — AUTHORITY TO ENTER AND INSPECT.

The Director or Director's agents are authorized to enter and inspect all onion and potato cull dumps and disposal sites in the state of Idaho for the purpose of insuring compliance with Subchapter F. ()

661. -- 709. — (RESERVED)

SUBCHAPTER G — MINT ROOTSTOCK AND CLONE PRODUCTION

710. — DEFINITIONS.

The definitions found in section 710 apply in the interpretation and enforcement of Subchapter G only: ()

—— **01. — Certified Defined Generation.** The origin of mint rootstock is in the restricted area and its history may be directly traced, not to exceed five (5) generations, to its source as healthy clones. ()

—— **02. — Healthy Clones (HC).** Those plants, which are cloned, having been cleansed, tested and maintained in an approved greenhouse and under the supervision of the state of origin's agricultural regulatory authority. The origin of all clones shall be listed on all clone transfer permits. ()

—— **03. — Nuclear Planting Stock (NPS).** Those rootstocks originating from healthy clones. ()

—— **04. — Certified Defined Generation 1 (CDG-1).** Those rootstocks one (1) generation removed from nuclear planting stock, and fulfilling the requirements as herein provided. ()

—— **05. — Certified Defined Generation 2 (CDG-2).** Those rootstocks one (1) generation removed from CDG-1 planting stock and fulfilling the requirements as herein provided. ()

—— **06. — Certified Defined Generation 3 (CDG-3).** Those rootstocks one (1) generation removed from CDG-2 planting stock and fulfilling the requirements as herein provided. ()

—— **07. — Certified Defined Generation 4 (CDG-4).** Those rootstocks one (1) generation removed from CDG-3 planting stock and fulfilling the requirements as herein provided. ()

—— **08. — In-State Defined Generation.** The roots have been grown in the commercial production area and their history may be directly traced, not to exceed five (5) generations, to their source as healthy clones. ()

—— **09. — In-State Defined Generation 1 (SDG-1).** Those rootstocks one (1) generation removed from nuclear planting stock, and fulfilling the requirements as herein provided. ()

—— **10. — In-State Defined Generation 2 (SDG-2).** Those rootstocks one (1) generation removed from SDG-1 or CDG-1 planting stock and fulfilling the requirements as herein provided. ()

—— **11. — In-State Defined Generation 3 (SDG-3).** Those rootstocks one (1) generation removed from SDG-2 or CDG-2 planting stock and fulfilling the requirements as herein provided. ()

—— **12. — In-State Defined Generation 4 (SDG-4).** Those rootstocks one (1) generation removed from SDG-3 or CDG-3 planting stock and fulfilling the requirements as herein provided. ()

~~13. Field. A parcel of land submitted to the department for inspection of the mint being grown thereon, and physically separated by a minimum of five (5) feet of bare ground, or irrigation ditch, or road, or other physically discernible barrier separating it from an adjacent parcel of land planted with mint. ()~~

~~711. (RESERVED)~~

~~712. REGULATED PESTS.~~

~~01. Diseases. Verticillium wilt (*Verticillium dahliae* Kleb) a persistent soil-borne fungal disease of mint and any virulently pathogenic, persistent disease known to be detrimental to the production of mint rootstock in the restricted area and the commercial production area. ()~~

~~02. Insects. ()~~

~~a. Restricted area as defined in Subsection 720.02: Mint stem borer (*Pseudobaris nigrina*), insect pests of mint rootstocks and any persistent insect pest known to be detrimental to the production of mint rootstocks and without effective control options. ()~~

~~b. Commercial production area as defined in Subsection 720.01: Mint stem borer (*Pseudobaris nigrina*), insect pest of mint rootstocks and any persistent insect pest known to be detrimental to the production of mint rootstocks and without effective control options. ()~~

~~03. Noxious Weeds. ()~~

~~a. In both the commercial production area and restricted area as defined in Subsections 720.01 and 720.02: those weeds declared noxious by authority of Title 22, Chapter 24, Idaho Code (Noxious Weed Law) and Rules. ()~~

~~b. Growers will be notified by the Department of existing noxious weed problems. If noxious weeds have not been effectively controlled as determined by the Department, prior to the second inspection, the field will be rejected for certification by the Department. ()~~

