

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.04.05 - RULES GOVERNING GRADE A MILK AND MANUFACTURE GRADE MILK

02.04.13 - RULES GOVERNING RAW MILK

02.04.19 - RULES GOVERNING DOMESTIC CERVIDAE

02.06.33 – ORGANIC FOOD PRODUCTS RULES

02.04.21 - RULES GOVERNING IMPORTATION OF ANIMALS

02.04.27 - RULES GOVERNING DELETERIOUS EXOTIC ANIMALS

02.06.06- RULES GOVERNING THE PLANTING OF BEANS

02.06.09- RULES GOVERNING INVASIVE SPECIES AND NOXIOUS WEEDS

DOCKET NO. 02-XXXX-XXXX (OARC will assign)

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 22-1103, 22-1907, 22-2004, 22-2006, 25-203, 25-303, 25-305, 25-401, 25-601, 25-3704, 25-3903, 37-303, 37-402, 37-405, 37-516, 37-1101(5), Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking meetings will be held as follows. Additional meetings may be scheduled and will be posted on the ISDA website.

MEETINGS SET FOR PUBLIC PARTICIPATION VIA TELEPHONE AND WEB CONFERENCING

IDAPA 02.04.05 Rules Governing Grade A Milk and Manufacture Grade Milk Tuesday, April 20, May 18, and June 15 from 8:30 am to noon
IDAPA 02.04.13 Rules Governing Raw Milk Tuesday, April 20, May 18, and June 15 from 1:30 to 5:00 pm
IDAPA 02.04.19 Rules Governing Domestic Cervidae Wednesday, April 21, May 19, and June 16 from 8:30 am to noon
IDAPA 02.06.33 Organic Food Products Rules Wednesday, April 21, Monday, May 17, and Wednesday, June 16 from 1:30 to 5:00 pm
IDAPA 02.04.21 Rules Governing Importation of Animals Thursday, April 22, May 20, June 17 from 8:30 am to noon
IDAPA 02.04.27 Rules Governing Deleterious Exotic Animals Thursday, April 22, May 20, June 17 from 1:30 to 5:00 pm
IDAPA 02.06.06 Rules Governing the Planting of Beans Friday, April 23, May 21, June 18 from 8:30 am to noon
IDAPA 02.06.09 Rules Governing Invasive Species and Noxious Weeds Friday, April 23, May 21, June 18 from 1:30 to 5:00 pm

Contact rulesinfo@isda.idaho.gov to make arrangements for participation by telephone and web conferencing.

On March 25, 2020, Governor Little issued a Proclamation declaring an emergency and taking steps to reduce and slow the coronavirus spread. In compliance with the Proclamation and Stages of Reopening, ISDA will hold this meeting via telephone and web conferencing.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the scheduled meeting via telephone and web conferencing. Individuals interested in participating by telephone and web conferencing should contact rulesinfo@isda.idaho.gov. For those who cannot participate by attending the meeting, information for submitting written comments is provided below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

These rules are being presented for authorization as part of the ISDA's plan to review each rule every 5 years. There are no specific rulemaking changes planned by the ISDA at this time except for evaluation and amendment consistent with the Governor's Zero-Based Regulation Executive Order. It is anticipated that rulemaking stakeholders will propose and advocate for rulemaking changes as part of the negotiated rulemaking process. The ISDA intends to carefully consider all changes presented by the public and may propose certain changes so long as they are consistent with the rules' statutory authority and the Governor's Executive Order. The ISDA will review the documents that are currently incorporated by reference in this rule and update that list as applicable.

Incorporated by reference documents presented for review will be part of informal negotiated rulemaking and stakeholders will provide input on that process.

ASSISTANCE ON TECHNICAL QUESTIONS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, contact Lloyd Knight, Rules Review Officer at (208) 332-8664. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA web site at the following web address: (www.agri.idaho.gov/rulemaking.)

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 20, 2021.

DATED this 3rd day of March, 2021.



Lloyd B. Knight
Rules Review Officer
Idaho Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, Idaho 83707
Phone: (208) 332-8664
Fax: (208) 334-2170



BRAD LITTLE, GOVERNOR

CELIA GOULD, DIRECTOR

ISDA 2021 Negotiated Rulemaking

April 2021 Update

Dear Stakeholders,

As the rulemaking season approaches, we wanted to provide a roadmap as to what rulemaking will look like this year. We will have some new processes and rulemakings as a result of executive orders or legislative changes. The one constant is the importance of having your participation and involvement. We know our agency benefits from a close relationship with our programs and the needs or expectations of stakeholders.

ISDA's 2021 negotiated rulemaking will fall into two categories:

- Rules reviewed as part of the Governor's Zero-Based Regulation Executive Order, and/or
- Rules reviewed as a result of new legislation.

All notices for these negotiated rulemakings will publish in the Administrative Bulletin on April 2, 2021. The Administrative Bulletin can be found at <https://adminrules.idaho.gov/bulletin/>.

Zero-Based Rulemaking

Governor Little's Executive Order No. 2020-01 – Zero Based Regulation – directs agencies to facilitate an ongoing review process for existing rules, requiring agencies to put each rule on a five-year review schedule. This process aims to reduce the overall regulatory burden, or remain neutral, as compared to the original rule. Attached you will find the entire five-year review schedule for the agency. Specifically, for 2021, the following rules are scheduled for Zero Based Rulemaking. Notices will be published in the April Administrative Bulletin and meeting dates also are listed below. We strongly encourage all interested stakeholders to participate in these rulemaking meetings.

IDAPA	Name	Meeting Dates
IDAPA 02.04.05	Rules Governing Grade A Milk and Manufacture Grade Milk	Tuesday, April 20, May 18, and June 15 all from 8:30 a.m. to noon
IDAPA 02.04.13	Rules Governing Raw Milk	Tuesday, April 20, May 18, and June 15 all from 1:30 to 5 p.m.
IDAPA 02.04.19	Rules Governing Domestic Cervidae *needs to be updated per legislative action, will include ZBR*	Wednesday, April 21, May 19, and June 16 all from 8:30 a.m. to noon
IDAPA 02.06.33	Organic Food Products Rules	Wednesday, April 21, Monday, May 17, and Wednesday, June 16 all from 1:30 to 5 p.m.
IDAPA 02.04.21	Rules Governing Importation of Animals	Thursday, April 22, May 20, June 17 from 8:30 a.m. to noon
IDAPA 02.04.27	Rules Governing Deleterious Exotic Animals	Thursday, April 22,

		May 20, June 17 from 1:30 to 5 p.m.
IDAPA 02.06.06	Rules Governing the Planting of Beans	Friday, April 23, May 21, June 18 from 8:30 a.m. to noon
IDAPA 02.06.09	Rules Governing Invasive Species and Noxious Weeds	Friday, April 23, May 21, June 18 from 1:30 to 5 p.m.
IDAPA 02.04.14	Rules Governing Dairy Byproduct *needs to be updated per legislative action, will include ZBR*	Monday, April 19, Wednesday, May 19, Monday, June 14 from 1:30 to 5 p.m.

The format of each rulemaking meeting will be similar:

- Facilitated by the Rules Review Coordinator with ISDA staff on hand to answer technical questions and present draft language from previous discussions or as provided by law.
- Initial discussion drafts will be developed by agency staff simply as a starting point for the first meeting and drafts will reference those sections required by statute and those sections that may be out of date with the statute or other incorporated reference documents.
- If stakeholders have proposed changes or drafts they would like to submit for discussion during the meetings, they can email them to rulesinfo@isda.idaho.gov prior to the next meeting so they can be shared on screen.
- Meetings will be held via WebEx.
- As always, all rulemaking information will be posted on the ISDA website under “Laws and Rules.” Information for joining all upcoming meetings will be posted on the website.
- Agency staff will compile minutes, presented materials, and stakeholders’ recommended draft changes. This information also will be posted to the ISDA website.
- ISDA needs to have proposed rules and other supporting materials submitted to DFM in mid-July to ensure adequate time for review prior to publication in the September Bulletin, the subsequent comment period, and a final rule to be prepared for presentation for review by the 2022 Legislature.

If you have any questions or to RSVP for a meeting, please contact Lloyd Knight, ISDA’s Rules Review Coordinator at rulesinfo@isda.idaho.gov.

From: [HAMILTON, Monty](#)
To: [Lloyd Knight](#)
Subject: {External}Fw: Idaho Bean Rule Quarantine
Date: Friday, May 21, 2021 8:23:31 AM
Attachments: [image003.png](#)
[image004.png](#)

The following are some of the comments we have gathered.

Thanks

MONTY

From: Gina Lohnes <glohn@tvseed.com>
Sent: Thursday, May 20, 2021 2:51 PM
To: HAMILTON, Monty <monty.hamilton@hmclause.com>
Subject: FW: Idaho Bean Rule Quarantine

Monty,

This is the reply from Lindsey.

I might not be able to call in tomorrow. I support continuing a 2 year quarantine for Brown Spot, Common Blight, and Halo Blight. Also, moving the Anthracnose and Bacterial Wilt to 5 years. The 2 years has worked well for our industry and I do not support harsher restrictions of crop rotations for Idaho growers. If companies want to make stricter restriction of 5 year blanket on all disease, that could be your choice.

Thank you,

Gina Lohnes

Seed Manager

Trinidad Benham Corporation/Treasure Valley Seed

208-490-6278 cell



From: du Toit, Lindsey J <dutoit@wsu.edu>
Sent: Monday, May 17, 2021 11:57 PM
To: Gina Lohnes <glohn@tvseed.com>
Subject: RE: Idaho Bean Rule Quarantine

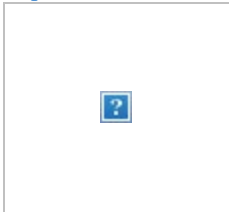
Hello Gina:

I highly recommend 5 years if any of the quarantine diseases has been detected in a field, if at

all possible. As James noted, the fungal disease is potentially a concern for longer survival in soil, but also the bacterial wilt pathogen, Cff. For the other three, at least 3 years would be important, but 5 years is probably necessary if we start seeing anthracnose and bacterial wilt showing up. I know of at least once case of bacterial wilt in Idaho recently, hence my concern about keeping this recommendation to 5 years, if possible.

All the best,
Lindsey

Lindsey J. du Toit
Professor & Extension Plant Pathologist
Washington State University Mount Vernon NWREC
16650 State Route 536
Mount Vernon, WA 98273-4768, USA
Cell: (360) 391-2407
Office: (360) 848-6140
Email: dutoit@wsu.edu
http://www.mtvernon.wsu.edu/VSP/VSP_team.htm



From: Gina Lohnes <glohn@tvseed.com>
Sent: Friday, May 14, 2021 8:22 AM
To: du Toit, Lindsey J <dutoit@wsu.edu>
Subject: Idaho Bean Rule Quarantine
Importance: High

Hello Lindsey,

For the quarantine disease in Idaho do you have any information that would help guide us on appropriate replant time restrictions? Currently we are at 2 years, but there is a suggestion that we move to 5 years. That seems excessive for some of the diseases.

Diseases of concern (quarantine):

Anthracnose- *Colletotrichum linemuthianum*
Bacterial Wilt- *Curtobacterium flaccumfaciens* pv. *Flaccumfaciens*
Brown Spot- *Pseudomonas syringae* pv. *Syringae*
Common Blight- *Xanthomonas axonopodis* pv. *Phaseoli*
Halo Blight- *Pseudomonas savastanoi* pv. *Phaseolicola*

James Woodhall shared below the idea of different time restrictions for each of these.

Thank you for any insight that you can share to guide us in a good decision.

Best regards,
Gina Lohnes

Seed Manager

Trinidad Benham Corporation/Treasure Valley Seed

208-490-6278 cell



From: Woodhall, James (jwoodhall@uidaho.edu) <jwoodhall@uidaho.edu>

Sent: Monday, April 26, 2021 9:45 AM

To: HAMILTON, Monty <monty.hamilton@hmclause.com>; Liz Vavricka <Liz.Vavricka@ISDA.IDAHO.GOV>; dutoit@wsu.edu

Cc: Gina Lohnes <glohnese@tvseed.com>

Subject: Re: Quaranteen

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Hi Monty,

I think five years is a good number, stops people doing shorter rotations and should be manageable to do. I would suspect the fungus would last a lot longer than bacterial pathogens. A quick google suggests that Colletotrichum can survive at least five years in plant material in perfect conditions and I know that genus can survive in soil for some time. Personally I would not want to recommend scheduling fields for longer than five years

I would suspect bacteria survive for less – I found a study that suggested *P. phaseolicola* and *X. phaseoli* can survive for up to 20 weeks and 11 weeks respectively when on the soil surface and less in the soil. Within the seed some *Xanthomoas* species were not recoverable after 42 months.

Would you want different rules for different species? To give you a more precise answer I would need to do a literature review when I have more time.

Cheers

James

From: "HAMILTON, Monty" <monty.hamilton@hmclause.com>

Date: Monday, April 26, 2021 at 8:40 AM

To: "Woodhall, James (jwoodhall@uidaho.edu)" <jwoodhall@uidaho.edu>, Liz Vavricka <Liz.Vavricka@ISDA.IDAHO.GOV>, Lindsey Toit <dutoit@wsu.edu>

Cc: Gina Lohnes <glohnese@tvseed.com>

Subject: Quaranteen

Good morning James, Liz, and Lindsey.

Idaho has been working on updating its current bean rules. We are working on a new definition of Idaho's destruction rule when Halo Blight, Common Blight, Brown Spot, Bacterial Wilt, and Anthracnose are discovered in a field and the field is destroyed. A year ago, at a bean rules meeting, the industry recommended a 5-year quarantine for fields found with a regulated pest. The thought process behind the 5-year quarantine was that is approximately how long some of our bean varieties can volunteer and the seeds stay viable. We assumed that if beans could volunteer there was also a high chance the volunteers could be contaminated with the regulated pest.

We are working on finalizing the new bean rules. The group working on the bean rules suggested we reach out to our pathologists with the following question. How long can a regulated pest (Halo Blight, Common Blight, Brown Spot, Bacterial Wilt, and Anthracnose) stay viable in the soil on bean seed? Idaho's current rule will require plowing of the field which would mean all the bean residue would be incorporated into the soil.

Thank you for your assistance and I look forward to your responses.

MONTY

Monty Hamilton
Area Production Manager
Twin Falls, Idaho



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[10:01 AM] WINN, Rick

Is the director actually inspecting "any machinery used in production of bean seed on trial grounds"?

[10:02 AM] SKOGSBERG, Lorell

No. It just allows them that option but in true application that never happens.

[10:03 AM] WINN, Rick

if a regulated pest is found in a two-acre block, the whole field (10 acres, 20 acres, whatever) would be subject to the 3/5 year quarantine, right?

[10:05 AM] SKOGSBERG, Lorell

Not by the current definition of the "field". Just that portion of the field would be quarantined. Tough to monitor. That's what John brought up earlier that it's hard to track that.

[10:05 AM] WINN, Rick

maybe that is covered in the section 400?

[10:15 AM] WINN, Rick

with any option other than plowing, the State pathologist would have to approve.

[10:16 AM] SKOGSBERG, Lorell

I agree. I think that if they did some sort of acid breakdown and rototilling or heavy discing it would work. We could just remove the words "by plowing" and add approved method by the Director.

[10:16 AM] WINN, Rick

yep

[10:17 AM] WINN, Rick

or, "by plowing or other method approved by the Director"

From: [SKOGSBERG, Lorell](#)
To: [Andrea Thompson](#)
Cc: [Lloyd Knight](#); [WINN, Rick](#); [Mike Goodson](#); [HAMILTON, Monty](#)
Subject: {External}Rick Conversation
Date: Friday, May 21, 2021 10:28:47 AM
Attachments: [Rick Conversation.docx](#)

Hi Andrea,

I'm not suggesting that this is the answer certainly to the question about drip lines but I wanted to document Rick's comments while we were in discussion over Mike's concern. If we were to suggest "approved method by the Director" or something to that effect then it would allow a case by case remedy. Just a thought that we could bring up at the next meeting. It would be a real bummer to have a single concern derail the revision process so good to get it clarified beforehand.

Thanks for the nice review today. I thought that it was very good and allowed people to express their opinions well.

Regards, Lorell

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Snake River Seed Cooperative

PO Box 8774

Boise, ID 83707

www.snakeriverseeds.com

(208)996-3531

April 20th, 2021

Re: Bean rule proposed changes

Dear Mr. Lloyd B. Wright,

Thank you for the opportunity to participate in a discussion about the bean rule and how it affects my farm and livelihood. As per your request, I am emailing you a list of my proposed changes to the law. I am commenting as a small-scale urban farmer and also as the owner of the Snake River Seed Cooperative, which works with several dozen other small farmers in the Intermountain West to grow seeds for sale within our bioregion. While I understand that the bean seed industry the ISDA is trying to protect with these laws is a global one, I want to raise the case for small-scale farmers and seed savers who are growing food and seeds for Idaho citizens to be included in practical ways into these laws. It is possible that there are two different scales here, and that the rules should be made to serve farmers of all sizes, not just the big guys.

In particular, there are several parts of the bean rule that don't make sense for me, my business, or the other farmers I work with.

Section 02.06.06.200 & Section 02.06.06.201: Planting Phaseolus and non-Phaseolus seed

Proposed change: Consider distinctions of scale in the bean seed planting and seed saving rule, similar to the popular Small Herd Exemption law for small-scale livestock and dairy production in Idaho.

Rationale: As small-scale, direct-market farmers, we often do not have adequate access to certified tagged seed. Most small market farmers don't even know where to access tagged seed, and most of them are looking for 1-5lbs of seed, which no big bean seed grower wants to sell to an individual.

This aspect of the rule is haphazardly enforced, which is frustrating for those growers who are targeted for enforcement while their neighboring small farmers are not.

As a small seed company attempting to increase our region's biodiversity, my focus is on sourcing a wide diversity of less common crops (including heirloom and interesting beans and many types of less-common non-Phaseolus species). We regularly purchase 5 pounds of bean seeds from small-scale growers, which is an unfathomable amount of seeds for a larger-scale, certified grower to consider growing, and additional aspects of the law make it easier for me to work with our growers outside Idaho to introduce these rare varieties into our offerings. Under the current rules, I am legally allowed to buy any amount of bean seeds from any grower outside of Idaho without them having been inspected, put them into packets, and sell them on the shelves at Idaho nurseries to Idaho farmers and gardeners.