~~713. - 714. (RESERVED)~~

~~715. REGULATED PRODUCTS.~~

~~01. Mentha. Rootstocks of all species of the genus *Mentha*. ()~~

~~02. Mentha Production Equipment. Machinery, tools, and equipment used in the production of *Mentha* species. ()~~

~~716. - 719. (RESERVED)~~

~~720. CONTROL AREAS.~~

~~To facilitate inspection and control, the land mass of the state of Idaho is divided into two (2) areas, currently defined as: ()~~

~~01. Commercial Production Area. Ada, Canyon, Elmore, Gem, Gooding, Payette, Owyhee, and Washington Counties. ()~~

~~02. Restricted Area. That land mass of the state of Idaho not included in the commercial production area. ()~~

~~a. Certified defined generation mint shall not be grown when the specific location is within five (5) miles of uncertified mint unless there are adequate physical and cultural barriers. ()~~

~~721. -- 729. (RESERVED)~~

~~730. REQUIREMENTS FOR MINT ROOTSTOCK TO BE PLANTED IN IDAHO.~~

~~01. Restricted Area as Defined in Subsection 720.02. ()~~

~~a. Healthy clones shall be accompanied by a phytosanitary certificate issued by a regulatory agency of the state of origin with zero (0) tolerance for regulated disease(s), insect(s) and noxious weed(s); or ()~~

~~b. Certified rootstock from the restricted area shall be accompanied by a certified defined generation transfer permit with the parent rootstock number and with zero (0) tolerance for stem borer, or insect(s) without effective control options (i.e. stem borer), regulated disease(s) and noxious weed(s). ()~~

~~02. Commercial Production Area. As defined in Subsection 720.01, has no restrictions except for those wishing to participate in the inspection program who will adhere to the following rules: ()~~

~~a. Healthy clones shall be accompanied by a phytosanitary certificate, issued by a regulatory agent of the state of origin with zero (0) tolerance for regulated disease(s), insect(s) and noxious weeds; or ()~~

~~b. Certified rootstock from the restricted area shall be accompanied by a certified defined generation transfer permit with the parent rootstock number, level of mint root borer infestation and zero (0) tolerance for stem borer, or, insect(s) without effective control options (i.e., stem borer) regulated disease(s) and weed(s); or ()~~

~~c. In state defined generation rootstock from the commercial production area shall be accompanied by a transfer permit with the parent rootstock number, level of mint root borer infestation and zero (0) tolerance for stem borer, regulated disease(s) and weed(s). ()~~

~~731. -- 739. (RESERVED)~~

~~740. INSPECTION PROCEDURES.~~

~~01. Inspection Requests. All requests for inspection shall be made prior to May 1 of each year on forms provided by the Department. ()~~

~~a. Incomplete applications for inspection will not be accepted. ()~~

~~b. No application for field inspection will be accepted after June 1 of each year except in the case of healthy clones. ()~~

~~02. First Field Inspection. Mint fields submitted for inspection will be inspected during active growth prior to oil harvest, but not earlier than the third week of July and not later than the first week of August, by the Idaho Department of Agriculture inspector. The inspection protocol is as follows: ()~~

~~a. Inspectors will walk the entire field at ten (10) row intervals. ()~~

~~b. The inspector will wear rubber boots that are sanitized between each field. A ten percent (10%) solution of sodium hypochlorite will be used to sanitize boots. ()~~

~~c. The site of any sample taken for a Verticillium wilt determination will be marked. ()~~

~~d. Fields found with Verticillium wilt during the first inspection will result in the entire field being disapproved and permanently ineligible for certification purposes by the Department. ()~~

~~03. Second Field Inspection. Mint fields submitted for inspection will be sampled after oil harvest or removal of foliage in early to mid-September for the presence of the mint root borer. The sampling protocol is as~~

follows: _____ ()

~~a. Three (3) samples per five (5) acres will be collected. _____ ()~~

~~b. Sampling sites will include areas of plant stress. _____ ()~~

~~c. In each sampling site one (1) square foot samples of mint roots and two (2) to three (3) inches of soil will be selected. _____ ()~~

~~d. The mint roots and the soil in each sample will be examined for evidence of regulated pests. _____ ()~~

~~e. The site of any sample taken will be appropriately marked. _____ ()~~

~~f. Fields found with Verticillium wilt during the second inspection will result in the entire field being disapproved by the Department and permanently ineligible for certification purposes, by the Department. _____ ()~~

~~g. Fields with stem borer or other insects without control options (i.e., stem borer), will be disapproved by the Department for certification but, if proven clean at a later date, could again be considered for certification. _____ ()~~

~~04. Notification of Infestation. The Idaho Department of Agriculture will notify the grower immediately upon the completion of any test results for regulated pest(s). _____ ()~~

~~05. Issuance of Certified Defined Generation and In-State Defined Generation Transfer Permits. _____ ()~~

~~a. Restricted area as defined in Subsection 740.02: a certified defined generation transfer permit with the parent rootstock number will be issued for rootstock that meets the following requirements: _____ ()~~

~~i. Roots shall be grown in restricted areas. _____ ()~~

~~ii. Field submitted and inspected per Subsections 740.01 through 740.04. _____ ()~~

~~iii. Zero (0) tolerance for regulated disease(s), insect(s) without effective control options (i.e., stem borer), and noxious weed(s). _____ ()~~

~~iv. Levels of mint root borer infestation will be listed in the transfer permit. _____ ()~~

~~b. Commercial production area as defined in Subsection 720.01: an in-state defined generation transfer permit with the parent rootstock number and level of mint root borer infestation issued for rootstock that meets the following requirements: _____ ()~~

~~i. Field submitted and inspected per Subsections 740.01 through 740.04. _____ ()~~

~~ii. Zero (0) tolerance for regulated disease(s), insect(s) without effective control options (i.e., stem borer), and noxious weed(s). _____ ()~~

~~iii. Levels of mint root borer infestation will be listed in the transfer permit. _____ ()~~

~~06. Exemptions -- Issuance of In-State Transfer Numbers. _____ ()~~

~~a. Restricted area as defined in Subsection 720.02: rootstock found to be infested with noxious weed(s), shall not be eligible for a certified defined generation transfer permit for the current year. The Department of Agriculture will issue an in-state transfer number to allow the grower to plant rootstock within their farm for the purpose of controlling the infestation. The field must be submitted for inspection per Subsections 740.01 through~~

~~740.04. If the rootstock is found to be free of the noxious weed(s), the rootstock will be eligible for a certified defined generation transfer permit with parent rootstock number. The eligible rootstock will be assigned a certified defined generation transfer permit with parent rootstock number corresponding to the next generation had it not been denied certification the previous year. Rootstock denied certification two consecutive years shall not be eligible for future certification. ()~~

~~b. Commercial production area as defined in Subsection 720.01: rootstock found to be infested with a noxious weed(s) or insect(s) shall not be eligible for an in-state defined generation transfer permit for the current year. The Department of Agriculture will issue an in-state transfer number to allow the grower to plant the rootstock within their farm for the purpose of controlling the infestation. The field must be submitted for inspection per Subsections 740.01 through 740.04. If the rootstock is found to be free from the noxious weed(s) the rootstock will be eligible for an in-state defined generation transfer permit with parent rootstock number. The eligible rootstock will be assigned an in-state defined generation transfer permit corresponding to the next generation had it not been denied certification the previous year. Rootstock denied certification two consecutive years is not eligible for future certification. ()~~

~~07. Laboratory Tests. In the event visual examination reveals evidence of a regulated pest, laboratory tests, if necessary to determine the causal organism, will be conducted by the Idaho Department of Agriculture laboratory on official samples in addition to the field inspection. In the case of a disagreement between the state Department of Agriculture and the interested party concerning the identity of the regulated pest in question, the state Department of Agriculture will submit an official sample to any lab of the University of Idaho, for a final determination. ()~~

~~08. Transfer Permits and Resale. ()~~

~~a. It is the responsibility of each grower producing certified or in-state defined generation mint rootstock originating within the state to obtain transfer permits from the Department prior to moving planting stocks for resale. ()~~

~~b. Each time a transfer permit is issued, the Idaho Department of Agriculture will send a copy and/or notification to the office of the Idaho Mint Commission. ()~~

~~741. MOVEMENT OF FARM EQUIPMENT. Farm equipment, including but not limited to tillage equipment, planters and digging equipment moving from the infested area into the restricted area shall be clean and free of soil to the satisfaction of the Director or the Director's designated agent. ()~~