In this way, I'm actually encouraged as an Idaho seed company to buy non-certified seed from outside Idaho and sell it to other Idaho gardeners, even while still not being allowed to plant that same seed on my own farm.

Section 02.06.06.250 - TRIAL GROUNDS

Proposed Change: Remove the section that requires that trial ground plots be planted using drip or rill irrigation, not overhead sprinklers.

Rationale: I personally want to see this rule changed because I am unable to water with drip or rill irrigation on my farm. But there are larger reasons for my desire to see this change. You can use overhead water to water the crop in subsequent years, after it has already been inspected the first time. In addition to the obvious fact that water falls out of the sky, a healthy agriculture breeds varieties that are resistant to diseases. Isn't the point of a trial ground to trial varieties under actual field conditions to assess their fitness? The rule doesn't allow us to trial the varieties in actual field conditions. And regardless, isn't it the point of the inspections to inspect for diseases and make sure the crops don't have them?

Section 02.06.06.300 - SPECIAL SITUATIONS

Proposed Change: Clarify this section to explicitly welcome and create a path forward for working with small-scale agricultural producers, especially those not near larger-scale commercial bean seed production fields, who could be some of ISDA's most valuable allies in the work to create the biodiversity and disease-resistant varieties that will be essential to Idaho's agricultural future.

Rationale: The current wording in the rule is quite vague and leaves it up to the sole discretion of the Director to determine whether a particular research partnership is worthwhile. It has been my experience in working with the ISDA that many of the needs, perspectives, cropping systems, farm models, and concerns of small-scale farmers in Idaho aren't well understood within the agency. The way this rule is worded suggests that if the Director likes you/your

farm/your idea, they will move forward with working with you, and if they don't, you're out of luck. Is this discretion guided by stated agency goals?

It seems to me we should be employing a number of rigorous trials to identify and propagate varieties that are actually disease-resistant and/or adapted to organic, small-scale, or otherwise low-input cropping systems to ensure that Idaho agriculture remains increasingly relevant and sustainable amid a changing climate where resources become ever more scarce. Instead, in our policies we're eschewing the opportunity to trial for low-input and disease-resistant varieties and instead trying to create more sterile environments to coddle ill-equipped varieties. Oregon plant breeder Frank Morton actually has fields he's dubbed "disease nurseries" where he inoculates the soil with a myriad of diseases and then plants his varieties into those fields to see who is truly disease resistant. I'm not asking to inoculate my field with pathogens. But I am willing to throw the dice and see if any show particular resilience, which seems like a real benefit to ISDA. And given my location in the middle of a residential area in urban Boise, with no other bean seed producers around for miles, I would be an excellent candidate to help with research, as would many of the other growers I work with.

Section 02.06.06.350 - DETECTION, IDENTIFICATION, AND REPORTING OF REGULATED PESTS

Proposed Change: This is not a specific change to the rule, but an invitation for ISDA to work with partners to create a more informed citizenry around the subject of seedborne pathogens, which could help in achieving the agency's goal to prevent the spread of seedborne pathogens throughout the state.

Rationale: In a changing culture where seed saving is more appealing to home gardeners and small-scale farmers, bean seeds are some of the easiest to save seeds. These laws risk criminalizing this vital skill, in which the public has growing interest. The resources of the ISDA would be well spent educating small farmers and home gardeners on ways to identify the pathogens you're on the lookout for. We could actually help to do the enforcement if we knew what we were looking for, becoming advocates and allies in the work to increase our seed sovereignty. As small-scale seed saving and sharing continues to soar in popularity, setting aside resources for educational outreach seems very useful.

Thank you very much for your time and consideration.

Casey

Casey O'Leary
Snake River Seed Cooperative
Earthly Delights Farm

(208)284-3712

info@snakeriverseeds.com

From: [Tina Eiman](#)
To: [Lloyd Knight](#); [Andrea Thompson](#)
Subject: FW: {External}Re: Help with Temporary / Permanent Field definitions
Date: Wednesday, June 9, 2021 11:36:36 AM

Response from Monty regarding field definitions.

Tina Eiman

Idaho State Department of Agriculture
Plant industry Division – Twin Falls Office
208-736-2195
208-308-4330

From: HAMILTON, Monty <monty.hamilton@hmclause.com>
Sent: Wednesday, June 9, 2021 11:32 AM
To: Gina Lohnes <glohnnes@tvseed.com>
Cc: Tina Eiman <Tina.Eiman@ISDA.IDAHO.GOV>
Subject: {External}Re: Help with Temporary / Permanent Field definitions

I am starting to think that we should have two definitions. Instead of calling each contract a field, I think we should call them a plot or contract.

Then have a field definition have a different definition that would encompass the farms clear separation of cultivated land.

I do not have a great definition, but I think it should include the following:

Plot separations should be 6 feet between plots, and it is encouraged to have a different plant species to make the separation.

ISDA will allow separation with a flag, but that is not considered a plot separation and therefore all lots separated with a flag would follow the destruction rule if any of the lots were found to contain a quarantine disease.

The entire field would fall under the destruction rule if any lot within the field is found positive for a quarantine disease. (this would be like having a positive in a trial ground situation)

I know this can be cleaned up, but this is what I have been thinking about.

MONTY

From: Gina Lohnes <glohnnes@tvseed.com>
Sent: Monday, June 7, 2021 9:57 AM
To: HAMILTON, Monty <monty.hamilton@hmclause.com>
Cc: Tina Eiman <Tina.Eiman@ISDA.IDAHO.GOV>

Subject: FW: Help with Temporary / Permanent Field definitions

Did we(you) have a good definition for separations?

From: Tina Eiman <Tina.Eiman@ISDA.IDAHO.GOV>

Sent: Friday, June 4, 2021 4:33 PM

To: Gina Lohnes <glohn@tvseed.com>

Cc: Andrea Thompson <Andrea.Thompson@ISDA.IDAHO.GOV>; Lloyd Knight <Lloyd.Knight@ISDA.IDAHO.GOV>

Subject: Help with Temporary / Permanent Field definitions

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Hi Gina:

Did you say your group or a group had an idea about how to define a temporary field divisions (such as using corn rows) and permanent fields (such as what is seen on Google Earth, a full pivot or surrounded by hard boundaries such as road, ditches etc.)?

I was wondering if you would mind sharing so we can try to incorporate it into the rule we put on-line for our next meeting.

Thanks for the help,

Tina Eiman

Idaho State Department of Agriculture
Plant industry Division – Twin Falls Office
208-736-2195
208-308-4330

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Snake River Seed Cooperative

PO Box 8774

Boise, ID 83707

www.snakeriverseeds.com

(208)996-3531

April 20th, 2021

Re: Bean rule proposed changes

Dear Mr. Lloyd B. Wright,

Thank you for the opportunity to participate in a discussion about the bean rule and how it affects my farm and livelihood. As per your request, I am emailing you a list of my proposed changes to the law. I am commenting as a small-scale urban farmer and also as the owner of the Snake River Seed Cooperative, which works with several dozen other small farmers in the Intermountain West to grow seeds for sale within our bioregion. While I understand that the bean seed industry the ISDA is trying to protect with these laws is a global one, I want to raise the case for small-scale farmers and seed savers who are growing food and seeds for Idaho citizens to be included in practical ways into these laws. It is possible that there are two different scales here, and that the rules should be made to serve farmers of all sizes, not just the big guys.

In particular, there are several parts of the bean rule that don't make sense for me, my business, or the other farmers I work with.

Section 02.06.06.200 & Section 02.06.06.201: Planting Phaseolus and non-Phaseolus seed

Proposed change: Consider distinctions of scale in the bean seed planting and seed saving rule, similar to the popular Small Herd Exemption law for small-scale livestock and dairy production in Idaho.

Rationale: As small-scale, direct-market farmers, we often do not have adequate access to certified tagged seed. Most small market farmers don't even know where to access tagged seed, and most of them are looking for 1-5lbs of seed, which no big bean seed grower wants to sell to an individual.

This aspect of the rule is haphazardly enforced, which is frustrating for those growers who are targeted for enforcement while their neighboring small farmers are not.

As a small seed company attempting to increase our region's biodiversity, my focus is on sourcing a wide diversity of less common crops (including heirloom and interesting beans and many types of less-common non-Phaseolus species). We regularly purchase 5 pounds of bean seeds from small-scale growers, which is an unfathomable amount of seeds for a larger-scale, certified grower to consider growing, and additional aspects of the law make it easier for me to work with our growers outside Idaho to introduce these rare varieties into our offerings. Under the current rules, I am legally allowed to buy any amount of bean seeds from any grower outside of Idaho without them having been inspected, put them into packets, and sell them on the shelves at Idaho nurseries to Idaho farmers and gardeners.

In this way, I'm actually encouraged as an Idaho seed company to buy non-certified seed from outside Idaho and sell it to other Idaho gardeners, even while still not being allowed to plant that same seed on my own farm.

Section 02.06.06.250 - TRIAL GROUNDS

Proposed Change: Remove the section that requires that trial ground plots be planted using drip or rill irrigation, not overhead sprinklers.

Rationale: I personally want to see this rule changed because I am unable to water with drip or rill irrigation on my farm. But there are larger reasons for my desire to see this change. You can use overhead water to water the crop in subsequent years, after it has already been inspected the first time. In addition to the obvious fact that water falls out of the sky, a healthy agriculture breeds varieties that are resistant to diseases. Isn't the point of a trial ground to trial varieties under actual field conditions to assess their fitness? The rule doesn't allow us to trial the varieties in actual field conditions. And regardless, isn't it the point of the inspections to inspect for diseases and make sure the crops don't have them?

Section 02.06.06.300 - SPECIAL SITUATIONS

Proposed Change: Clarify this section to explicitly welcome and create a path forward for working with small-scale agricultural producers, especially those not near larger-scale commercial bean seed production fields, who could be some of ISDA's most valuable allies in the work to create the biodiversity and disease-resistant varieties that will be essential to Idaho's agricultural future.

Rationale: The current wording in the rule is quite vague and leaves it up to the sole discretion of the Director to determine whether a particular research partnership is worthwhile. It has been my experience in working with the ISDA that many of the needs, perspectives, cropping systems, farm models, and concerns of small-scale farmers in Idaho aren't well understood within the agency. The way this rule is worded suggests that if the Director likes you/your

farm/your idea, they will move forward with working with you, and if they don't, you're out of luck. Is this discretion guided by stated agency goals?

It seems to me we should be employing a number of rigorous trials to identify and propagate varieties that are actually disease-resistant and/or adapted to organic, small-scale, or otherwise low-input cropping systems to ensure that Idaho agriculture remains increasingly relevant and sustainable amid a changing climate where resources become ever more scarce. Instead, in our policies we're eschewing the opportunity to trial for low-input and disease-resistant varieties and instead trying to create more sterile environments to coddle ill-equipped varieties. Oregon plant breeder Frank Morton actually has fields he's dubbed "disease nurseries" where he inoculates the soil with a myriad of diseases and then plants his varieties into those fields to see who is truly disease resistant. I'm not asking to inoculate my field with pathogens. But I am willing to throw the dice and see if any show particular resilience, which seems like a real benefit to ISDA. And given my location in the middle of a residential area in urban Boise, with no other bean seed producers around for miles, I would be an excellent candidate to help with research, as would many of the other growers I work with.

Section 02.06.06.350 - DETECTION, IDENTIFICATION, AND REPORTING OF REGULATED PESTS

Proposed Change: This is not a specific change to the rule, but an invitation for ISDA to work with partners to create a more informed citizenry around the subject of seedborne pathogens, which could help in achieving the agency's goal to prevent the spread of seedborne pathogens throughout the state.

Rationale: In a changing culture where seed saving is more appealing to home gardeners and small-scale farmers, bean seeds are some of the easiest to save seeds. These laws risk criminalizing this vital skill, in which the public has growing interest. The resources of the ISDA would be well spent educating small farmers and home gardeners on ways to identify the pathogens you're on the lookout for. We could actually help to do the enforcement if we knew what we were looking for, becoming advocates and allies in the work to increase our seed sovereignty. As small-scale seed saving and sharing continues to soar in popularity, setting aside resources for educational outreach seems very useful.

Thank you very much for your time and consideration.

Casey

Casey O'Leary
Snake River Seed Cooperative
Earthly Delights Farm

(208)284-3712

info@snakeriverseeds.com

From: [Doug Boze](#)
To: [Rulesinfo](#)
Subject: {External}Proposed Revisions to IDAPA 02.06.06 Rules Governing the Planting of Beans
Date: Thursday, April 15, 2021 1:17:14 PM

Lloyd:

Idaho Crop Improvement Association would like to submit the following proposed revisions to the Bean Planting Rules for consideration during rule making meetings:

151. INSPECTION (NON-PHASEOLUS)

All imported or Idaho origin seeds intended for planting or replanting in Idaho shall be submitted to the Department **or ICIA** for growing season and pre-harvest/windrow inspections.

201. REQUIREMENTS FOR PLANTING BEAN SEED IN IDAHO (NON-PHASEOLUS).

In order to be eligible for planting seed in Idaho:

01. Idaho Origin Seed to Be Replanted. Seeds planted must be from a lot that was produced in accordance with these rules and has an in-state planting tag number (state number) assigned by the Department based on growing season and pre-harvest or windrow inspections and be tagged by the Department with a Department In-State Planting Tag (Green tag) **or be tagged by the ICIA in accordance with these rules.**

06. Tags. Seeds planted in Idaho shall be from an approved lot bearing an approved tag on each bag or container, stating the kind, variety, and lot number. The following is a list of approved planting tags in Idaho:

- a. Department in-state planting tag (green tag);
- b. Department approved tag (yellow tag);
- c. ICIA tag, provided the lot was field and windrow inspected by ICIA in accordance to these rules; or**
- ~~c.~~ **d.** Oregon Department of Agriculture inspection tag.

The proposed changes are intended to match language concerning ICIA in the Phaseolus and Non-Phaseolus sections of the rule.

Thank you.

Doug Boze
Executive Vice President
Idaho Crop Improvement Association
429 SW 5th Ave, Suite 105
Meridian, ID 83642
208-884-8225 - office
208-243-0165 - cell
dboze@idahocrop.com



IDAPA 02

TITLE 06

CHAPTER 06

02.06.06 – RULES GOVERNING THE PLANTING OF BEANS

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-1907, 22-2004, and 22-2006, Idaho Code. (4-2-03)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.06, “Rules Governing the Planting of Beans.” (6-30-19)T

02. Scope. These rules will govern the planting of beans in Idaho. (6-30-19)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (4-2-03)

003. ADMINISTRATIVE APPEAL.

Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. (4-2-03)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (4-2-03)

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. -- 009. (RESERVED)

010. DEFINITIONS.

The Department adopts the definitions set forth in Section 22-2005, Idaho Code. In addition, as used in this chapter:

(4-2-03)

01. Department Approved Tag (Yellow Tag) (Phaseolus). A tag issued by the Department to seed

lots produced west of the Continental Divide in the contiguous United States. The seed lot must be accompanied by a

phytosanitary certificate issued by the regulatory agency of the state of origin, listing the diseases the crop was

inspected for, that must include the regulated pests as defined in Section 012 of these rules and be based on growing

season and windrow or pre-harvest inspections. Seed lots must pass laboratory testing done by the Department on

samples drawn in Idaho by the Department and found free from regulated pest(s) as listed in Section 012 of this rule.

(6-30-19)T

02. Department Approved Tag (Yellow Tag) (Non-Phaseolus). A tag issued by the Department to seed lots produced outside of Idaho and imported into Idaho for planting. The seed lot must be certified by the seed certification agency of the state of origin and be accompanied by a phytosanitary certificate or official field inspection report issued by the regulatory agency of the state of origin. Seed lots must pass laboratory testing performed by the Department, or Department approved laboratories, on samples drawn in Idaho by the Department and found free from regulated pest(s) and soil as listed in Sections 012 and 013 of this rule. (6-30-19)T

03. Department In-State Planting Tag (Green Tag). A tag issued by the Department to seed lots in compliance with growing season and windrow inspections in Idaho. (4-2-03)

04. Detailed Varietal Planting Plan. A plan that shows the variety name, seed lot number, In-state planting tag number (State Number) if applicable, pounds planted, acres planted, origin of seed, and the results of laboratory testing. (4-2-03)

05. Edible Harvest. Seed planted in Idaho intended for edible purposes (fresh green pod or dried edible seed). (6-30-19)T

05. Edible Harvest. Seed planted in Idaho intended for edible purposes (dried edible seed). (6-30-19)T

06. Experimental Plots. Subdivisions of trial grounds used for the introduction of seed otherwise ineligible for planting in Idaho. (4-2-03)

07. Farmstead. All land farmed in common with the land upon which the trial ground is located. (4-2-03)

07. Farmstead. All land farmed in common within one mile of the land upon which the trial ground is located.

Commented [HM1]: Deleted fresh green pod.

Commented [HM2]: Updated definition of a farmstead.