~~742. – 744. (RESERVED)~~

~~745. GREENHOUSES. Greenhouses shall be screened and tightly constructed to preclude the entry of any regulated insect or noxious weed as defined in Subsections 712.02 and 712.03 above. Planting media shall be sterilized prior to planting, and not re-used for planting of any mint destined to be entered in the mint certification process as outlined in this rule. Greenhouses shall be disinfected annually with a ten percent (10%) sodium hypochlorite solution and licensed as such under Chapter 23, Title 22, Idaho Code. ()~~

~~746. – 749. (RESERVED)~~

~~750. POSTING OF FIELDS.~~

~~01. Posting. All mint fields within the restricted area shall be posted to prevent entry of unauthorized personnel. ()~~

~~02. Approval by Department. Signs and method of placement shall be of a type and manner approved by the Department with the advice of the Idaho Mint Commission. ()~~

~~751. — 759. — (RESERVED)~~

~~760. — AUTHORITY TO ENTER, INSPECT, AND CONTROL REQUIREMENTS.~~

~~01. — Agent Authorization. The Idaho Director of Agriculture or the Director's designated agents are authorized to enter and inspect any and all mint plantings in the restricted area and any and all mint plantings that have been submitted for inspection. ()~~

~~02. — Submission for Inspection. Additionally, all mint planted in the restricted area shall be submitted to the Idaho Department of Agriculture for annual inspection. ()~~

~~761. — 769. — (RESERVED)~~

~~770. — PENALTY.~~

~~Restricted area as defined in Subsection 720.02: any field of mint rootstock determined to be infected with a regulated pest including those without control options may be destroyed to eliminate the regulated pest by or at the expense of the grower or landlord. Except if the county, or any portion thereof, as determined by the Department, in which a field of mint rootstock determined to be infected with the regulated disease(s) or infested with insects without control options is to be made part of the commercial production area, then destruction of the field shall not be required. The method of destruction includes but is not limited to uprooting to expose and desiccate the rootstocks. All destruction must be completed by November 1st of each year. ()~~

~~771. — 779. — (RESERVED)~~

~~780. — EXEMPTIONS.~~

~~01. — Government Agencies. Subchapter G does not apply to any governmental agency growing mint in experimental plots approved by the Director of the Idaho Department of Agriculture and under the supervision of qualified plant scientists. ()~~

~~02. — Private, Non-Commercial Home Use. These rules do not apply to species of the genus *Mentha* intended for private, non-commercial home use. However, species of the genus *Mentha* intended for private, non-commercial home use entering Idaho shall be accompanied by a phytosanitary certificate issued by the state of origin's department of agriculture certifying them free of pests and diseases listed under Section 712. ()~~

~~781. — 789. — (RESERVED)~~

~~790. — FEES AND CHARGES.~~

~~Under provisions of Section 22-2006, Idaho Code, the fees and charges for inspections, certificates, and permits under Subchapter G are as follows: ()~~

~~01. — Transfer Permits. For in-state sale or movement of certified or in-state defined generation rootstock: ten dollars (\$10) per permit. ()~~

~~02. — Field Inspections. ()~~

~~a. — Application for field inspection: five dollars (\$5) per field. ()~~

~~b. — Field inspection, collection of samples and examination of samples will be assessed at a rate of fifteen dollars (\$15) per acre per inspection. ()~~

~~c. — Travel costs and lodging will be charged according to established state rates and policy. ()~~

~~d. — Every effort will be made to schedule field inspections to insure the most efficient use of travel time. Charges for travel time will be charged on a prorated basis when more than one (1) farm is inspected during a trip. ()~~

791. -- 819. (RESERVED)

SUBCHAPTER H – GRAPE PLANTING STOCK

820. REGULATED AREAS.

All areas outside of the territorial borders of the state of Idaho. ()

821. -- 829. (RESERVED)

830. REGULATED COMMODITIES.

Planting stock of grape (*Vitis* species) including live plants, hardwood cuttings, softwood cuttings, rootstocks, and any other parts of the grape plant, except fruit, capable of propagation (except fruit). ()

831. REGULATED PESTS.

Regulated pests include, but are not limited to: ()

- 01. Grapevine Fanleaf Virus. ()
- 02. Grapevine Leaf Roll - Associated Viruses. ()
- 03. Red Blotch Virus. ()
- 04. Grapevine Corky Bark Disease. Which include, but may not be limited to: ()
 - a. Grapevine virus A. ()
 - b. Grapevine virus B. ()
- 05. Grape Phylloxera. (*Daktulosphaira vitifoliae*); ()
- 06. Pierce's Disease. As caused by the bacterium *Xylella fastidiosa*; ()
- 07. Vine Mealybug. (*Planococcus ficus*) ()
- 08. Glassy-Winged Sharpshooter. (*Homalodisca vitripennis*). ()
- 09. European Grapevine Moth. (*Lobesia botrana*) ()
- 10. Xiphinema Index. ()

832. -- 834. (RESERVED)

835. RULES GOVERNING SHIPMENTS.

01. **Admittance into Idaho.** Each shipment of a regulated article from a regulated area must be accompanied by a certificate issued by the state or country of origin's plant protection organization, stating that the grape planting stock to be imported has been certified in accordance with the regulations of an official grapevine certification program of the state or country of origin's plant protection organization, that includes annual inspections at all certification levels and testing at the foundation level for regulated pests and: ()

a. The grapevines, rootstock and/or softwood cuttings were grown in and shipped from an area known to be free from regulated pests; or ()

b. For small shipments (five hundred (500) or less) of un-rooted softwood cuttings, were individually inspected by an authorized inspector and were found to be free from regulated pests; or ()

Commented [LK5]: Jennifer Moss – concerns with importing grape planting stock.

Andrea – there should be congruence between Oregon, Idaho, and Washington and there shouldn't be a documentation issue.

c. The grapevines, rootstock or softwood cuttings were grown under a sterile soil-less media and treated with a soil or systemic insecticide and a hot water dip treatment, as outlined in Section 840 of this rule, proven to be effective against vine mealybug and any other pests that may be present on the roots; or ()

d. The grapevines, rootstock, and/or softwood cuttings were subject to one (1) of the two (2) treatments outlined in Section 840 of this rule, or such additional methods as may be determined to be effective and are approved by the director and were stored in a manner after treatment that would prevent re-infestation. ()

02. **Marking Contents.** All shipments of grape planting stock must be plainly marked with the contents on the outside of the package or container. ()

03. **Shipment Notification.** Persons shipping or transporting grape planting stock into this state from areas under regulation shall notify the department by electronic mail, regular mail or fax prior to shipment including the nature of the grape planting stock (such as live plants, hardwood cuttings, softwood cuttings, rootstocks, or other similar categories), the quantity in each shipment, the expected date of arrival, the name of the intended receiver and the destination. An official certificate issued by the plant protection organization of the state of origin certifying that the grapevines meet the requirements of this chapter must accompany the grape planting stock into the state. All treatments and inspections must have been witnessed or performed by an official of the state of origin's plant protection organization. ()

836. – 839. (RESERVED)

840. ACCEPTABLE TREATMENTS.

01. **Hot Water Treatment.** Dormant, rooted grapevines or rootstock shall be washed to remove all soil or other propagative media by immersing in a hot water bath for a period of not less than three (3) minutes, nor more than five (5) minutes, at a temperature of not less than one hundred twenty-five degrees Fahrenheit (125° F.) or fifty-two degrees Celsius (52° C.), nor more than one hundred thirty degrees Fahrenheit (130° F.) or fifty-five degrees Celsius (55° C.) at any time during immersion; or ()

02. **Fumigation.** Grapevines, rootstock or softwood cuttings may be treated with a fumigant approved for the regulated pests. ()

03. **Other Methods.** Upon written application to the Director, variations to the above mentioned acceptable treatments or additional treatment methods may be considered. ()

841. – ~~844~~54. (RESERVED)

~~845. — DISPOSITION OF COMMODITIES IN VIOLATION OF RULES.~~

~~Any commodity set forth in Section 835 of Subchapter H or any grape plants or parts thereof, not meeting the requirements of Subchapter H shall immediately be sent out of the state of Idaho or destroyed at the option and expense of the owner or owners, or responsible agents and under the direction of the Director. ()~~