08. Home Garden. Personal use home gardens wherein Phaseolus or Non-Phaseolus species are planted for consumption and will not be utilized for replanting outside the same home garden where they were produced or offered for sale or sold for further propagation in Idaho. (6-30-19)T

08. Home Garden. Personal use home gardens with a maximum acreage of a half acre wherein Phaseolus or Non-Phaseolus species are planted for consumption and will not be utilized for replanting outside the same home garden where they were produced or offered for sale or sold for further propagation in Idaho. (6-30-19)T

Commented [HM3]: Size requirement added for home garden. ½ acre

09. ICIA Tag. A tag issued by ICIA provided that the lot was field and windrow inspected by ICIA in accordance with these rules. (4-2-03)

10. In-State Planting Tag Number (State Number). A number assigned by the Department to each lot which has successfully passed the Department's field and windrow inspection requirements in which no regulated pests were found. (4-2-03)

11. Introduction Plots. Subdivisions of trial grounds used for the introduction or increase of bean seed. (4-2-03)

12. Oregon Department of Agriculture Inspection Tag. A tag issued to seed lots produced in Malheur County, Oregon which were inspected in the growing season and in the windrow by the Oregon Department of Agriculture for the regulated pests as defined in Section 012 and Subsections 013.01 and 013.02 of these rules. (6-30-19)T

13. Pre-Harvest Inspection. Inspection done prior to harvest, where harvest methods or crop condition do not allow for windrow inspection. (6-30-19)T

14. Rill Irrigation. A method of applying non-pressurized irrigation water to crops in a free flow manner by using a series of drip ditches, canals, siphon tubes, and gated pipe utilizing gravity as means of conveyance within the field. (6-30-19)T

15. Drip irrigation. A system of crop irrigation involving the controlled delivery of water directly to individual plants through a network of stationary tubes or tapes, excluding drag lines

Commented [HM4]: Added definition for Drip Irrigation

16. Seed Borne. Pest(s) that can be found on the seed or within the seed coat but do not necessarily result in the transfer of the pest to the resulting plant. (6-30-19)T

17. Seed Lot. A definite quantity of seed identified by a lot number, every portion or bag of which is uniform, within permitted tolerances, for factors that appear in the labeling. (4-2-03)

18. Seed Transmitted. Pest(s) that can be transferred from the seed into the resulting plant.(6-30-19)T

19. Sprinkler Irrigation. An overhead water delivery system used to disperse irrigation water to crops

in a designated pattern utilizing a pump, a network series of pipes and delivering water under a controlled pressure in

a predetermined quantity. (4-2-03)

20. Trial Grounds. Parcels of land located on one (1) farmstead set aside for the purpose of research

testing or introduction of bean seed. (4-2-03)

21. True Identity of Seed Lot. True identity of seed lot is recorded using information provided by the

applicant on the application for field inspection or on the detailed varietal planting plan and harvest records. The true

identity of the seed lot is maintained by the Department after the applicant has finalized the harvest information and

provided such to the Department. (4-2-03)

22. Windrow Inspection. An inspection procedure performed on a seed crop prior to harvest but after

the crop has been cut and allowed for curing or drying out. (4-2-03)

011. ABBREVIATIONS.

01. ICIA. Idaho Crop Improvement Association. (4-2-03)

02. ISDA. Idaho State Department of Agriculture. (4-2-03)

012. REGULATED PESTS (PHASEOLUS AND NON-PHASEOLUS).

01. Anthracnose. Caused by (*Colletotrichum lindemuthianum*), (*Glomerella lindemuthiana*). (4-2-03)

02. Bacterial Wilt. Caused by (*Curtobacterium flaccumfaciens pv. flaccumfaciens*), (*Corynebacterium flaccumfaciens*). (4-2-03)

03. Brown Spot. Caused by (*Pseudomonas syringae pv. syringae*), (*P. syringae*). (4-2-03)

04. Common Blight. Caused by (*Xanthomonas axonopodis pv. phaseoli*), (*X. phaseoli*), (*X. phaseoli*

var. fuscans). (4-2-03)

05. Halo Blight. Caused by (*Pseudomonas savastanoi pv. phaseolicola*), (*P. phaseolicola*). (4-2-03)

013. REGULATED PESTS (NON-PHASEOLUS ONLY).

01. Soybean Cyst Nematode. (*Heterodera glycines*). (6-30-19)T

02. Asian Soybean Rust. Caused by (*Phakopsora pachyrhizi*). (6-30-19)T

03. Soil. There shall be a zero (0) tolerance, as defined by the soil tolerance standards of the Association of Official Seed Analysts (AOSA), for soil in any lot of a regulated article imported into Idaho and

destined for planting in Idaho. This prohibition shall not apply to seed of Idaho or Malheur County, Oregon origin.

(6-30-19)T

014. -- 049. (RESERVED)

050. REGULATED ARTICLES.

All seed and growing plants of (*Phaseolus*) species, from any source, being grown or planted for the production of seed or planted for edible harvest within the state of Idaho. All seed of soybean (*Glycine max*), mung bean (*Vigna radiata*), and azuki bean (*Vigna angularis*) and any other plant species capable of spreading a regulated pest as a contaminant or in a seed borne or seed transmitted manner, from any source and being planted within the state of Idaho, unless otherwise exempted in this rule. (6-30-19)T

051. EDIBLE HARVEST EXEMPTION.

Seeds planted for edible harvest must bear an approved tag as defined in Section 200.08 or 201.06 of this rule. Seeds planted for edible harvest are not required to undergo inspection requirements defined in Section 150 and 151, and are not covered by the irrigation restrictions defined in Section 200.09. (6-30-19)T

052. HOME GARDEN EXEMPTION.

Seeds planted for home garden use and consumption that will not be sold for replanting outside the original home garden space are allowed to utilize small package, non-tagged seed and are exempt from inspection requirements defined in Section 150 and 151 of this rule and from irrigation restrictions defined in Section 200.09. All seed intended for production of seed for replanting outside the home garden where they were produced are defined as Regulated Articles in Section 050. (6-30-19)T

053. -- 049. (RESERVED)

150. INSPECTION (PHASEOLUS).

All seeds harvested from bean fields in Idaho intended for replanting in Idaho shall be submitted to the Department or ICIA for growing season and windrow inspections. (4-2-03)

01. Application for Inspection. (4-2-03)

a. Deadline for Submission. Received by the Department on or before July 1 of each year. (4-2-03)

b. Application Forms. Forms will be provided by the Department or may be company generated. Company generated application forms must be approved by the Department prior to submission. (4-2-03)

Commented [HM5]: Further testing of dry bean varieties to determine disease susceptibility by variety. Work with Idaho bean commission to fund the study with the cooperation of dry bean companies and a researcher. ICIA is going to be sending fields samples to be tested. Ongoing review, based on results of field and serology tests to see if changes need to be made to this rule.

c. Additional or Substitute Acreage. Applications for additional or substitute acreage may be submitted until September 1 and will be accepted on a case by case basis and the cost of inspection to be determined by the Director. (4-2-03)

c. Additional or Substitute Acreage. Applications for additional or substitute acreage may be submitted until August 1 and will be accepted on a case by case basis and the cost of inspection to be determined by the Director. (4-2-03)

Commented [HM6]: Changed the date to August 1.

02. Active Growth Inspection. Unless the Director, in his sole discretion, deems additional inspections are necessary, the bean seed for replanting will be inspected as follows: (4-2-03)

a. Fields under rill irrigation -- at least once. (4-2-03)

a. Fields under rill or drip irrigation -- at least once.

Commented [HM7]: Added drip irrigation.

b. Fields under sprinkler irrigation -- at least twice. (4-2-03)

03. Windrow or Pre-Harvest Inspection. (4-2-03)

a. Number of inspections -- at least once. (4-2-03)

b. The Director may authorize qualified personnel to perform windrow inspections under the supervision of the Department. (4-2-03)

c. The Director may upon written request of the seed company agent perform standing crop preharvest inspection. (6-30-19)T

151. INSPECTION (NON-PHASEOLUS)

All imported or Idaho origin seeds intended for planting or replanting in Idaho shall be submitted to the Department

for growing season and pre-harvest/windrow inspections. (6-30-19)T

All imported or Idaho origin seeds intended for planting or replanting in Idaho shall be submitted to the Department or ICIA

for growing season and pre-harvest/windrow inspections. (6-30-19)T

Commented [HM8]: Added ICIA

01. Application for Inspection. (6-30-19)T

a. Deadline for Submission. Received by the Department on or before July 1 of each year. (6-30-19)T

b. Application Forms. Forms will be provided by the Department or may be company generated.

Company generated application forms must be approved by the Department prior to submission. (6-30-19)T

c. Additional or Substitute Acreage. Applications for additional or substitute acreage may be submitted until September 1 and will be accepted on a case by case basis and the cost of inspection to be determined by the Director. (6-30-19)T

02. Inspections. Unless the Director, at his sole discretion, deems additional inspections are necessary,

the bean seed for planting will be inspected as follows: (6-30-19)T

- a. Fields under rill or sprinkler irrigation -- at least once; (6-30-19)T
 - a. Fields under rill, drip, or sprinkler irrigation -- at least once; (6-30-19)T
 - b. Pre-Harvest or Windrow Inspection -- at least once. (6-30-19)T
 - a. Fields under rill or drip irrigation -- at least once.
 - b. Fields under sprinkler irrigation -- at least twice. (4-2-03)
151. -- 199. (RESERVED)

200. REQUIREMENTS FOR PLANTING BEAN SEED IN IDAHO (PHASEOLUS).

In order to be eligible for planting bean seed in Idaho: (4-2-03)

01. Idaho Grown Seed. Seeds planted must be from a lot that has an in-state planting tag number (state number) assigned by the Department based on growing season and windrow inspections and be tagged by the Department with a Department In-State Planting Tag (Green tag) or be tagged by the ICIA in accordance with these rules. (4-2-03)

01. Idaho Grown Seed. Seeds planted must be from a lot that has an in-state planting tag number (state number) assigned by the Department based on growing season and windrow or final inspections and be tagged by the Department with a Department In-State Planting Tag (Green tag) or be tagged by the ICIA in accordance with these rules. (4-2-03)

02. Malheur County, Oregon Grown Seed. Bean seed produced in Malheur County, Oregon must be from a lot inspected in the growing season and in the windrow for the regulated pests as defined in Section 012 of these rules and tagged by the Oregon Department of Agriculture. The ICIA may inspect and issue tags for bean seed grown in Malheur County, Oregon provided that each field is inspected according to these rules and the Malheur County Bean Disease Control Area order. (3-29-10)

03. Imported Seed Grown West of the Continental Divide in the Contiguous United States. Imported bean seed grown west of the Continental Divide in the contiguous United States must: (4-2-03)

a. Be accompanied by a phytosanitary certificate issued by the regulatory agency of the state of origin, listing the diseases for which the crop was inspected, that must include the regulated pests as defined in Section 012 of these rules, and stating that the crop was field and windrow or pre-harvest inspected; (6-30-19)T

b. Seed lot shall successfully pass laboratory tests conducted by the Department from samples

Commented [HM9]: Rule changed to match 150-02

Commented [HM10]: Added final inspection to allow standing fields that are direct harvested and have the final inspection.

officially drawn in the state of Idaho by the Department; (4-2-03)

c. Must bear a Department approved tag (yellow); (4-2-03)

d. Shall not be planted under sprinkler irrigation; and (4-2-03)

e. Each field planted in Idaho must be submitted for field and windrow or pre-harvest inspections.

(4-2-03)

04. Imported Seed Grown East of the Continental Divide in the Contiguous United States or of Foreign Origin. Imported bean seed grown east of the Continental Divide in the Contiguous United States or of

foreign origin to be planted in Idaho shall be planted only on an approved trial ground as outlined in Section 250.

(4-2-03)

05. Idaho Grown Seeds Shipped West of the Continental Divide in the Contiguous United States,

Except Malheur County, Oregon, or to a Foreign Country and Returned. Bean seeds shipped outside Idaho or

Malheur County, Oregon, west of the Continental Divide in the contiguous United States, or to a foreign country,

which were tagged prior to leaving the state and at the Director's discretion were segregated in such a way to ensure

freedom from regulated pests, may be returned to Idaho for planting under the following conditions: (6-30-19)T

05. Idaho Grown Seeds Shipped within the Contiguous United States,

Except Malheur County, Oregon and Returned. Bean seeds shipped outside Idaho or Malheur County, Oregon within the contiguous United States,

which were tagged prior to leaving the state and at the Director's discretion were segregated in such a way to ensure

freedom from regulated pests, may be returned to Idaho for planting under the following conditions: (6-30-19)T

a. A written request to bring seed back into Idaho or Malheur county must be submitted to ISDA and approved prior to seed being shipped back to the Company,

b. Seed tags and packaging are intact with the segregation of the seed deemed satisfactory by the

Director, (6-30-19)T

c. Bean seed not tagged prior to leaving the state, returned to Idaho without seed tags and packaging

intact, or not segregated to the satisfaction of the Director, may be returned to Idaho but upon return shall fall under

Section 200.03 or 201.03 of these rules or may be planted on an approved trial ground as outlined in Section 250.

(6-30-19)T

Commented [HM11]: Change in definition. Seed can be shipped and returned to the original company as long as it is in the original bag, state is notified, and shipped back to the original company.

Commented [HM12]: Added rule a.

06. Contaminated Seeds. The seeds from any bean field found or known to be contaminated with a regulated pest, as defined in Section 012 of these rules, shall not be planted in Idaho. (4-2-03)

07. True Identity of Seed Lots. Failure to maintain the true identity of any seed lot intended for seed purposes will automatically disqualify that lot for future planting in Idaho. (4-2-03)

08. Tags. Bean seeds planted in Idaho shall be from an approved lot bearing an approved tag on each bag or container, stating the kind, variety, and lot number. The following is a list of approved planting tags in Idaho: (4-2-03)

a. Department in-state planting tag (green tag); (4-2-03)

b. Department approved tag (yellow tag); (4-2-03)

c. ICIA tag, provided the lot was field and windrow inspected by ICIA in accordance to these rules; or (4-2-03)

d. Oregon Department of Agriculture inspection tag. (4-2-03)

09. Irrigation. (4-2-03)

a. Pintos, Reds, Pinks, Great Northerns, Small Whites, Navy Beans, Blacks, Kidneys, Yellows, Cranberries, and Lima beans: (6-30-19)

i. First generation of seed grown in Idaho must be grown and inspected under rill irrigation. (4-2-03)

ii. Thereafter, the seed may be grown and inspected for two (2) consecutive generations in Idaho under sprinkler irrigation. (4-2-03)

iii. Seed grown under sprinkler irrigation for two (2) consecutive generations shall then be grown and inspected for one (1) generation in Idaho under rill irrigation. (4-2-03)

b. All other beans: (3-29-10)

i. First generation of seed grown in Idaho must be grown and inspected under rill irrigation. (4-2-03)

ii. Thereafter, the seed may be grown and inspected for one (1) generation in Idaho under sprinkler irrigation. (4-2-03)

iii. Any time seed has been grown and inspected for one (1) generation in Idaho under sprinkler irrigation and prior to planting the seed under sprinkler irrigation or rill irrigation in Idaho, the seed must be sampled and laboratory tested by the Department in Idaho and found negative for the regulated pests. (3-29-10)

iv. Following a second consecutive planting of the seed under sprinkler irrigation in Idaho, the seed

Commented [HM13]: Further testing of these varieties to determine disease susceptibility.

must be sampled and laboratory tested by the Department in Idaho and found negative for the regulated pests.

(3-29-10)

v. After meeting the requirements of Subsections 200.09.b.i. through 200.09.b.iv., the seed must be

grown and inspected for one (1) generation in Idaho under rill irrigation. (4-2-03)

201. REQUIREMENTS FOR PLANTING BEAN SEED IN IDAHO (NON-PHASEOLUS).

In order to be eligible for planting seed in Idaho: (6-30-19)T

01. Idaho Origin Seed to Be Replanted. Seeds planted must be from a lot that was produced in accordance with these rules and has an in-state planting tag number (state number) assigned by the Department based

on growing season and pre-harvest or windrow inspections and be tagged by the Department with a Department In-

State Planting Tag (Green tag). (6-30-19)T

01. Idaho Origin Seed to Be Replanted. Seeds planted must be from a lot that was produced in accordance with these rules and has an in-state planting tag number (state number) assigned by the Department based

on growing season and pre-harvest or windrow inspections and be tagged by the Department or ICIA with a Department or ICIA In-

State Planting Tag (Green tag). (6-30-19)T

02. Malheur County, Oregon Grown Seed. Seed produced in Malheur County, Oregon must be from

a lot inspected in the growing season and pre-harvest or windrow for the regulated pests as defined in Section 012,

013.01, and 013.02 of these rules and tagged by the Oregon Department of Agriculture. (6-30-19)T

03. Imported Seed From Other Than Malheur County, Oregon. Imported seed must: (6-30-19)T

a. Be certified by the seed certification agency of the state of origin and be accompanied by a state

phytosanitary certificate issued by the regulatory agency of the state of origin, listing the diseases for which the crop

was inspected, that must include the regulated pests and soil as defined in Sections 012 and 013 of these rules, as

identified from official field inspection, official samples and official laboratory testing; or (6-30-19)T

b. Each seed lot shall successfully pass laboratory tests on untreated seed for regulated pests and soil

conducted by the Department (in the case of nematodes and soil by a Department approved lab) from samples

officially drawn in the state of Idaho by the Department; and (6-30-19)T

c. Must bear a Department Approved Tag (Yellow Tag) at the time of planting; and (6-30-19)T

Commented [HM14]: Added ICIA

d. Be submitted for a growing season inspection in compliance with Section 151 of this rule; and

(6-30-19)T

e. If intended for seed production, not be planted under sprinkler irrigation for the first growing season. (6-30-19)T

04. Contaminated Seeds. The seeds from any field found or known to be contaminated with a regulated pest or soil, as defined in Section 012 and 013 of these rules, shall not be planted in Idaho. (6-30-19)T

05. True Identity of Seed Lots. Failure to maintain the true identity of any seed lot intended for seed

purposes will automatically disqualify that lot for future planting in Idaho. (6-30-19)T

06. Tags. Seeds planted in Idaho shall be from an approved lot bearing an approved tag on each bag or

container, stating the kind, variety, and lot number. The following is a list of approved planting tags in Idaho:

(6-30-19)T

a. Department in-state planting tag (green tag); (6-30-19)T

b. Department approved tag (yellow tag); (6-30-19)T

c. Oregon Department of Agriculture inspection tag. (6-30-19)T

202. -- 249. (RESERVED)

250. TRIAL GROUNDS.

01. General Trial Ground Requirements. (4-2-03)

a. A written request for trial ground must be submitted to the Director for approval prior to May 20 of

the year the bean seed will be planted and must contain: (4-2-03)

i. Name of person in charge. (4-2-03)

ii. Geographic location and size of trial ground. (4-2-03)

iii. Detailed varietal planting plan. If the original planting plan is changed, the person in charge of the

trial ground must notify the Director. (4-2-03)

b. Must be jointly supervised by the Department and personnel approved by the Director. (4-2-03)

c. The land must be owned or leased by the applicant. If leased, a copy of the lease must accompany

the application. (4-2-03)

d. More than one (1) trial ground may be approved provided that a separate application is submitted

and each trial ground meets the requirements of Section 250. (4-2-03)

02. Trial Ground Subdivisions. (4-2-03)

a. Experimental Plots. A maximum of one (1) pound of bean seed per variety may be planted in an

experimental plot without laboratory testing. (4-2-03)

b. Introduction Plots. Introduction plots are limited to a maximum of two (2) acres per variety per company or designated agent for any given year and each seed lot to be planted in an introduction plot must successfully pass laboratory tests conducted by the Department from samples officially drawn in the state of Idaho by the Department. (6-30-19)T

03. Trial Ground Restrictions and Inspection Procedures. (4-2-03)

a. Any machinery used in production of bean seed on trial grounds must be disinfected, to the satisfaction of the Director, prior to movement to other bean fields. (4-2-03)

b. Approved trial grounds shall not be planted under sprinkler irrigation. (4-2-03)

c. During each growing season there will be a minimum of four (4) active growth inspections and one

(1) windrow or pre-harvest inspection. (6-30-19)T

04. Detection of Regulated Pest. If a regulated pest is found by field inspection, windrow or preharvest inspection or subsequent laboratory seed testing, the infested seed must be destroyed. None of the remaining bean seed produced on that farmstead may be released for general planting in Idaho. The remaining seeds must be sampled and laboratory tested by the Department. If the laboratory test is negative for the regulated pests, then the seeds must be planted on an approved trial ground for one (1) additional year and are limited to a maximum of two (2) acres. (6-30-19)T

04. Detection of Regulated Pest. If a regulated pest is found by field inspection, windrow or preharvest inspection or subsequent laboratory seed testing, the infested seed must be destroyed and the field must follow the destruction rule 400-02. None of the remaining bean seed produced on that farmstead may be released for general planting in Idaho. The remaining seeds in the trial field must be sampled and laboratory tested by the Department. If the laboratory test is negative for the regulated pests, then the seeds must be planted on an approved trial ground for one (1) additional year and are limited to a maximum of two (2) acres. Once the negative seed plots have been harvested. The grower must follow the destruction rule 400-02 for the remainder of the trial ground. (6-30-19)T

251. -- 299. (RESERVED)

300. SPECIAL SITUATIONS.

The Director may grant specific exemptions for research purposes for the planting of beans that do not meet the requirements of Sections 200, 201, or 250. Seed not meeting the requirements of Sections 200, 201, or 250 must be

Commented [HM15]: New definition of destruction for trial grounds.

planted only in counties where commercial beans or bean seed is not produced, as determined by the Director.