~~846. — 849. — (RESERVED)~~

~~850. — AUTHORITY TO ENTER, INSPECT, AND CONTROL.~~

~~01. — Entry and Inspection.~~ The Director is authorized to enter and inspect any or all grape plantings in the state of Idaho. ()

~~02. — Control and Destruction of Infected Plants.~~ Whenever the Director finds that there is imminent peril that virus diseases or plant pests will spread from infected grape plantings to and contaminate other uninfected grape plantings because of refusal, failure, or neglect to control the already infected grape plantings, the Director may at once give notice in writing to control or destroy in part or total the infected grape plantings under the provisions of Title 22, Chapter 20, Idaho Code, and may thereafter, if necessary, proceed to destroy such infected grape plantings

~~under the terms and provisions of Title 22, Chapter 20, Idaho Code. ()~~

~~851. – 854. (RESERVED)~~

SUBCHAPTER I – JAPANESE BEETLE

855. REGULATED PEST.

Japanese beetle (*Popillia japonica*). ()

~~856. – 859. (RESERVED)~~

860. AREAS UNDER QUARANTINE.

~~01. States. The entire states of Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. ()~~

~~02. Canada. In Canada: ()~~

~~a. In the Province of Ontario: Lincoln, Welland and Wentworth. ()~~

~~b. In the Province of Quebec: Missiquoi and St. Jean. ()~~

~~03. Other Areas. Any areas not mentioned above and known to be infested of~~ subsequently found to be infested. ()

~~861. – 869. (RESERVED)~~

870. ARTICLES AND COMMODITIES UNDER QUARANTINE.

01. Possible Hosts and Carriers. The following are hereby declared to be hosts and possible carriers of the Japanese beetle: ()

a. Soil, humus, compost, and manure (except when commercially packaged); ()

b. All plants with roots (except bareroot plants free from soil); ()

c. Grass sod; ()

d. Plant crowns or roots for propagation (except when free from soil); ()

e. Bulbs, corms, tubers, and rhizomes of ornamental plants (except when free from soil); ()

f. Any other plant, plant part, article, or means of conveyance when it is determined by the Director or authorized agent to present a hazard of spreading live Japanese beetle due to infestation or exposure to infestation by Japanese beetle. ()

02. Soil. For the purposes of this quarantine, soil is defined as all growing media in which the plants are actually rooted. Packing material other than soil, added to bareroot plants after harvesting would not normally pose a pest risk. Packing material would be covered under (Subsection 930.01.f.), at the inspector's discretion. ()

03. Free from Soil. For the purposes of this quarantine, free from soil is defined as soil in amounts that could not contain concealed Japanese beetle larvae or pupae. ()

~~871. -- 879. (RESERVED)~~

880. RESTRICTIONS.

All articles and commodities under quarantine are prohibited entry into Idaho from an area under quarantine with the following exceptions: ()

01. Certificate of Treatment. All of the articles and commodities covered are approved for entry into Idaho when accompanied by a certificate issued by an authorized state agricultural official at origin stating that the article or shipment was treated for Japanese beetle or grown in accordance with methods and procedures approved and prescribed by the Director. A Certificate of Treatment shall include the date of treatment. ~~Shipment of the articles or commodities shall not take place sooner than ten (10) days after the date of treatment, but no later than thirty (30) days after treatment.~~ ()

02. Certificate of Origin. Commercial plant shipments with soil may be shipped from an area under quarantine into Idaho provided such shipments are accompanied by a certificate issued by an authorized state agricultural official at origin. Such certificates shall be issued only if the shipment confirms fully with either Subsections 880.02.a., 880.02.b., or 880.02.c. of Subchapter I: ()

a. The greenhouse in which the plants were produced was tightly constructed so that adult Japanese beetles would not gain entry, the plants and greenhouses were inspected and found to be free from all stages of Japanese beetle, and the plants and soil were protected from subsequent infestation while being stored, packed and shipped; or ()

b. The plants were not produced in the regulated area, were transported into the regulated area in a closed conveyance or closed containers and at all times thereafter were protected from becoming infested with Japanese beetle; or ()

c. States or portions of states listed in the area under quarantine may have counties that are not infested with Japanese beetle. Shipments of articles and commodities covered will be accepted from these noninfested counties if annual surveys are made in such counties and the results of such surveys are negative for Japanese beetle. A list of counties so approved will be maintained by the Director. Agricultural officials of other states may recommend a noninfested county be placed on the approved county list by writing for such approval and stating how the surveys were made giving the following information: ()

i. Area surveyed. ()

ii. How survey was carried out. ()

iii. Personnel involved. ()

iv. If county was previously infested, give date of last infestation. ()

v. The recommendation for approval of such counties will be evaluated by the Department of Feeds and Plant Services, Division of Plant Industries, Idaho Department of Agriculture. ()