(6-30-19)T

301. -- 349. (RESERVED)

350. DETECTION, IDENTIFICATION, AND REPORTING OF REGULATED PESTS.

01. Reporting. Any person may report to the Department the detection of any of the regulated pests.

(4-2-03)

02. Observation. Detection of regulated pests will be based on the observance of symptoms in the

field. (4-2-03)

03. Disagreement. In case of disagreement concerning the identity of the regulated pest or the virulence of the pathogen to Phaseolus or non-Phaseolus, the Department will submit cultures of the suspected

pathogen to a plant pathologist appointed by the Dean of the College of Agriculture, University of Idaho. The results

and findings obtained by the approved pathologist are final. (6-30-19)T

04. Release of Information. When the presence of a regulated pest is confirmed, information regarding the location and acres involved will be released upon request. (4-2-03)

351. -- 399. (RESERVED)

400. DISPOSITION OF DISEASED SEED AND INFECTED FIELDS.

01. Quarantine. Any field in which there is a disagreement concerning the identity of the regulated

pest or the virulence of the pathogen to its host will be placed under quarantine. Entry to the quarantined area will be

restricted to the grower or his agents, Department officials, University of Idaho plant pathologists, and persons

authorized in writing by the Director. Persons granted entry to the quarantined area will be required to take all

necessary sanitary precautions prescribed by the Director. (6-30-19)T

02. Destruction. Upon the confirmation of a regulated pest, any bean fields within the boundaries of

the state shall be destroyed in part or in total, as required by the Director, to eliminate the pest at the expense of the

grower and his landlord. The Director will notify the grower or his landlord of the method and extent of the

destruction and safeguards against pest spread in order for the parties to comply. (4-2-03)

02. Destruction. Upon confirmation of a regulated pest, any bean fields within the boundaries of the state shall be destroyed in total. No residue or beans can leave the field once the ISDA notifies the grower of the regulated pest. The grower has 5 days to burn or breakup plant material and plow the field to eliminate the pest and residue at the expense of the grower and his landlord. All equipment used to eliminate the pest is required to be disinfected. A written plan of destruction and disinfection must be signed by ISDA, Company Representative, and the grower. Destruction and disinfection will be

witnessed by a ISDA representative. The field will be quarantined from having beans planted for 5 years to ensure the regulated pest has been eliminated

Commented [HM16]: New definition of Destruction.

03. Threshing and Segregating. When the symptoms of a regulated pest are first detected during windrow inspection and laboratory confirmation is necessary, the Director may allow the beans to be threshed and segregated until laboratory results are obtained. (4-2-03)

401. -- 449. (RESERVED)

450. EXEMPTIONS FROM DESTRUCTION (PHASEOLUS).

01. Brown Spot. Fields contaminated with brown spot, (*Pseudomonas syringae* pv. *syringae*), are exempt from destruction. The Department will review this exemption as necessary. (4-2-03)

02. Beans for Processing or Fresh Consumption. Snap beans or lima beans for processing or fresh consumption are exempt from destruction if the diseased portion of the field is destroyed or harvested within five (5) days after first detection or verification as per Section 350 and Subsection 400.01 and the crop residue is promptly and completely destroyed after harvest, as required by the Director. (4-2-03)

Commented [HM17]: Delete 450-02 and 451.

451. EXEMPTIONS FROM DESTRUCTION (NON-PHASEOLUS)

Those non-Phaseolus crops for forage production are exempt from destruction if the diseased portion of the field is destroyed or harvested within five (5) days after first detection or verification as per Section 350 and Subsection 400.01, as required by the Director. (6-30-19)T

452. -- 549. (RESERVED)

550. FEES AND CHARGES.

The fees and charges for tags and inspections under these rules are: (4-2-03)

01. Tags. Green tags or Yellow tags for In-State Planting Purposes -- Eighteen cents (\$0.18) per hundred-weight. (3-16-04)

02. Applications. (4-2-03)

a. Application for Field Inspection -- Five dollars (\$5) each. (3-16-04)

b. Late Application for Field Inspection -- Ten dollars (\$10) each. (4-2-03)

03. Field Inspections. (4-2-03)

a. Inspection Fees. (4-2-03)

i. Active Growth Fees -- Three dollars and fifty cents (\$3.50) per acre, per inspection, fifty dollar (\$50) minimum. (6-30-19)T

ii. Windrow or Pre-harvest Fees -- Three dollars and fifty cents (\$3.50) per acre, fifty dollars (\$50) minimum. (6-30-19)T

iii. Department Approved Trial Grounds - origin east of the Continental Divide -- Ten dollars (\$10) per

acre, per inspection, fifty dollars (\$50) minimum. (6-30-19)T

iv. Department Approved Trial Grounds - origin West of the Continental Divide -- Three dollars and

fifty cents (\$3.50) per acre, per inspection, fifty dollars (\$50) minimum. (6-30-19)T

v. Requests for pre-harvest or windrow inspections after office hours, on weekends or holidays will be

charged at cost plus mileage. (6-30-19)T

04. Laboratory Seed Sampling. Official Sample -- twenty dollars (\$20) per sample. Sample size requirements for imported seed:

(3-16-04)

05. Plant Pathological Laboratory Services. Fees will be charged at current laboratory rates and are

available upon request. (4-2-03)

06. Confirmation Fees. The party disputing the Department's determination of the presence of a

regulated pest per Subsection 350.03 will be responsible for the payment of fees charged by the University of Idaho.

(3-16-04)

07. Soil Analysis. Testing for the presence of soil shall be performed by the Idaho State Seed Laboratory or other seed laboratory approved by the Department. The cost of soil analysis shall be at the normal rates

as is charged by those approved laboratories. (6-30-19)T

08. Nematode Analysis. Nematodes testing shall be performed by the University of Idaho Nematology

Laboratory or other laboratory approved by the Department. The cost of analysis for nematodes shall be at the normal

rates for testing as is charged by those approved laboratories. (6-30-19)T

09. Special Project Fee. Special projects not covered by existing fee schedule may be billed at twentyfive

dollars (\$25) per hour with a minimum twenty-five dollar (\$25) fee. Special projects, include but are not limited

to, research, lot history verification, data entry, sales and purchases, transfer of lots into ISDA database, ISDA

training of private company personnel or any other circumstance approved by the Director. (3-16-04)

551. -- 999. (RESERVED)

Washington:

- Addition of an official sticker or tag to be attached to each bag of bean seed to be used for planting as an indication that it meets all Washington State requirements for planting.
- Review Trial Ground language: Currently, if a seed lot in a trial ground is found positive for bacterial disease it can be planted back on a trial ground the following year and all other lots in the trial ground can be as well and without lab testing. Recommend that positive lots be destroyed, and all other lots be tested and if negative then be planted back on a trial ground for 1 additional year, if positive they should be destroyed.

Idaho:

- Conduct a survey, by means of lab testing, of commercial beans for the absence/presence of the regulated bacterial diseases.
 - Monty Hamilton will take this request to the Idaho Bean Commission and request that they sponsor this survey and work with the U of I and the Idaho State Seed Lab to design and conduct the survey and testing.
- Clearly define “Farmstead”. We recommend using a maximum distance (to be determined) of impact within a farmstead. Otherwise, the impact could be for miles.
- In Section 200.06 (Idaho Grown Seeds Shipped West of the Continental Divide in the Contiguous United States, except Malheur County, Oregon , or to a Foreign Country and Returned), remove all reference to Foreign Country.
- Under section 201 (Requirements for Planting Bean Seed in Idaho (Non Phaseolus) add sections b ii, iii, iv and v from section 200 10 (Requirements for Planting Bean Seed in Idaho (Phaseolus).

- - b. All other beans: (3-20-20)T
 - i. First generation of seed grown in Idaho must be grown and inspected under rill irrigation. (3-20-20)T
 - ii. Thereafter, the seed may be grown and inspected for one (1) generation in Idaho under sprinkler irrigation. (3-20-20)T
 - iii. Any time seed has been grown and inspected for one (1) generation in Idaho under sprinkler irrigation and prior to planting the seed under sprinkler irrigation or rill irrigation in Idaho, the seed must be sampled and laboratory tested by the Department in Idaho and found negative for the regulated pests. (3-20-20)T
 - iv. Following a second consecutive planting of the seed under sprinkler irrigation in Idaho, the seed must be sampled and laboratory tested by the Department in Idaho and found negative for the regulated pests. (3-20-20)T
 - v. After meeting the requirements of Subsections 200.09.b.i. through 200.09.b.iv., the seed must be grown and inspected for one (1) generation in Idaho under rill irrigation. (3-20-20)T

Rules Governing the Planting of Beans

IDAPA 02.06.06

April 23, 2021

Attendees Via Webex: B.J. Metzger, Brad Smith, Brett Lolley, Casey O’Leary, Darren Krzesnik, Doug Boze, Gary Petersen, Gina Lohnes, John Snelling, Josh Walton, Kathy Stewart-Williams, Lorell Skogsberg, M Steffey, Monty Hamilton, Nick Bredeweg, Pedee Ewing, Phil Belnap, Steve Schwartz

ISDA Staff: Lloyd Knight, Andrea Thompson, Tina Eiman, Chanel Tewalt, Katy Devries (DAG), Dallas Burkhalter (DAG)

Lloyd started the meeting with a review of Webex functions, review of overall rulemaking plan and strategy, and review of posting of comments and drafts on the agency website.

Lloyd handed the presentation over to Tina Eiman for a review of the strawman rule. The following sections and discussions occurred during that presentation:

- Definitions, 010- 01: ISDA has always accepted the phyto or field inspection for documentation for yellow tag. It does not have to be a phyto.
- 05. Request from IEOSA to add new definition of drip irrigation. A system of crop irrigation involving the controlled delivery of water directly to individual plants through a network of stationary tubes or tapes, excluding drag lines.
- 05. Remove fresh green pod, just leave in seed planted in Idaho intended for edible purposes (dried edible seed).
- Farmstead: **Will likely be something we’ll have to discuss further. Request to take out Farmstead and request to add definition of buffer or impact zone, if positive found. Also, legal definition of Farmstead. Three schools of thought there. IEOSA Recommendation.
- 08.Home Garden definition (IEOSA Blight Committee) with maximum of one-half acre.
- 19 Trial Grounds – definition (if Farmstead definition is removed) located on one (1) farmstead – be removed.
- 150-01-c. IEOSA Monty change from Sept 1 to Aug 1 – thought hard to get in all the required inspections
- 02.a. add in “drip or”
- 151. Inspection (Non-Phaseolus) at the request of ICIA, add in “or the Idaho Crop Improvement Association (ICIA) – to allow inspections by ICIA or ISDA
- 151- 02. Add in in “drip” – suggestion that non-phaseolus get inspected the same as Phaseolus, so fields under drip, rill get inspected at least once. And field under sprinkler irrigation get inspected at least twice. To match how Phaseolus fields are inspected.
- 200.01. Idaho Grown Seed add “or final” allow or final inspection on Phaseolus as we allow on non-phaseolus, could be a windrow or pre-harvest inspection.
- Lloyd pointed to the 2019 combination of the separate Phaseolus and Non-Phaseolus rules and the obvious need to further combine sections to reflect industry requests to further merge Phaseolus and Non-Phaseolus sections into a single set of common requirements.
- 03, housekeeping again adding in “or official field inspection report”

- Section 5 and 6 – we will need to come back to. Correcting language. Ship to a foreign. Bean rule committee take out or foreign country and returned. IOSA request allowable to ship anywhere in the continental US provided it was tagged before it left, segregation and written request to return it.
- 201.01 Adding in ICIA per ICIA – can also do inspection and tagging on non-Phaseolus
- 03.a. house keeping add in “or official field inspection report”
- Imported seed from other than Malheur county would have to be planted on trial ground. IEOSA recommends anything coming in from anywhere other than Malheur county would have to be planted on trial ground the same as Phaseolus varieties. Holding Non-phaseolus to same standards as Phaseolus. (discussion)
- 06. adding in ICIA inspections allowed will need to add ICIA tags provided field and windrow inspected according to the rule, will need to be added in here
- 250.02 Trial Ground Subdivisions, addition here that clarifies non-phaseolus coming in under 1 pound exemption, will still need to be tested for soil and nematodes, in to Idaho. Language addition.
- 04 detection of regulated pest request to update to clarify how the trial ground lot will be handled when a positive is found on the trial ground. Monty from IEOSA.
- 350 detection 01 house keeping take out may and change to will, questions or comments from the group.
- 400. 02 destruction –remove in part and leave in total. (request by IEOSA) Monty Yes, we need to remove “in part”. Andrea – is there consensus on that? Complete destruction, not partial. Gary (?) – Tina are you still considering if you’ve got a large field separated by corn rows or some separation that those are separate fields? Tina - I would say yes, as long as that other field did not test positive. It’s open for discussion. John (?) – going back what we said before, all adjacent fields would be inspected and tested if needed, right? It would be an adjacent field if it were separated by a corn line. Yes, agreement. Tina we have seen some fields where there is only a flag between the two fields, there is no physical barrier, that might cause some heartache if it ever came to pass that half of it was found positive. Gary – I thought there used to be some language in there that designated what created a separate field. To me a flag is pretty questionable. Tina – right. I don’t see any language now for that, but I know I have been out to some fields with my crews and there has been literally a flag at one end of the field that split the field between two field inspection applications. If it’s a clear separation, then it’s easy, but if it’s not, then maybe some merit for further discussion. Lloyd – Probably do want to talk about define fields in this process. Have had some examples through the years. All on one field without even a flag marker. Should make it clear, since we are in the rule already. John – The field has to be described. Even if it says the five acres on the east side. Tina – We have had maps that say that, say if it is a 10 acre field, say this map is the five acres on the east side and this lot is the five acres on the west side. But when you get out there, there may not even be a blank row. Gary – I thought the idea behind having a physical separation even though you might have a flag, once we get into the windrow and a wind storm comes up, then you could easily get crop intermingling and rolled into one into another field. I personally think there should be a physical separation requirement between two fields. John – Little bit of issue, for instance like on a trial ground, where you are doing a 1 pound increase. Corn row in between 1000 plants? Gary – no that’s a trial ground exemption. That’s a different situation. When I say a physical

separation, to separate two fields, you have a dike. Obvious they're irrigated separately, they are separate fields. We've all done it when you have a big field you split it maybe between varieties, or whatever reason. A grower would put a corn row down to separate it. But a flag to me, there is nothing to stop those crops from intermingling during harvest. John – I fully agree. I have also seen instances where I have seen 8 different stock seed varieties in a single field and they're all half an acre or something. Good practice would be to plant something and keep them separate. Here I don't know that we are designating good practice. "Gary I think your comments very valid, regarding intermingling during a wind storm or something." But that would hold true even with a physical separation. If you left five rows blank and it was clearly separate. Even then if it was intermingled, you would have a problem. Gary – if you are just leaving blank rows, absolutely. If you've got corn rows or sunflowers or something that is physically separating, you could still get through it, but it makes a big difference. Andrea – What I understand that when we have "in part" if there's a physical separation of some sort whether that be a row or actual physical barrier that would make anything with that physical barrier to be subject to destruction. Everything "in total" would just be that contained area. Tina – from years ago, it was allowed on occasion if only part of the field was deemed to be positive, only part was destroyed. Had to do with when Del Monte was big here. We had exemption for the fresh harvest. They only had to destroy part of it, if they could harvest part of it in time. Not sure if this is how the "in part" came about. How we sit now if you found a field of Halo blight you would destroy that thing in total. Monty(?) jumping ahead we did delete that whole part of the "in part" of a field being destroyed, that has to do with 450-02. Tina – Probably not even valid if we stay with the deleting of beans for processing, or fresh consumption or forage. I think it allowed for partial harvest of a positive field. Gary – Do we allow a flag to indicate a field separation, I think that's the real question. Or one of the questions anyway. Monty – might be worth adding what you classify as a field. If a company chooses to use a flag, whether it's a gap in the field or corn rows, then this is the risk you take. But if you add a gap and corn row, then we're going to treat it as separate fields. Gina – I believe with Idaho Crop Improvement certification program we are required to have a gap or a physical separation of corn or some other separator. I'm guessing this must just be a garden bean issue. Tina – maybe there is already wording that we can copy? John – I think the final sentence here is also calling for additional wording because if the field will be quarantined. Imagine we have a 10 acre field with 6 different crops in it, that are considered 6 different fields. And one of them is positive and the rest for whatever reason are negative. Is it just the strip in the middle, is it the whole thing, that's quarantined? It would do well to have a little bit more clarification here. I'm not proposing what that is, but it just seem it needs more. Lloyd – draft recommendations from you all on defining a field and tweaking this destruction language go with that process recognizing those separations an all of that. Email to us to get submitted. And that way it reads how you want it to. Someone can make it consistent with the ICIA definition, if that is what you want to do, or make it something different. Look for you all to submit language back to us, please.

- 04 detection of regulated pest to add "Upon confirmation of a regulated pest, all bean fields located within half a mile of the infested field, fields where equipment was shared, and fields planted with the same parent seed will be inspected by ISDA or ICIA for further spread of the regulated pest." (IEOSA) Outline the boundaries of where we will be looking if this goes

through. Tina – Are we adding in there will be inspected and lab tested? I think there was some conversation about lab tested as needed. Is that what your comment was Gina? For this section. Gina – I think lab test would be good. Lloyd – inspected process would include testing, is that correct? I don't mind adding the word testing. Andrea – you can't have confirmation of a regulated without a laboratory testing. It's really just a technicality by adding the language and testing. Lloyd – it's married together in the same group.

- Kathy – 400-02- Can we go back to the destruction – quarantine for 5 years. Is that based on science? Wondering where the five years came from and part of that is because I know there has been a lot of discussion through this process about the potential of harmonizing Idaho and Washington as far as bean rules. At least from the certification side, both Washington and Idaho require two years out of beans when a regulated pest is found. Wondering where the five years came from. Monty – the five years came from the meeting we had in Glens Ferry and I forget the driving breeders that were there. But we were all discussing how long dry beans could potentially volunteer in a field. And that is where the 5 years came from. Kathy – so would it be worth having Lyndsay or another pathologist weigh in on that before committing to a five year quarantine. Gary or John(?) – I would say yes, why not. Gina – especially where that is going to change/effect the certification rules. Kathy – In Idaho certification standards are much easier to change than they are in WA. Where so many companies are doing business in both states. We do sort of have the same end goal as much parallel standards are possible. WA is WSDA so it's going to be much harder to change. Andrea – Okay so IEOSA you'll work on getting that information and submitting that? Monty – Sure
- 450.02 deletion Beans for processing or fresh consumption – would no longer be exempt. Any thoughts or comments on this? Gary(?) Going back to what Tina said earlier about Del Monte was here. If they could get it harvested within the same time frame, that was allowed. Instead of destroying. I don't think there is any fresh processing here to today. But would we still want to consider that in case they're wanting to come back. John – you are saying basically destruction by harvest? Gary – Exactly. Tina – within five days of detection. But the other definition is not allowing any plant material to be removed from a confirmed positive. That is how this strike out came about. Monty – that is exactly why it came about. The discussion was if you are growing garden beans in Idaho, you would follow the seed rules. Gary – It's not a big issue to me, I just wanted to through that out for some discussion. Lorell - I guess to be consistent you can continue as proposed until somebody has an issue or somebody moves into the area, and then you could re-visit. Lloyd – Going back and adding it in later is difficult. Rule making process, we would have to go through all this and there will be a lag. Gary? – personally I would like to see them tear the whole field out, if that occurred. John – Yes, and not drag material down the road, to a plant or whatever. Monty(?) – I would say add this and add the new definition for destruction. Gina or Kathy(?) – I would agree Andrea – okay. Lorell – 04 detection – commercial fields or stock seed fields, things outside of trial ground, we are going to do all bean fields located within half a mile. Do we want that to mirror the trial language? Which was adjacent fields or is this half mile a reasonable thing? Gary – I think it should mirror the other one. Tina – When we discussed we said we were going to say adjacent fields and fields planted with the same parent seed lot and including exemptive varieties or types.
- 451 exemptions from destruction – to strike. Any comments or suggestions? This is for non-phaseolus for forage production. – no comments

- End of changes. Open up for discussion.
- Lloyd – Andrea will capture. Draft word by word right now. Track changes. Capture in comments. Submit email for good record or who is asking for what where.
- 010.01 “Or official field inspection report” be added – no comment
- 05 “Drip Irrigation. A system of crop irrigation involving the controlled delivery of water directly to individual plants through a network of stationary tubes or tapes, excluding drag line.” – no comments
- 05. Edible Harvest striking “fresh green pod or” leaving “dried edible seed” – no comment
- 07 Farmstead: Andrea - I’m sure we might have comments about “Farmstead. All land farmed in common within one mile of the land upon which the trial ground is located.” And the legal definition “Farmstead. All bean seed planted to the same field site upon which the trial ground is located. Adjacent field sites are considered part of the farmstead if planted to any same parent seed lot as planted on the trial ground site.” Tina or the third request impact zone. Somewhere a definition of impact zone from the positive find site. John Snelling - Question the yellow section is the legal definition that was added? Andrea responded – that is correct, we had a 2020 case where we had to employ what the limit was for where we would be looking for the disease. And in this instance it was the field site upon where the trial ground was approved and only included the adjacent same field site as it was planted to the same parent seed lot. Gary Peterson - And that would include if a different grower that was planted. Andrea - that is correct. Gary Peterson if you’ve got a trial ground exemption, and then 2 miles away the same seed lot planted, that becomes part of the farmstead? Or that will be handled under the other regulation additional inspections because planted from the same seed lot. Andrea – it would not incorporate parent seeds planted 2 miles away, only adjacent field site if planted to the same parent seed lot. Tina clarifying if you planted Lot 1 and it was positive then any lot 1 planted adjacent to the positive site, is that a good way to look at it? John Snelling is there a risk of spread to adjacent fields even if it was not same seed lot, is there a physical risk and is there a risk on equipment transfer. And one of the groups said maybe we could remove Farmstead definition if we could somehow come up with some language that would provide additional testing in surrounding fields or just adjacent fields. This definition I had not seen before. But when I think of a farmstead, I think of the guy’s whole farm. If company A puts trials out, has positive, could put other fields, varieties, stock seed at risk on that guy’s farm. Peripheral thing to reduce risk. What is the true risk of these trial grounds? Liz was going to do some checking on that. Have we really even had that many positives from trial grounds. Monty – wanted to eliminate farmstead, but add into “Destruction” added in a new section where if you had a positive, all fields within half mile regardless of same grower or different farm it would be looked at, plus shared equipment fields and shared seed lot. New definition for when they do find a positive. John or Lorell(?) responded that would work for me that is a simpler thing, more specific to that location, and who follows up on that. I think that is better than to list a farmstead. Andrea – do we have consensus to strike legal definition to farmstead? Gary Petersen – before we do and I think we review the other clause that Monty was talking about, so we all understand what will be substituted for it. Andrea – ok, make a note. Tina - 400.04.
- Lloyd skip to 400.04. Monty(?) should talk to different researchers to see if ½ mile is a good distance. Andrea – “04. Detection of a regulated pest. Upon confirmation of a regulated pest, all bean fields located within half a smile of the infested field, fields where equipment was

shared, and fields planted with the same parent seed will be inspected by ISDA or ICIA for further spread of the regulated pest.” Gary – for any detection on trial ground exemption or any other field, correct? Andrea – that is correct. John – this says only inspection, should it be inspection and testing? Tina – follow up inspection and if any concerns then also sample and test. Andrea – trial field must be sampled and laboratory tested. Tina – all lots on the trial field. Andrea - but for all others it would read just inspected. Gary – adding testing where needed. (?) and testing if concerns were found during the inspection. Gary - but on the trial ground should be tested. I think we need stricter controls on the area right adjacent to the trial grounds than we do for a regular commercial fields or stock seed field. Monty – I threw in half mile, is a half mile enough distance from any field that we find a regulated pest, or should it be a mile. What do you think? Does anyone have an opinion on a true distance? Gary – Tina what have you been doing in the past? Has it been adjacent fields or have you had a distance. I know for Halo blight in the past, the state was going back to fields that were close by or at least adjacent. What’s that policy? Tina – in the past surrounding fields near positive and also parent seed lot, we re-inspect same parent seed lot. Adjacent fields and parent seed lots. Gary - I think ½ mile is good. Maybe we should have some pathologists weigh in on. John – I think we should discuss exempted fields that are within whatever radius we pick. Trying to limit the spread of something. I think it is prudent to look at all fields that can be host within the radius, not just non-exempted status. Gary (?) – I was the one that said all bean fields. Garden beans and dry beans. John – In this case I don’t think the exemption should be exempted, at least from an inspection. Lloyd – couple of notes here while you are discussing this. Pathologists may not always agree. Language is pretty broad. Do what industry wants. Take into consideration the timing of the inspections during the busy season. This will take priority over everything else on our workload. Gary – do we really need to go ½ mile, or prudent to do what we did in the past with testing all adjacent bean fields (exempt or not), plus what was planted from the same bean lot. Lloyd – general consensus on that adjacent fields and fields planted with same parent seed lot, is that what I heard? Yes(?) John(?) – included exempted varieties or types. Recommended by Gary, Lorell and John – IEOSA. Lloyd replace farmstead to delete for new language in 400.04

- 08 Home Garden the suggestion of IEOSA the addition of “with a maximum of one-half acre” – silence
- 19 The strike on Trial Ground for “on one (1) farmstead” to be removed. – silence
- 050.01 Application for Inspection. C. strike September 1 for the addition of :August 1” – silence
- 02 Active growth Inspection. a. addition of “drip or” – silence
- 151 Inspection (non-phaseolus) addition “or the Idaho Crop Improvement Association (ICIA)” – silence
- 02. Inspections a. add “sprinkler at least twice” so drip, rill at least once, sprinkler would be at least twice. (Gary?)Plus the windrow inspection or pre-harvest. Yes. Tina – I think we could copy what we have for Phaseolus word for word. That would take care of that section.
- 200.01 Idaho grown seed – add windrow “or final” inspections – silence
- .03 a. add “or official field inspection report” - silence
- 05 and 06 there is a lot of strike and additions, open for comments. Lloyd we had several comments. As group we can talk through for clarification. Tina – whether we want to correct the wording by removing “or foreign country” for shipping west of the continental divide, per the rule committee, or if we want to allow free movement in the continental United States with

tagging, segregation and ability to return with written request? Gary – How do you monitor the segregation in that situation? Tina – when it's been allowable to come back in. We note how much is going to come back, we checked bill of lading going to the other state and the bill of lading coming back and also going out to the site and looking at the returned shipment to see if it appears to be in the same back, unopened

- Lloyd asked if there were any changes requested for fees. Tina – I don't think so. We talked about the minimum \$50 dollar charge, but it's already there.
- Made it through everything. Very good discussion. What I have on our side is we are obviously going to do some substantial drafting to marry phaseolus and non-phaseolus together and make that work. We will probably wait until late next week, before we start on that. And give you all a chance. Have some spots where some folks were maybe going to submit some language to us, some ideas, some thoughts. Andrea if you would where we referenced those areas if you would capture in an email to those folks looking for those things. If you would email them copy Tina and I and that way we would have a record, so folks would know what we're looking for. We'll wait probably until we get some comments back to us next week. Might even be the first of the week after that. Just to give us a chance to do some drafting and give you all a chance to mull over. We are working from a draft that is on the web site. If you need to go back and look at it to see what we talked about, if you weren't in there already. We'll let you do that. Otherwise we will see you roughly in about a month. You should all have the web ex invites for that. Next meeting in May as well as in June. Ultimately we need it to be able to submit to DFM and go through our process on our end, right after the June meeting. Tight timeline. Any questions for us?
- Lorell - Thank you to you and your team and all of these committees, lot of effort on this. Gary's group and IEOSA team Monty, Gina and Nick and Brad, you guys have done a great job. Appreciate it.
- Lloyd – Yes. Excellent work folks. I know we have had a lot of things after 2019 being discussed. And a lot of things to go through. Do agree a lot of good work has been done. Thank you.

With that end meeting. Thanks everybody for your involvement.

10:28

02.06.06 – RULES GOVERNING THE PLANTING OF BEANS

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-1907, 22-2004, and 22-2006, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.06, “Rules Governing the Planting of Beans.” ()

02. Scope. These rules govern the planting of beans in Idaho. ()

002. – 009. (RESERVED)

010. DEFINITIONS.

The Department adopts the definitions set forth in Section 22-2005, Idaho Code. In addition, as used in this chapter: ()

01. Department Approved Tag (Yellow Tag) (Phaseolus). A tag issued by the Department to seed lots produced west of the Continental Divide in the contiguous United States. The seed lot must be accompanied by a phytosanitary certificate or official field inspection report issued by the regulatory agency of the state of origin, listing the diseases the crop was inspected for, that must include the regulated pests as defined in Section 012 of these rules and be based on growing season and windrow or pre-harvest inspections. Seed lots must pass laboratory testing done by the Department on samples drawn in Idaho by the Department and found free from regulated pest(s) as listed in Section 012 of this rule. ()

02. Department Approved Tag (Yellow Tag) (Non-Phaseolus). A tag issued by the Department to seed lots produced outside of Idaho and imported into Idaho for planting. The seed lot must be certified by the seed certification agency of the state of origin and be accompanied by a phytosanitary certificate or official field inspection report issued by the regulatory agency of the state of origin. Seed lots must pass laboratory testing performed by the Department, or Department approved laboratories, on samples drawn in Idaho by the Department and found free from regulated pest(s) and soil as listed in Sections 012 and 013 of this rule. ()

03. Department In-State Planting Tag (Green Tag). A tag issued by the Department to seed lots in compliance with growing season and windrow inspections in Idaho. ()

04. Detailed Varietal Planting Plan. A plan that shows the variety name, seed lot number, In-state planting tag number (State Number) if applicable, pounds planted, acres planted, origin of seed, and the results of laboratory testing. ()

05. Drip Irrigation. A system of crop irrigation involving the controlled delivery of water directly to individual plants through a network of stationary tubes or tapes, excluding drag lines. ()

05. Edible Harvest. Seed planted in Idaho intended for edible purposes (fresh green pod or dried edible seed). ()

06. Experimental Plots. Subdivisions of trial grounds used for the introduction of seed otherwise ineligible for planting in Idaho. ()

07. Farmstead. All land farmed in common within one mile of the land upon which the trial ground is located. ()

Farmstead. All bean seed planted to the same field site upon which the trial ground is located. ()

Commented [LK1]: From Monty (IEOSA)

Commented [LK2]: Three options for discussion: One industry group wants to take out definition completely, one industry group wants an impact zone (within one mile), and the agency is recommending a definition defined by the agency attorney’s in 2020 to deal with an issue during field inspection.

NOTE: see language in 400.04 for replacement recommendation from IEOSA.

Commented [LK3]: Developed by ISDA attorneys for 2020 case.

Adjacent field sites are considered part of the farmstead if planted to any same parent seed lot as planted on the trial ground site.

()

08. Home Garden. Personal use home gardens with a maximum of one-half acre wherein Phaseolus or Non-Phaseolus species are planted for consumption and will not be utilized for replanting outside the same home garden where they were produced or offered for sale or sold for further propagation in Idaho. ()

Commented [LK4]: Monty (IEOSA)

09. ICIA Tag. A tag issued by ICIA provided that the lot was field and windrow inspected by ICIA in accordance with these rules. ()

10. In-State Planting Tag Number (State Number). A number assigned by the Department to each lot which has successfully passed the Department's field and windrow inspection requirements in which no regulated pests were found. ()

11. Introduction Plots. Subdivisions of trial grounds used for the introduction or increase of bean seed. ()

12. Oregon Department of Agriculture Inspection Tag. A tag issued to seed lots produced in Malheur County, Oregon which were inspected in the growing season and in the windrow by the Oregon Department of Agriculture for the regulated pests as defined in Section 012 and Subsections 013.01 and 013.02 of these rules. ()

13. Pre-Harvest Inspection. Inspection done prior to harvest, where harvest methods or crop condition do not allow for windrow inspection. ()

14. Rill Irrigation. A method of applying non-pressurized irrigation water to crops in a free flow manner by using a series of drip, ditches, canals, siphon tubes, and gated pipe utilizing gravity as means of conveyance within the field. ()

15. Seed Borne. Pest(s) that can be found on the seed or within the seed coat but do not necessarily result in the transfer of the pest to the resulting plant. ()

16. Seed Lot. A definite quantity of seed identified by a lot number, every portion or bag of which is uniform, within permitted tolerances, for factors that appear in the labeling. ()

17. Seed Transmitted. Pest(s) that can be transferred from the seed into the resulting plant. ()

18. Sprinkler Irrigation. An overhead water delivery system used to disperse irrigation water to crops in a designated pattern utilizing a pump, a network series of pipes and delivering water under a controlled pressure in a predetermined quantity. ()

19. Trial Grounds. Parcels of land located on one (1) farmstead set aside for the purpose of research testing or introduction of bean seed. ()

Commented [LK5]: Monty (IEOSA)

20. True Identity of Seed Lot. True identity of seed lot is recorded using information provided by the applicant on the application for field inspection or on the detailed varietal planting plan and harvest records. The true identity of the seed lot is maintained by the Department after the applicant has finalized the harvest information and provided such to the Department. ()

21. Windrow Inspection. An inspection procedure performed on a seed crop prior to harvest but after the crop has been cut and allowed for curing or drying out. ()

011. ABBREVIATIONS.

01. ICIA. Idaho Crop Improvement Association. ()

02. ISDA. Idaho State Department of Agriculture. ()

012. REGULATED PESTS (PHASEOLUS AND NON-PHASEOLUS).

01. Anthracnose. Caused by (*Colletotrichum lindemuthianum*), (*Glomerella lindemuthiana*). ()

02. Bacterial Wilt. Caused by (*Curtobacterium flaccumfaciens pv. flaccumfaciens*), (*Corynebacterium flaccumfaciens*). ()

03. Brown Spot. Caused by (*Pseudomonas syringae pv. syringae*), (*P. syringae*). ()

04. Common Blight. Caused by (*Xanthomonas axonopodis pv. phaseoli*), (*X. phaseoli*), (*X. phaseoli var. fuscans*). ()

05. Halo Blight. Caused by (*Pseudomonas savastanoi pv. phaseolicola*), (*P. phaseolicola*). ()

013. REGULATED PESTS (NON-PHASEOLUS ONLY).

01. Soybean Cyst Nematode. (*Heterodera glycines*). ()

02. Asian Soybean Rust. Caused by (*Phakopsora pachyrhizi*). ()

03. Soil. There is a zero (0) tolerance, as defined by the soil tolerance standards of the Association of Official Seed Analysts (AOSA), for soil in any lot of a regulated article imported into Idaho and destined for planting in Idaho. This prohibition does not apply to seed of Idaho or Malheur County, Oregon origin. ()