03. Denial of Approval. If heavy infestations occur in neighboring counties, approval may be denied. To be maintained on the approved list, each county will be reapproved every twelve (12) months. Shipments of articles and commodities under quarantine from noninfested counties will only be allowed entry into Idaho if the noninfested county has been placed on the approved list prior to the arrival of the shipment to Idaho. ()

04. Privately Owned House Plants. ~~Up to twenty-five (25) privately owned house plants grown indoors may be inspected and approved for entry by the Director or Director's authorized agent if found free from Japanese beetle are exempt from Subchapter H.~~ ()

05. Certificate Requirements. A copy shall be forwarded at the time of shipment to the Division of Plant Industry, Idaho State Department of Agriculture, Boise, Idaho

Commented [LK6]: Jennifer Moss – comments about needing language such as this to address concerns with getting nursery stock shipped into Idaho from states with JB.

INLA will submit language recommendation for next meeting, relating to harmonization plan.

881. -- 889999. (RESERVED)

890. — PENALTY.

Any or all shipments or lots of quarantined articles or commodities listed in Section 870 above arriving in Idaho in violation of this quarantine shall immediately be sent out of the state, destroyed, or treated by a method and in a manner as directed by the Director. Treatment shall be performed at the expense of the owner, or owners, or their duly authorized agent. (—)

891. — 919. — (RESERVED)

SUBCHAPTER J — ANTHRACNOSE DISEASE OF LENTIL

920. — REGULATED DISEASE.

The anthracnose disease of lentil, caused by the fungi identified as *Colletotrichum truncatum* (Schwein) Andrus & W.D. Moore and *Colletotrichum destructivum*. (—)

921. — 929. — (RESERVED)

930. — REGULATED PRODUCTS.

The seeds and vegetative parts of lentil, *Vicia sp.*, faba beans, peas, Tangier pea, vetch, and other host of the regulated disease. (—)

931. — 934. — (RESERVED)

935. — AREA UNDER QUARANTINE.

The Canadian provinces of Manitoba and Saskatchewan and all states and territories of the United States and foreign countries known to have confirmed the presence of the anthracnose of lentil. (—)

936. — 939. — (RESERVED)

940. — SHIPMENTS.

No person shall import any regulated products into Idaho for planting purposes from any area under quarantine. (—)

941. — 949. — (RESERVED)

950. — INSPECTION AND CONTROL PROCEDURES.

01. — **Inspection.** The Department may inspect any regulated product or planting of regulated products during any time of the year to determine if the regulated disease is present therein. If the Department finds that any regulated product or planting of the same is infected or otherwise in violation of Subchapter J, it shall direct the control and/or the eradication of the infection. (—)

02. — **Control.** The control and/or the eradication methods shall be only those approved by the Director, at the expense of the owner, and may include but are not limited to: (—)

a. — Any infected regulated product will be destroyed. (—)

b. — The infected crop will be sprayed with fungicide(s) registered with the United States Environmental Protection Agency and the state of Idaho. (—)

c. — Any infested field will not be planted to any regulated products cited in Section 930. (—)

d. — Volunteer regulated products cited in Section 930 growing in any infested field shall be destroyed by a method(s) approved by the Director. (—)

951. — 959. — (RESERVED)

SUBCHAPTER K — PLUM CURCULIO

960. — **REGULATED PEST.**

Plum-curculio (*Conotrachelus nemophar* (Coleoptera: Curculionidae)). ()

961. — 969. — (RESERVED)

970. — **AREA UNDER QUARANTINE.**

In the eastern United States and Canada, all states and provinces east of and including Manitoba, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas. In Utah, Box Elder County. ()

971. — 979. — (RESERVED)