014. -- 049. (RESERVED)

050. REGULATED ARTICLES.

All seed and growing plants of (*Phaseolus*) species, from any source, being grown or planted for the production of seed or planted for edible harvest within the state of Idaho. All seed of soybean (*Glycine max*), mung bean (*Vigna radiata*), and azuki bean (*Vigna angularis*) and any other plant species capable of spreading a regulated pest as a contaminant or in a seed borne or seed transmitted manner, from any source and being planted within the state of Idaho, unless otherwise exempted in this rule. ()

051. EDIBLE HARVEST EXEMPTION.

Seeds planted for edible harvest must bear an approved tag as defined in Section 200.08 or 201.06 of this rule. Seeds planted for edible harvest are not required to undergo inspection requirements defined in Section 150 and 151, and are not covered by the irrigation restrictions defined in Section 200.09. ()

052. HOME GARDEN EXEMPTION.

Seeds planted for home garden use and consumption that will not be sold for replanting outside the original home garden space are allowed to utilize small package, non-tagged seed and are exempt from inspection requirements defined in Section 150 and 151 of this rule and from irrigation restrictions defined in Section 200.09. All seed intended for production of seed for replanting outside the home garden where they were produced are defined as Regulated Articles in Section 050. ()

053. -- 149. (RESERVED)

150. INSPECTION (PHASEOLUS).

All seeds harvested from bean fields in Idaho intended for replanting in Idaho shall be submitted to the Department or ICIA for growing season and windrow inspections. ()

01. Application for Inspection. ()

a. Deadline for Submission. Received by the Department on or before July 1 of each year. ()

b. Application Forms. Forms will be provided by the Department or may be company generated. Company generated application forms must be approved by the Department prior to submission. ()

c. Additional or Substitute Acreage. Applications for additional or substitute acreage may be submitted until September 1 and will be accepted on a case by case basis and the cost of inspection to be determined by the Director. ()

Commented [LK6]: Monty (IEOSA)

02. Active Growth Inspection. Unless the Director, in his sole discretion, deems additional inspections are necessary, the bean seed for replanting will be inspected as follows: ()

a. Fields under drip or rill irrigation -- at least once. ()

b. Fields under sprinkler irrigation -- at least twice. ()

03. Windrow or Pre-Harvest Inspection. ()

a. Number of inspections -- at least once. ()

b. The Director may authorize qualified personnel to perform windrow inspections under the supervision of the Department. ()

c. The Director may upon written request of the seed company agent perform standing crop pre-harvest inspection. ()

151. INSPECTION (NON-PHASEOLUS)

All imported or Idaho origin seeds intended for planting or replanting in Idaho shall be submitted to the Department or the Idaho Crop Improvement Association (ICIA) for growing season and pre-harvest/windrow inspections. ()

01. Application for Inspection. ()

a. Deadline for Submission. Received by the Department on or before July 1 of each year. ()

b. Application Forms. Forms will be provided by the Department or may be company generated. Company generated application forms must be approved by the Department prior to submission. ()

c. Additional or Substitute Acreage. Applications for additional or substitute acreage may be submitted until September 1 and will be accepted on a case by case basis and the cost of inspection to be determined by the Director. ()

02. Inspections. Unless the Director, at his sole discretion, deems additional inspections are necessary, the bean seed for planting will be inspected as follows: ()

a. Fields under drip, rill or sprinkler irrigation -- at least once; ()

b. Pre-Harvest or Windrow Inspection -- at least once. ()

Commented [LK7]: IEOSA (Monty) group -- wants to add that sprinkler get inspected at least twice. Want to match Phaseolus and Non-Phaseolus

152. -- 199. (RESERVED)

200. REQUIREMENTS FOR PLANTING BEAN SEED IN IDAHO (PHASEOLUS).

In order to be eligible for planting bean seed in Idaho: ()

01. Idaho Grown Seed. Seeds planted must be from a lot that has an in-state planting tag number (state

number) assigned by the Department based on growing season and windrow or final inspections and be tagged by the Department with a Department In-State Planting Tag (Green tag) or be tagged by the ICIA in accordance with these rules. ()

02. Malheur County, Oregon Grown Seed. Bean seed produced in Malheur County, Oregon must be from a lot inspected in the growing season and in the windrow for the regulated pests as defined in Section 012 of these rules and tagged by the Oregon Department of Agriculture. The ICIA may inspect and issue tags for bean seed grown in Malheur County, Oregon provided that each field is inspected according to these rules and the Malheur County Bean Disease Control Area order. ()

03. Imported Seed Grown West of the Continental Divide in the Contiguous United States. Imported bean seed grown west of the Continental Divide in the contiguous United States must: ()

a. Be accompanied by a phytosanitary certificate or official field inspection report issued by the regulatory agency of the state of origin, listing the diseases for which the crop was inspected, that must include the regulated pests as defined in Section 012 of these rules, and stating that the crop was field and windrow or pre-harvest inspected; ()

b. Seed lot shall successfully pass laboratory tests conducted by the Department from samples officially drawn in the state of Idaho by the Department; ()

c. Bear a Department approved tag (yellow); ()

d. Not be planted under sprinkler irrigation; and ()

e. Each field planted in Idaho must be submitted for field and windrow or pre-harvest inspections. ()

04. Imported Seed Grown East of the Continental Divide in the Contiguous United States or of Foreign Origin. Imported bean seed grown east of the Continental Divide in the Contiguous United States or of foreign origin to be planted in Idaho shall be planted only on an approved trial ground as outlined in Section 250. ()

~~**05. Idaho Grown Seeds Shipped East of the Continental Divide in Within the Contiguous United States, Except Malheur County, Oregon or to a Foreign Country and Returned.** Bean seeds shipped east of the Continental Divide outside Idaho or Malheur County, Oregon within in the contiguous United States, which were tagged prior to leaving the state and at the Director's discretion were segregated in such a way to ensure freedom from regulated pests, may be returned to Idaho for planting under the following conditions; or to a foreign country may be returned to Idaho but, upon return, be planted on an approved trial ground as outlined in Section 250. ()~~

~~**06. Idaho Grown Seeds Shipped West of the Continental Divide in the Contiguous United States, Except Malheur County, Oregon, or to a Foreign Country and Returned.** Bean seeds shipped outside Idaho or Malheur County, Oregon, west of the Continental Divide in the contiguous United States, or to a foreign country, which were tagged prior to leaving the state and at the Director's discretion were segregated in such a way to ensure freedom from regulated pests, may be returned to Idaho for planting under the following conditions: ()~~

a. A written request to bring seed back into Idaho ~~or Malheur County, Oregon~~ must be submitted to ISDA and approved prior to seed being shipped back to the company. ()

a. Seed tags and packaging are intact with the segregation of the seed deemed satisfactory by the Director, ()

b. Bean seed not tagged prior to leaving the state, returned to Idaho without seed tags and packaging intact, or not segregated to the satisfaction of the Director, may be returned to Idaho but, upon return, will fall under Section 200.03 or 201.03 of these rules or may be planted on an approved trial ground as outlined in Section 250. ()

Commented [LK8]: IEOSA – free movement to anywhere in United States to come back without restriction. Industry Bean Rule Committee – just wants the reference to “foreign” removed from “west of continental divide”.

07. Contaminated Seeds. The seeds from any bean field found or known to be contaminated with a regulated pest, as defined in Section 012 of these rules, cannot be planted in Idaho. ()

08. True Identity of Seed Lots. Failure to maintain the true identity of any seed lot intended for seed purposes will automatically disqualify that lot for future planting in Idaho. ()

09. Tags. Bean seeds planted in Idaho shall be from an approved lot bearing an approved tag on each bag or container, stating the kind, variety, and lot number. The following is a list of approved planting tags in Idaho: ()

a. Department in-state planting tag (green tag); ()

b. Department approved tag (yellow tag); ()

c. ICIA tag, provided the lot was field and windrow inspected by ICIA in accordance to these rules; ()
or

d. Oregon Department of Agriculture inspection tag. ()

10. Irrigation. ()

a. Pintos, Reds, Pinks, Great Northerns, Small Whites, Navy Beans, Blacks, Kidneys, Yellows, Cranberries, and Lima beans: ()

i. First generation of seed grown in Idaho must be grown and inspected under rill irrigation. ()

ii. Thereafter, the seed may be grown and inspected for two (2) consecutive generations in Idaho under sprinkler irrigation. ()

iii. Seed grown under sprinkler irrigation for two (2) consecutive generations shall then be grown and inspected for one (1) generation in Idaho under rill irrigation. ()

b. All other beans: ()

i. First generation of seed grown in Idaho must be grown and inspected under rill irrigation. ()

ii. Thereafter, the seed may be grown and inspected for one (1) generation in Idaho under sprinkler irrigation. ()

iii. Any time seed has been grown and inspected for one (1) generation in Idaho under sprinkler irrigation and prior to planting the seed under sprinkler irrigation or rill irrigation in Idaho, the seed must be sampled and laboratory tested by the Department in Idaho and found negative for the regulated pests. ()

iv. Following a second consecutive planting of the seed under sprinkler irrigation in Idaho, the seed must be sampled and laboratory tested by the Department in Idaho and found negative for the regulated pests. ()

v. After meeting the requirements of Subsections 200.09.b.i. through 200.09.b.iv., the seed must be grown and inspected for one (1) generation in Idaho under rill irrigation. ()

201. REQUIREMENTS FOR PLANTING BEAN SEED IN IDAHO (NON-PHASEOLUS). In order to be eligible for planting seed in Idaho: ()

Commented [LK9]: Does the group want to merge Phaseolus and Non-Phaseolus in one section?

Commented [LK10]: Industry Bean Rule Committee – copy 200.10.b and subsections to add irrigation requirements to match all other beans under Phaseolus.

01. **Idaho Origin Seed to Be Replanted.** Seeds planted must be from a lot that was produced in accordance with these rules and has an in-state planting tag number (state number) assigned by the Department based on growing season and pre-harvest or windrow inspections and be tagged by the Department or ICIA with a Department or ICIA In-State Planting Tag (Green tag). ()

Commented [LK11]: From ICIA: "...or be tagged by the ICIA in accordance with these rules."

02. **Malheur County, Oregon Grown Seed.** Seed produced in Malheur County, Oregon must be from a lot inspected in the growing season and pre-harvest or windrow for the regulated pests as defined in Section 012, 013.01, and 013.02 of these rules and tagged by the Oregon Department of Agriculture. ()

03. **Imported Seed From Other Than Malheur County, Oregon.** Imported seed must: ()

a. Be certified by the seed certification agency of the state of origin and be accompanied by a state phytosanitary certificate or official field inspection report issued by the regulatory agency of the state of origin, listing the diseases for which the crop was inspected, that must include the regulated pests and soil as defined in Sections 012 and 013 of these rules, as identified from official field inspection, official samples and official laboratory testing; or ()

b. Each seed lot shall successfully pass laboratory tests on untreated seed for regulated pests and soil conducted by the Department (in the case of nematodes and soil by a Department approved lab) from samples officially drawn in the state of Idaho by the Department; and ()

c. Bear a Department Approved Tag (Yellow Tag) at the time of planting; and ()

d. Be submitted for a growing season inspection in compliance with Section 151 of this rule; and ()

e. If intended for seed production, not be planted under sprinkler irrigation for the first growing season. ()

Commented [LK12]: IEOSA – Recommend delete (e) and replace with: "Imported seed from other than Malheur County, Oregon to be planted in Idaho shall be planted only on an approved trial ground as outlined in Section 250."

04. **Contaminated Seeds.** The seeds from any field found or known to be contaminated with a regulated pest or soil, as defined in Section 012 and 013 of these rules, cannot be planted in Idaho. ()

05. **True Identity of Seed Lots.** Failure to maintain the true identity of any seed lot intended for seed purposes will automatically disqualify that lot for future planting in Idaho. ()

06. **Tags.** Seeds planted in Idaho shall be from an approved lot bearing an approved tag on each bag or container, stating the kind, variety, and lot number. The following is a list of approved planting tags in Idaho: ()

a. Department in-state planting tag (green tag); ()

b. Department approved tag (yellow tag); ()

c. Oregon Department of Agriculture inspection tag. ()

Commented [LK13]: From ICIA – add new bullet – "ICIA tag, provided the lot was field and windrow inspected by ICIA in accordance to these rules."

202. -- 249. (RESERVED)

250. **TRIAL GROUNDS.**

01. **General Trial Ground Requirements.** ()

a. A written request for trial ground must be submitted to the Director for approval prior to May 20 of the year the bean seed will be planted and must contain: ()

i. Name of person in charge. ()

- ii. Geographic location and size of trial ground. ()
- iii. Detailed varietal planting plan. If the original planting plan is changed, the person in charge of the trial ground must notify the Director. ()
- b. Must be jointly supervised by the Department and personnel approved by the Director. ()
- c. The land must be owned or leased by the applicant. If leased, a copy of the lease must accompany the application. ()
- d. More than one (1) trial ground may be approved provided that a separate application is submitted and each trial ground meets the requirements of Section 250. ()

02. Trial Ground Subdivisions. ()

- a. **Experimental Plots.** A maximum of one (1) pound of bean seed per variety may be planted in an experimental plot without laboratory testing. ()
- b. **Introduction Plots.** Introduction plots are limited to a maximum of two (2) acres per variety per company or designated agent for any given year and each seed lot to be planted in an introduction plot must successfully pass laboratory tests conducted by the Department from samples officially drawn in the state of Idaho by the Department. ()

Commented [LK14]: Tina language addition.

03. Trial Ground Restrictions and Inspection Procedures. ()

- a. Any machinery used in production of bean seed on trial grounds must be disinfected, to the satisfaction of the Director, prior to movement to other bean fields. ()
- b. Approved trial grounds shall not be planted under sprinkler irrigation. ()
- c. During each growing season there will be a minimum of four (4) active growth inspections and one (1) windrow or pre-harvest inspection. ()

04. Detection of Regulated Pest. If a regulated pest is found by field inspection, windrow or pre-harvest inspection or subsequent laboratory seed testing, the infested seed must be destroyed and the field must follow the requirements of Section 400.02. None of the remaining bean seed produced on that farmstead may be released for general planting in Idaho. The remaining seeds in the trial field must be sampled and laboratory tested by the Department. If the laboratory test is negative for the regulated pests, then the seeds must be planted on an approved trial ground for one (1) additional year and are limited to a maximum of two (2) acres. Once the negative seed plots have been harvested, the grower must follow the destruction requirements outlined in Section 400.02 for the remainder of the trial ground. ()

Commented [LK15]: From Monty (IEOSA) group. Need to discuss.

251. -- 299. (RESERVED)

300. SPECIAL SITUATIONS.

The Director may grant specific exemptions for research purposes for the planting of beans that do not meet the requirements of Sections 200, 201, or 250. Seed not meeting the requirements of Sections 200, 201, or 250 must be planted only in counties where commercial beans or bean seed is not produced, as determined by the Director. ()

301. -- 349. (RESERVED)

350. DETECTION, IDENTIFICATION, AND REPORTING OF REGULATED PESTS.

- 01. **Reporting.** Any person may will report to the Department the detection of any of the regulated pests.

()

02. **Observation.** Detection of regulated pests will be based on the observance of symptoms in the field. ()

03. **Disagreement.** In case of disagreement concerning the identity of the regulated pest or the virulence of the pathogen to Phaseolus or non-Phaseolus, the Department will submit cultures of the suspected pathogen to a plant pathologist appointed by the Dean of the College of Agriculture, University of Idaho. The results and findings obtained by the approved pathologist are final. ()

04. **Release of Information.** When the presence of a regulated pest is confirmed, information regarding the location and acres involved will be released upon request. ()

351. -- 399. (RESERVED)

400. **DISPOSITION OF DISEASED SEED AND INFECTED FIELDS.**

01. **Quarantine.** Any field in which there is a disagreement concerning the identity of the regulated pest or the virulence of the pathogen to its host will be placed under quarantine. Entry to the quarantined area will be restricted to the grower or his agents, Department officials, University of Idaho plant pathologists, and persons authorized in writing by the Director. Persons granted entry to the quarantined area will be required to take all necessary sanitary precautions prescribed by the Director. ()

02. **Destruction.** Upon the confirmation of a regulated pest, any bean fields within the boundaries of the state will be destroyed in part or in total, as required by the Director, to eliminate the pest at the expense of the grower and his landlord. The Director will notify the grower or his landlord of the method and extent of the destruction and safeguards against pest spread in order for the parties to comply. No residue or harvested seed can leave the field boundaries upon notification to the grower by the Department. The grower has five (5) days to burn or breakup plant material, and incorporate into the soil by plowing. All equipment used to eliminate the pest is required to be disinfected. A written plan of destruction and disinfection must be signed by the Department, Company Representative, and the grower. Destruction and disinfection will be witnessed by the Department. The field will then be quarantined from bean plantings for five (5) years following the destruction. ()

Commented [LK16]: From IEOSA (Monty).

Commented [LK17]: IEOSA language did not include this language.

03. **Threshing and Segregating.** When the symptoms of a regulated pest are first detected during window inspection and laboratory confirmation is necessary, the Director may allow the beans to be threshed and segregated until laboratory results are obtained. ()

04. **Detection of a regulated pest.** Upon confirmation of a regulated pest, all bean fields located within half a mile of the infested field, fields where equipment was shared, and fields planted with the same parent seed will be inspected by ISDA or ICIA for further spread of the regulated pest. ()

Commented [LK18]: From IEOSA (Monty)

401. -- 449. (RESERVED)

450. **EXEMPTIONS FROM DESTRUCTION (PHASEOLUS).**

Commented [LK19]: Edits to delete 450.02 and 451 from IEOSA (Monty)

01. **Brown Spot.** Fields contaminated with brown spot, (*Pseudomonas syringae* pv. *syringae*), are exempt from destruction. The Department will review this exemption as necessary. ()

02. **Beans for Processing or Fresh Consumption.** Snap beans or lima beans for processing or fresh consumption are exempt from destruction if the diseased portion of the field is destroyed or harvested within five (5) days after first detection or verification as per Section 350 and Subsection 400.01 and the crop residue is promptly and completely destroyed after harvest, as required by the Director. ()

451. **EXEMPTIONS FROM DESTRUCTION (NON PHASEOLUS)**

Those non-Phaseolus crops for forage production are exempt from destruction if the diseased portion of the field is destroyed or harvested within five (5) days after first detection or verification as per Section 350 and Subsection

400.01, as required by the Director. ()

452. -- 549. (RESERVED)

550. FEES AND CHARGES.

The fees and charges for tags and inspections under these rules are: ()

01. Tags. Green tags or Yellow tags for In-State Planting Purposes -- Eighteen cents (\$0.18) per hundred-weight. ()

02. Applications. ()

a. Application for Field Inspection -- Five dollars (\$5) each. ()

b. Late Application for Field Inspection -- Ten dollars (\$10) each. ()

03. Field Inspections. ()

a. Inspection Fees. ()

i. Active Growth Fees -- Three dollars and fifty cents (\$3.50) per acre, per inspection, fifty dollar (\$50) minimum. ()

ii. Windrow or Pre-harvest Fees -- Three dollars and fifty cents (\$3.50) per acre, fifty dollars (\$50) minimum. ()

iii. Department Approved Trial Grounds - origin east of the Continental Divide -- Ten dollars (\$10) per acre, per inspection, fifty dollars (\$50) minimum. ()

iv. Department Approved Trial Grounds - origin West of the Continental Divide -- Three dollars and fifty cents (\$3.50) per acre, per inspection, fifty dollars (\$50) minimum. ()

v. Requests for pre-harvest or windrow inspections after office hours, on weekends or holidays will be charged at cost plus mileage. ()

04. Laboratory Seed Sampling. Official Sample -- twenty dollars (\$20) per sample. Sample size requirements for imported seed:

Lot size	Sample Size
<10 pounds	Negotiable
10 - 14 pounds	0.5 pounds
15 - 25 pounds	1.0 pounds
26 - 50 pounds	1.5 pounds
51 - 200 pounds	2.0 pounds
201 - 1,000 pounds	3.0 pounds
>1,000 pounds	5.0 pounds for every 10,000 pounds or portion thereof

()

05. Plant Pathological Laboratory Services. Fees will be charged at current laboratory rates and are available upon request. ()

06. Confirmation Fees. The party disputing the Department's determination of the presence of a regulated pest per Subsection 350.03 will be responsible for the payment of fees charged by the University of Idaho. ()

07. Soil Analysis. Testing for the presence of soil will be performed by the Idaho State Seed Laboratory or other seed laboratory approved by the Department. The cost of soil analysis will be at the normal rates as is charged by those approved laboratories. ()

08. Nematode Analysis. Nematodes testing will be performed by the University of Idaho Nematology Laboratory or other laboratory approved by the Department. The cost of analysis for nematodes will be at the normal rates for testing as is charged by those approved laboratories. ()

09. Special Project Fee. Special projects not covered by 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, research, lot history verification, data entry, sales and purchases, transfer of lots into ISDA database, ISDA training of private company personnel or any other circumstance approved by the Director. ()

551. – 999. (RESERVED)

Rule Summary

IDAPA 02.06.06 – Rules Governing The Planting of Beans

Where is the rulemaking authority?

Authority for this rulemaking resides in the Idaho Plant Pest Act (Title 22, Chapter 20)

What does this rule do?

This rule governs the planting of beans in Idaho, with certain exceptions. The rule provides a number of requirements for planting, certification and tagging of seed, testing for certain diseases, inspection of crops and seed, destruction of diseased seed and crops, and import requirements.

What is the agency proposing changing?

The agency has identified potential changes to:

- Clarify the definition of “farmstead” for the purposes of field sites.
- Clarify the requirements around Idaho grown seeds that are shipped outside of the state and returned for planting.

Industry has identified and submitted potential changes to:

- Clarify the definition of “farmstead” for the purposes of field sites.
- Clarify the requirements around Idaho grown seeds that are shipped outside of the state and returned for planting.
- Clarify destruction requirements upon confirmation of a regulated pest.

Who else has recommended changes?

Two separate industry committees or workgroups. One associated with the Idaho Eastern Oregon Seed Association, one with the Idaho Bean Commission.

Additional comments have been submitted by the Snake River Seed Cooperative.

02.06.06 – RULES GOVERNING THE PLANTING OF BEANS

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-1907, 22-2004, and 22-2006, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.06, "Rules Governing the Planting of Beans." ()

02. Scope. These rules govern the planting of beans in Idaho. ()

002. -- 009. (RESERVED)

010. DEFINITIONS.

The Department adopts the definitions set forth in Section 22-2005, Idaho Code. In addition, as used in this chapter: ()

01. Department Approved Tag (Yellow Tag) (Phaseolus). A tag issued by the Department to seed lots produced west of the Continental Divide in the contiguous United States. The seed lot must be accompanied by a phytosanitary certificate or official field inspection report issued by the regulatory agency of the state of origin, listing the diseases the crop was inspected for, that must include the regulated pests as defined in Section 012 and 013.2 for Non-Phaseolus of these rules and be based on growing season and windrow or pre-harvest inspections. Seed lots must pass laboratory testing done performed by the Department on samples drawn in Idaho by the Department and found free from regulated pest(s) as listed in Section 012 (Phaseolus) and 013.2 (Non-Phaseolus) of this rule. Non-Phaseolus must also pass laboratory testing performed by the Department or Department approved laboratories, on samples drawn in Idaho by the Department for regulated pest(s) and soil as listed in Section 013.01 and 013.03 of this rule. ()

~~**02. Department Approved Tag (Yellow Tag) (Non-Phaseolus).** A tag issued by the Department to seed lots produced outside of Idaho and imported into Idaho for planting. The seed lot must be certified by the seed certification agency of the state of origin and be accompanied by a phytosanitary certificate or official field inspection report issued by the regulatory agency of the state of origin. Seed lots must pass laboratory testing performed by the Department, or Department approved laboratories, on samples drawn in Idaho by the Department and found free from regulated pest(s) and soil as listed in Sections 012 and 013 of this rule. ()~~

03. Department In-State Planting Tag (Green Tag). A tag issued by the Department to seed lots in compliance with growing season and windrow inspections in Idaho. ()

04. Detailed Varietal Planting Plan. A plan that shows the variety name, seed lot number, In-state planting tag number (State Number) if applicable or other verified planting eligibility, pounds planted, acres planted, origin of seed, and the results of laboratory testing. ()

~~**04. Drip Irrigation.** A system of crop irrigation involving the controlled delivery of water directly to individual plants through a network of stationary tubes or tapes, excluding drag lines. ()~~

05. Edible Harvest. Seed planted in Idaho intended for edible purposes (fresh green pod or dried edible seed). ()

06. Experimental Plots. Subdivisions of trial grounds used for the introduction of seed otherwise ineligible for planting in Idaho. ()

~~**07. Farmstead.** All land farmed in common with the land upon which the trial ground is located.~~

()

07. Field. A field will be a parcel of land with recognizable boundaries which may include but not be limited to areas which are mowed, uncropped or planted to crops other than the kind in question. ()

08. Home Garden. Personal use home gardens with a maximum of one-half (0.5) acre wherein Phaseolus or Non-Phaseolus species are planted for consumption and will not be utilized for replanting outside the same home garden where they were produced or offered for sale or sold for further propagation in Idaho. ()

09. ICIA Tag. A tag issued by ICIA provided that the lot was field and windrow inspected by ICIA in accordance with these rules. ()

10. In-State Planting Tag Number (State Number). A number assigned by the Department to each lot which has successfully passed the Department's field and windrow inspection requirements in which no regulated pests were found. ()

11. Introduction Plots. Subdivisions of trial grounds used for the introduction or increase of bean seed. ()

12. Oregon Department of Agriculture Inspection Tag. A tag issued to seed lots produced in Malheur County, Oregon which were inspected in the growing season and in the windrow by the Oregon Department of Agriculture for the regulated pests as defined in Section 012 and Subsections 013.01 and 013.02 of these rules. ()

13. Pre-Harvest Inspection. Inspection done prior to harvest, where harvest methods or crop condition do not allow for windrow inspection. ()

14. Rill Irrigation. A method of applying non-pressurized irrigation water to crops in a free flow manner by using a series of drip, ditches, canals, siphon tubes, and gated pipe utilizing gravity as means of conveyance within the field. ()

15. Seed Borne. Pest(s) that can be found on the seed or within the seed coat but do not necessarily result in the transfer of the pest to the resulting plant. ()

16. Seed Lot. A definite quantity of seed identified by a lot number, every portion or bag of which is uniform, within permitted tolerances, for factors that appear in the labeling. ()

17. Seed Transmitted. Pest(s) that can be transferred from the seed into the resulting plant. ()

18. Sprinkler Irrigation. An overhead water delivery system used to disperse irrigation water to crops in a designated pattern utilizing a pump, a network series of pipes and delivering water under a controlled pressure in a predetermined quantity. ()

19. Trial Grounds. Parcels of land ~~located on one (1) farmstead~~ set aside for the purpose of research testing or introduction of bean seed. ()

20. True Identity of Seed Lot. True identity of seed lot is recorded using information provided by the applicant on the application for field inspection or on the detailed varietal planting plan and harvest records. The true identity of the seed lot is maintained by the Department after the applicant has finalized the harvest information and provided such to the Department. ()

21. Windrow Inspection. An inspection procedure performed on a seed crop prior to harvest but after the crop has been cut and allowed for curing or drying out. ()

011. ABBREVIATIONS.

01. ICIA. Idaho Crop Improvement Association. ()

02. ISDA. Idaho State Department of Agriculture. ()

012. REGULATED PESTS (PHASEOLUS AND NON-PHASEOLUS).

01. Anthracnose. Caused by (*Colletotrichum lindemuthianum*), (*Glomerella lindemuthiana*). ()

02. Bacterial Wilt. Caused by (*Curtobacterium flaccumfaciens pv. flaccumfaciens*), (*Corynebacterium flaccumfaciens*). ()

03. Brown Spot. Caused by (*Pseudomonas syringae pv. syringae*), (*P. syringae*). ()

04. Common Blight. Caused by (*Xanthomonas axonopodis pv. phaseoli*), (*X. phaseoli*), (*X. phaseoli var. fuscans*). ()

05. Fuscus Blight. Caused by (*Xanthomonas fuscans subsp. fuscans*). ()

05. Halo Blight. Caused by (*Pseudomonas savastanoi pv. phaseolicola*), (*P. phaseolicola*). ()

013. REGULATED PESTS (NON-PHASEOLUS ONLY).

01. Soybean Cyst Nematode. (*Heterodera glycines*). ()

02. Asian Soybean Rust. Caused by (*Phakopsora pachyrhizi*). ()

03. Soil. There is a zero (0) tolerance, as defined by the soil tolerance standards of the Association of Official Seed Analysts (AOSA), for soil in any lot of a regulated article imported into Idaho and destined for planting in Idaho. This prohibition does not apply to seed of Idaho or Malheur County, Oregon origin. ()

014. -- 049. (RESERVED)

050. REGULATED ARTICLES.

All seed and growing plants of (*Phaseolus*) species, from any source, being grown or planted for the production of seed or planted for edible harvest within the state of Idaho. All seed and growing plants of Non-Phaseolus including soybean (*Glycine max*), mung bean (*Vigna radiata*), and azuki bean (*Vigna angularis*) and any other plant species capable of spreading a regulated pest as a contaminant or in a seed borne or seed transmitted manner, from any source and being planted within the state of Idaho, unless otherwise exempted in this rule. ()

051. EDIBLE HARVEST EXEMPTION.

Seeds planted for edible harvest must bear an approved tag as defined in Section 200.0809 or 201.06 of this rule. Seeds planted for edible harvest are not required to undergo inspection requirements defined in Section 150 and 154, and are not covered by the irrigation restrictions defined in Section 200.0910. ()

052. HOME GARDEN EXEMPTION.

Seeds planted for home garden use and consumption that will not be sold for replanting outside the original home garden space are allowed to utilize small package, non-tagged seed and are exempt from inspection requirements defined in Section 150 and 154 of this rule and from irrigation restrictions defined in Section 200.0910. All seed intended for production of seed for replanting outside the home garden where they were produced are defined as Regulated Articles in Section 050. ()

053. -- 149. (RESERVED)

150. INSPECTION (PHASEOLUS).

~~All seeds harvested from bean fields in Idaho intended for replanting in Idaho shall be submitted to the Department or ICIA for growing season and windrow inspections. ()~~

Phaseolus seeds harvested from bean fields in Idaho intended for replanting in Idaho shall be submitted to the Department or the Idaho Crop Improvement Association (ICIA) for growing season and pre-harvest/windrow inspections.

Non-Phaseolus seeds imported or Idaho origin intended for planting or replanting in Idaho shall be submitted to the Department or the Idaho Crop Improvement Association (ICIA) for growing season and pre-harvest/windrow inspections. ()

01. Application for Inspection. ()

a. Deadline for Submission. Received by the Department on or before July 1 of each year. ()

b. Application Forms. Forms will be provided by the Department or may be company generated. Company generated application forms must be approved by the Department prior to submission. ()

c. Additional or Substitute Acreage. Applications for additional or substitute acreage may be submitted until ~~September~~ August 1 and will be accepted on a case by case basis and the cost of inspection to be determined by the Director. ()

02. Active Growth Inspection. Unless the Director, in his sole discretion, deems additional inspections are necessary, the bean seed for replanting will be inspected as follows: ()

a. Fields under drip or rill irrigation -- at least once. ()

b. Fields under sprinkler irrigation -- at least twice. ()

03. Windrow or Pre-Harvest Inspection. ()

a. Number of inspections -- at least once. ()

b. The Director may authorize qualified personnel to perform windrow inspections under the supervision of the Department. ()

c. The Director may upon written request of the seed company agent perform standing crop pre-harvest inspection. ()

~~151. INSPECTION (NON-PHASEOLUS)~~

~~All imported or Idaho origin seeds intended for planting or replanting in Idaho shall be submitted to the Department for growing season and pre-harvest/windrow inspections. ()~~

~~**01. Application for Inspection. ()**~~

~~a. Deadline for Submission. Received by the Department on or before July 1 of each year. ()~~

~~b. Application Forms. Forms will be provided by the Department or may be company generated. Company generated application forms must be approved by the Department prior to submission. ()~~

~~c. Additional or Substitute Acreage. Applications for additional or substitute acreage may be submitted until September 1 and will be accepted on a case by case basis and the cost of inspection to be determined by the Director. ()~~

~~**02. Inspections.** Unless the Director, at his sole discretion, deems additional inspections are necessary, the bean seed for planting will be inspected as follows: ()~~

- ~~a. Fields under rill or sprinkler irrigation -- at least once; ()~~
- ~~b. Pre-Harvest or Windrow Inspection -- at least once. ()~~

152. -- 199. (RESERVED)

200. REQUIREMENTS FOR PLANTING BEAN SEED IN IDAHO ~~(PHASEOLUS)~~.
In order to be eligible for planting bean seed in Idaho: ()

01. **Idaho Grown Seed.** Seeds planted must be from a lot that has an in-state planting tag number (state number) assigned by the Department based on growing season and windrow or final inspections and be tagged by the Department with a Department In-State Planting Tag (Green tag) or be tagged by the ICIA in accordance with these rules. ()

02. **Malheur County, Oregon Grown Seed.** Bean seed produced in Malheur County, Oregon must be from a lot inspected in the growing season and in the pre-harvest or windrow for the regulated pests as defined in Section 012, and for Non-Phaseolus including inspection for the regulated pest as defined in Section 013.02 and official laboratory testing for the regulated pest as defined in Section 013.01. Seed must be tagged of these rules and tagged by the Oregon Department of Agriculture. The ICIA may inspect and issue tags for bean seed grown in Malheur County, Oregon provided that each field is inspected and tested according to these rules and the Malheur County Bean Disease Control Area order. ()

03. **Imported Seed Grown West of the Continental Divide in the Contiguous United States.** Imported bean seed grown west of the Continental Divide in the contiguous United States must: ()

a. Be accompanied by a phytosanitary certificate or official field inspection report issued by the regulatory agency of the state of origin, listing the diseases for which the crop was inspected, that must include the regulated pests as defined in Section 012 of these rules, and stating that the crop was field and windrow or pre-harvest inspected; Non-Phaseolus phytosanitary certificate or official field inspection report shall also include pest as defined in Section 013.02. Non-Phaseolus should note if the lot has been officially tested for the regulated pest(s) and soil as listed in Sections 013.01 and 013.03 of this rule. ()

b. Seed lot shall successfully pass laboratory tests for regulated pests conducted by the Department from samples officially drawn in the state of Idaho by the Department as defined in Section 012. Non-Phaseolus shall also successfully pass laboratory tests for regulated pests including nematodes and soil conducted by a Department approved lab from samples officially drawn in the state of Idaho by the Department as defined in Sections 012 and Section 013.: ()

c. Bear a Department approved tag (yellow); ()

d. Not be planted under sprinkler irrigation; and ()

e. Each field planted in Idaho must be submitted for field and windrow or pre-harvest inspections. ()

04. **Imported Seed Grown East of the Continental Divide in the Contiguous United States or of Foreign Origin.** Imported bean seed grown east of the Continental Divide in the Contiguous United States or of foreign origin to be planted in Idaho shall be planted only on an approved trial ground as outlined in Section 250. ()

05. **Idaho Grown Seeds Shipped ~~East of the Continental Divide in the Contiguous United States or to a Foreign Country and Returned.~~** Bean seeds shipped east of the Continental Divide in the contiguous United States ~~or to a foreign country~~ may be returned to Idaho but, upon return, be planted on an approved trial ground as outlined in Section 250. ()

06. Idaho Grown Seeds Shipped ~~West of the Continental Divide in~~ Within the Contiguous United States, Except Malheur County, Oregon, ~~or to a Foreign Country~~ and Returned. Bean seeds shipped outside Idaho or Malheur County, Oregon, ~~west of the Continental Divide~~ in the contiguous United States, ~~or to a foreign country~~, which were tagged with one of the approved planting tags listed in Section 200.09.a through 200.09.d prior to leaving the state and at the Director's discretion were segregated in such a way to ensure freedom from regulated pests, may be returned to Idaho for planting under the following conditions:()

a. A written request to bring seed back into Idaho must be submitted to ISDA and approved prior to seed being shipped back to the company.