980. — **ARTICLES AND COMMODITIES COVERED.**

- 01. — **Fresh Fruit of All Plants** Listed Below: ()
 - a. — Apple (*Malus spp.*); ()
 - b. — Apricot (*Prunus armeniaca*); ()
 - c. — Cherry, black (*P. serotina*); ()
 - d. — Cherry, choke (*P. virginiana*); ()
 - e. — Cherry, pin (*P. pensylvanica*); ()
 - f. — Cherry, sand (*P. pumila*); ()
 - g. — Cherry, sour (*P. cerasus*); ()
 - h. — Cherry, sweet (*P. avium*); ()
 - i. — Crabapple (*Malus spp.*); ()
 - j. — Hawthorn or haw (*Crataegus spp.*); ()
 - k. — Nectarine (*Prunus persica nectarina*); ()
 - l. — Peach (*P. persica*); ()
 - m. — Pear (*Pyrus communis*); ()
 - n. — Plum, American (wild) (*Prunus alleghaniensis*); ()
 - o. — Plum, beach (*P. maritima*); ()
 - p. — Plum, European (*P. domestica*); ()
 - q. — Plum, Japanese (*P. salicina*); ()
 - r. — Prune (*P. spp.*); ()
 - s. — Quince (*Cydonia oblonga*); ()

~~02. — Soil. Soil or other growing medium within the drip zone of plants producing or that have produced fruit as listed in Subsection 980.01. (—)~~

~~981. — 989. (RESERVED)~~

~~990. — RESTRICTIONS.~~

~~01. — Certification Required. Articles and commodities covered that are produced in or shipped from the area under quarantine are prohibited entry into the state of Idaho unless each lot or shipment is accompanied by a certificate issued by and bearing the original or facsimile signature of the authorized agricultural official of the state from which the article or commodity is shipped evidencing compliance with Subsections 990.03, 990.04, 990.06 or 990.07 of Subchapter K. No certificate is required for commodities meeting the requirements of Subsections 990.02 or 990.05 of Subchapter K. (—)~~

~~02. — Reshipments in Original Containers from Area Under Quarantine of Commodities Grown Outside Thereof. Commodities in original unopened containers, each bearing labels or other identifying marks evidencing origin outside the area under quarantine, may be reshipped to this state from any point within the area under quarantine. (—)~~

~~03. — Repacked Commodities Admissible from Area Under Quarantine If Certified Grown Outside Thereof. Provided each lot or shipment is certified by an authorized agricultural official to have been grown outside the area under quarantine and that continued identity has been maintained while within the area under quarantine, the commodities may be repacked and shipped by common carrier from any point within the area under quarantine to this state. The certificate shall set forth the state in which commodities were grown, point of repacking and reshipment, amount and kind of commodities comprising the lot or shipment, and the names and addresses of the shipper and consignee. (—)~~

~~04. — Apples Exposed to Controlled Atmosphere (CA) Storage Admissible Under Certificate. Apples that are exposed to controlled atmosphere (CA) storage for a continuous period of ninety (90) days, during which period the temperature within the storage room is maintained at thirty-eight degrees Fahrenheit (38° F), three point three degrees Celsius (3.3° C) or less, may be admitted into Idaho provided said storage room or building is approved by the proper authorities in the state of origin as a controlled atmosphere facility and further provided each lot or shipment of such apples to Idaho is accompanied by a certificate, as stated in Subsection 990.01, evidencing compliance with the minimum requirements of this section. (—)~~

~~05. — Solid Frozen Fruits Exempt. No restrictions are placed by this rule on the entry into this state of fruits that upon arrival are frozen solid and that are under refrigeration to assure their solid frozen state. (—)~~

~~06. — Shipments from Cold Storage at Thirty Two Degrees Fahrenheit (32° F), Zero Degrees Celsius (0° C). Commodities covered that are held in cold storage for a continuous period of forty (40) days or more, during which period the temperature within the storage room is maintained at thirty two degrees Fahrenheit (32° F) zero degrees Celsius (0° C) or less, may be admitted into Idaho provided each lot or shipment is accompanied by a certificate, as stated in Subsection 990.01, evidencing compliance with the minimum requirements of Subsection 990.06. (—)~~

~~07. — Soil or Growing Media When Certified. Soil or growing media specified in Subsection 980.02 is admissible when certified as treated at origin in a manner approved by the Director. (—)~~

~~991. — 999. (RESERVED)~~