b. Seed tags and packaging are intact with the segregation of the seed deemed satisfactory by the Director, ()

b. Bean seed not tagged with one of the approved planting tags listed in Section 200.09.a through 200.09.d prior to leaving the state, returned to Idaho without seed tags and packaging intact, or not segregated to the satisfaction of the Director, may be returned to Idaho but, upon return, will fall under Section 200.03 ~~or 201.03~~ of these rules or may be planted on an approved trial ground as outlined in Section 250. ()

07. Contaminated Seeds. The seeds from any bean field found or known to be contaminated with a regulated pest, as defined in Section 012 and 013 of these rules, cannot be planted in Idaho. ()

08. True Identity of Seed Lots. Failure to maintain the true identity of any seed lot intended for seed purposes will automatically disqualify that lot for future planting in Idaho. ()

09. Tags. Bean seeds planted in Idaho shall be from an approved lot bearing an approved tag on each bag or container, stating the kind, variety, and lot number. The following is a list of approved planting tags in Idaho: ()

a. Department in-state planting tag (green tag); ()

b. Department approved tag (yellow tag); ()

c. ICIA tag, provided the lot was field and windrow inspected by ICIA in accordance to these rules; or ()

d. Oregon Department of Agriculture inspection tag. ()

10. Irrigation. ()

a. Pintos, Reds, Pinks, Great Northerns, Small Whites, Navy Beans, Blacks, Kidneys, Yellows, Cranberries, and Lima beans: ()

i. First generation of seed grown in Idaho must be grown and inspected under rill irrigation. ()

ii. Thereafter, the seed may be grown and inspected for two (2) consecutive generations in Idaho under sprinkler irrigation. ()

iii. Seed grown under sprinkler irrigation for two (2) consecutive generations shall then be grown and inspected for one (1) generation in Idaho under rill irrigation. ()

b. All other beans: ()

i. First generation of seed grown in Idaho must be grown and inspected under rill irrigation. ()

ii. Thereafter, the seed may be grown and inspected for one (1) generation in Idaho under sprinkler irrigation. ()

iii. Any time seed has been grown and inspected for one (1) generation in Idaho under sprinkler irrigation and prior to planting the seed under sprinkler irrigation or rill irrigation in Idaho, the seed must be sampled and laboratory tested by the Department in Idaho and found negative for the regulated pests. ()

iv. Following a second consecutive planting of the seed under sprinkler irrigation in Idaho, the seed must be sampled and laboratory tested by the Department in Idaho and found negative for the regulated pests. ()

v. After meeting the requirements of Subsections 200.09.b.i. through 200.09.b.iv., the seed must be grown and inspected for one (1) generation in Idaho under rill irrigation. ()

~~201. — REQUIREMENTS FOR PLANTING BEAN SEED IN IDAHO (NON-PHASEOLUS).
In order to be eligible for planting seed in Idaho: ()~~

~~01. — Idaho Origin Seed to Be Replanted. Seeds planted must be from a lot that was produced in accordance with these rules and has an in-state planting tag number (state number) assigned by the Department based on growing season and pre-harvest or windrow inspections and be tagged by the Department with a Department In-State Planting Tag (Green tag). ()~~

~~02. — Malheur County, Oregon Grown Seed. Seed produced in Malheur County, Oregon must be from a lot inspected in the growing season and pre-harvest or windrow for the regulated pests as defined in Section 012, 013.01, and 013.02 of these rules and tagged by the Oregon Department of Agriculture. ()~~

~~03. — Imported Seed From Other Than Malheur County, Oregon. Imported seed must: ()~~

~~a. — Be certified by the seed certification agency of the state of origin and be accompanied by a state phytosanitary certificate issued by the regulatory agency of the state of origin, listing the diseases for which the crop was inspected, that must include the regulated pests and soil as defined in Sections 012 and 013 of these rules, as identified from official field inspection, official samples and official laboratory testing; or ()~~

~~b. — Each seed lot shall successfully pass laboratory tests on untreated seed for regulated pests and soil conducted by the Department (in the case of nematodes and soil by a Department approved lab) from samples officially drawn in the state of Idaho by the Department; and ()~~

~~c. — Bear a Department Approved Tag (Yellow Tag) at the time of planting; and ()~~

~~d. — Be submitted for a growing season inspection in compliance with Section 151 of this rule; and ()~~

~~e. — If intended for seed production, not be planted under sprinkler irrigation for the first growing season. ()~~

~~04. — Contaminated Seeds. The seeds from any field found or known to be contaminated with a regulated pest or soil, as defined in Section 012 and 013 of these rules, cannot be planted in Idaho. ()~~

~~05. — True Identity of Seed Lots. Failure to maintain the true identity of any seed lot intended for seed purposes will automatically disqualify that lot for future planting in Idaho. ()~~

~~06. — Tags. Seeds planted in Idaho shall be from an approved lot bearing an approved tag on each bag or container, stating the kind, variety, and lot number. The following is a list of approved planting tags in Idaho: ()~~

- ~~a. Department in state planting tag (green tag); ()~~
- ~~b. Department approved tag (yellow tag); ()~~
- ~~c. Oregon Department of Agriculture inspection tag. ()~~

202. -- 249. (RESERVED)

250. TRIAL GROUNDS.

01. General Trial Ground Requirements. ()

- a. A written request for trial ground must be submitted to the Director for approval prior to May 20 of the year the bean seed will be planted and must contain: ()
 - i. Name of person in charge. ()
 - ii. Geographic location and size of trial ground. ()
 - iii. Detailed varietal planting plan. If the original planting plan is changed, the person in charge of the trial ground must notify the Director. ()
- b. Must be jointly supervised by the Department and personnel approved by the Director. ()
- c. The land must be owned or leased by the applicant. If leased, a copy of the lease must accompany the application. ()
- d. More than one (1) trial ground may be approved provided that a separate application is submitted and each trial ground meets the requirements of Section 250. ()

02. Trial Ground Subdivisions. ()

- a. Experimental Plots. A maximum of one (1) pound of bean seed per variety may be planted in an experimental plot without laboratory testing. Non-Phaseolus beans shall successfully pass laboratory tests for nematodes and soil conducted by a Department approved lab from samples officially drawn in the state of Idaho by the Department as defined in 013.01 and 013.03. ()
- b. Introduction Plots. Introduction plots are limited to a maximum of two (2) acres per variety per company or designated agent for any given year and each seed lot to be planted in an introduction plot must successfully pass laboratory tests conducted by the Department from samples officially drawn in the state of Idaho by the Department. Non-Phaseolus shall successfully pass laboratory tests for regulated pests including nematodes and soil conducted by a Department approved lab from samples officially drawn in the state of Idaho by the Department as defined in Sections 012 and 013. ()

Commented [TE1]: 1 pound per variety statewide or 1 pound per variety per company or designated agent for any given year?

03. Trial Ground Restrictions and Inspection Procedures. ()

- a. Any machinery used in production of bean seed on trial grounds must be disinfected, to the satisfaction of the Director, prior to movement to other bean fields. ()
- b. Approved trial grounds shall not be planted under sprinkler irrigation. ()
- c. During each growing season there will be a minimum of four (4) active growth inspections and one (1) windrow or pre-harvest inspection. ()

04. Detection of Regulated Pest. ~~If a regulated pest is found by field inspection, windrow or pre-harvest~~

~~inspection or subsequent laboratory seed testing, the infested seed must be destroyed. None of the remaining bean seed produced on that farmstead may be released for general planting in Idaho. The remaining seeds must be sampled and laboratory tested by the Department. If the laboratory test is negative for the regulated pests, then the seeds must be planted on an approved trial ground for one (1) additional year and are limited to a maximum of two (2) acres.~~

a. If a regulated pest is found by field inspection, windrow or pre-harvest inspection or subsequent laboratory seed testing, the infested seed must be destroyed and the field must follow the requirements of Section 400.02. Once the negative seed plots have been harvested, the grower must follow the destruction requirements outlined in Section 400.02 for the remainder of the trial ground. ()

b. None of the remaining bean seed produced on that designated trial ground may be released for general planting in Idaho. The remaining seeds harvested from the trial field must be sampled and laboratory tested by the Department. If the laboratory test is negative for the regulated pests, then the seeds must be planted on an approved trial ground for one (1) additional year and are limited to a maximum of two (2) acres. ()

251. -- 299. (RESERVED)

300. SPECIAL SITUATIONS.

The Director may grant specific exemptions for research purposes for the planting of beans that do not meet the requirements of Sections 200-201, or 250. Seed not meeting the requirements of Sections 200-201, or 250 must be planted only in counties where commercial beans or bean seed is not produced, as determined by the Director. ()

301. -- 349. (RESERVED)

350. DETECTION, IDENTIFICATION, AND REPORTING OF REGULATED PESTS.

01. Reporting. Any person ~~may~~ **will** report to the Department the detection of any of the regulated pests. ()

02. Observation. Detection of regulated pests will be based on the observance of symptoms in the field. ()

03. Detection of a regulated pest. Upon confirmation of a regulated pest, all bean fields including exempted varieties or types adjacent to the infested field, fields where equipment was shared, and fields planted with the same parent seed will be inspected by ISDA or ICIA and fields tested if concerns found during inspection for further spread of the regulated pest.

03. Disagreement. In case of disagreement concerning the identity of the regulated pest or the virulence of the pathogen to Phaseolus or Non-Phaseolus, the Department will submit cultures of the suspected pathogen to a plant pathologist appointed by the Dean of the College of Agriculture, University of Idaho. The results and findings obtained by the approved pathologist are final. ()

04. Release of Information. When the presence of a regulated pest is confirmed, information regarding the location and acres involved will be released upon request. ()

351. -- 399. (RESERVED)

400. DISPOSITION OF DISEASED SEED AND INFECTED FIELDS.

01. Quarantine. Any field in which there is a disagreement concerning the identity of the regulated pest or the virulence of the pathogen to its host will be placed under quarantine. Entry to the quarantined area will be restricted to the grower or his agents, Department officials, University of Idaho plant pathologists, and persons authorized in writing by the Director. Persons granted entry to the quarantined area will be required to take all necessary sanitary precautions prescribed by the Director. ()

02. Destruction.

- a. Upon the confirmation of a regulated pest, any bean fields within the boundaries of the state will be destroyed ~~in part or~~ in total, as required by the Director, to eliminate the pest at the expense of the grower and his landlord. The Director will notify the grower or his landlord of the method and extent of the destruction and safeguards against pest spread in order for the parties to comply. A written plan of destruction and disinfection must be signed by the Department, Company Representative, and the grower.
- b. No residue or harvested seed can leave the field boundaries upon notification to the grower by the Department. The grower has seven (7) days to burn or breakup plant material, and incorporate into the soil by plowing. All equipment used to eliminate the pest is required to be disinfected. Destruction and disinfection will be witnessed by the Department. The field will then be quarantined from bean plantings for five (5) years following the destruction. ()

Commented [LK2]: Need input from stakeholders for this to be consistent with ICIA or other standards or recommendations.

03. Threshing and Segregating. When the symptoms of a regulated pest are first detected during window inspection and laboratory confirmation is necessary, the Director may allow the beans to be threshed and segregated until laboratory results are obtained. ()

401. -- 449. (RESERVED)

450. EXEMPTIONS FROM DESTRUCTION (~~PHASEOLUS~~).

01. Brown Spot. Fields contaminated with brown spot, (*Pseudomonas syringae* pv. *syringae*), are exempt from destruction. The Department will review this exemption as necessary. ()

~~**02. — Beans for Processing or Fresh Consumption.** Snap beans or lima beans for processing or fresh consumption are exempt from destruction if the diseased portion of the field is destroyed or harvested within five (5) days after first detection or verification as per Section 350 and Subsection 400.01 and the crop residue is promptly and completely destroyed after harvest, as required by the Director. ()~~

~~**451. — EXEMPTIONS FROM DESTRUCTION (NON-PHASEOLUS).** Those non-Phaseolus crops for forage production are exempt from destruction if the diseased portion of the field is destroyed or harvested within five (5) days after first detection or verification as per Section 350 and Subsection 400.01, as required by the Director. ()~~

452. -- 549. (RESERVED)

550. FEES AND CHARGES.

The fees and charges for tags and inspections under these rules are: ()

01. Tags. Green tags or Yellow tags for In-State Planting Purposes -- Eighteen cents (\$0.18) per hundred-weight. ()

02. Applications. ()

a. Application for Field Inspection -- Five dollars (\$5) each. ()

b. Late Application for Field Inspection -- Ten dollars (\$10) each. ()

03. Field Inspections. ()

a. Inspection Fees. ()

i. Active Growth Fees -- Three dollars and fifty cents (\$3.50) per acre, per inspection, fifty dollar

(\$50) minimum. ()

ii. Windrow or Pre-harvest Fees -- Three dollars and fifty cents (\$3.50) per acre, fifty dollars (\$50) minimum. ()

iii. Department Approved Trial Grounds - origin east of the Continental Divide -- Ten dollars (\$10) per acre, per inspection, fifty dollars (\$50) minimum. ()

iv. Department Approved Trial Grounds - origin West of the Continental Divide -- Three dollars and fifty cents (\$3.50) per acre, per inspection, fifty dollars (\$50) minimum. ()

v. Requests for pre-harvest or windrow inspections after office hours, on weekends or holidays will be charged at cost plus mileage. ()

04. Laboratory Seed Sampling. Official Sample -- twenty dollars (\$20) per sample. Sample size requirements for imported seed:

Lot size	Sample Size
<10 pounds	Negotiable
10 - 14 pounds	0.5 pounds
15 - 25 pounds	1.0 pounds
26 - 50 pounds	1.5 pounds
51 - 200 pounds	2.0 pounds
201 - 1,000 pounds	3.0 pounds
>1,000 pounds	5.0 pounds for every 10,000 pounds or portion thereof
Non-Phaseolus Nematode	1.0 pound for every 10,000 pounds or portion thereof
Non-Phaseolus Nematode Trial Ground Experimental Plot	50 grams
Non-Phaseolus Soil Exam	500 grams (seed can be returned to applicant upon request)

()

05. Plant Pathological Laboratory Services. Fees will be charged at current laboratory rates and are available upon request. ()

06. Confirmation Fees. The party disputing the Department's determination of the presence of a regulated pest per Subsection 350.03 will be responsible for the payment of fees charged by the University of Idaho. ()

07. Soil Analysis. Testing for the presence of soil will be performed by the Idaho State Seed Laboratory or other seed laboratory approved by the Department. The cost of soil analysis will be at the normal rates as is charged by those approved laboratories. ()

08. Nematode Analysis. Nematodes testing will be performed by the University of Idaho Nematology Laboratory or other laboratory approved by the Department. The cost of analysis for nematodes will be at the normal rates for testing as is charged by those approved laboratories. ()

09. Special Project Fee. Special projects not covered by 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, research, lot history verification, data entry, sales and purchases, transfer of lots into ISDA database, ISDA training of private company personnel or any other circumstance approved by the Director. ()

551. -- 999. (RESERVED)

IDAHO DEPARTMENT OF AGRICULTURE
2270 Old Penitentiary Road
PO Box 7249
Boise, ID 83707

02.06.06 RULES GOVERNING THE PLANTING OF BEANS
Minutes of June 18, 2021 Meeting

HOSTS/FACILITATORS: Lloyd Knight, ISDA
Chanel Tewalt, ISDA

STAKEHOLDERS PRESENT: Darren Krzesnik
Gina Lohnes
Brad Smith
Andi Woolf Weibye
Steve Schwartz
Kathy Stewart-Williams
John Snelling
Lorell Skogsberg
Nick Bredeweg
Richard Winn
Doug Boze
Monty Hamilton
Gary
Roger Batt

DEPARTMENT STAFF: Dallas Burkhalter, Office of Attorney General – ISDA
Katy Devries, Office of Attorney General – ISDA
Andrea Thompson, ISDA
Tina Eiman, ISDA
Dicsie Gullick, ISDA

Lloyd Knight called the meeting to order at 8:33 AM MDT. He explained that the comment period was open until June 20th and then the rules would be finalized and sent to DFM to be published in the July Bulletin. There would be another open comment period following the bulletin posting when it would be possible to request a public hearing. The final draft of the rules will be put before the Legislature at their next session. He then turned the meeting over to Dr. Andrea Thompson to present the strawman.

Andrea began by summarizing the following changes being made:

- Section 001 – The title of the rule is being struck as a matter of housekeeping.
- Definition 010.01 – the language regarding the specific yellow tag was removed and the additional regulatory test was added for field inspection. Language was simplified and clarified for testing and section 02 was struck.
- There was a strike and addition to the definition of detailed varietal planting plan.
- The definition for Drip irrigation was added

- The definition for edible harvest was modified
- The definition for farmstead was removed.
- The definition of field was added.

Gary Petersen had a question regarding the definition and boundaries of fields.

John answered that it was based on recognizable boundaries. Everything inside the recognizable boundary even if it is not cropped.

Andrea continued explaining the changes:

- The definition for home garden was changed to include a maximum of one-half acre.
- The farmstead language was struck from definition of trial grounds.

John Snelling had a question regarding trial grounds: what about greenhouses and breeding nurseries? Are they just a subset of trial grounds and not called out?

Tina stated that ISDA considers greenhouses just like trial grounds. ISDA considers greenhouses a parcel of land, but language could be added if needed.

John Snelling stated that it might be a good idea to add something in the rule about greenhouses and breeding nurseries.

Lloyd Knight asked if the ISDA have had any problems with nurseries and trial grounds.

Dallas Burkhalter answered that the ISDA have never had a problem defining this and John Snelling added that if it is covered in the rule, then it's fine.

Andrea continued explaining the rule changes:

- In section 012, Fuscus blight was added as a regulated pest.
- In section 050, there was some clarifying language added regarding growing plants and non-Phaseolus
- In sections 51 and 52 there was some housekeeping items of updating rule sections that had changed.
- Section 150 was changed to include inspections of Phaseolus and non-Phaseolus seeds. With this addition, section 151 was stricken.
- Section 150.01.b will require growers to provide email addresses.

Tina asked what if the grower does not want to share their email address.

Andrea answered that the email address would be most applicable for moving toward destruction orders. That is when ISDA will have to have the email address.

Monty asked if the destruction orders will only be sent by email.

Lloyd answered that it would be an additional layer of communication.

Monty pointed out that some growers do not use email.

Tina asked if the grower refused to give us their email if it would be ok.

Lloyd and Tina both agreed that it would be fine. Andrea added that if the ISDA sent an email and they do not hear back, they would call the grower.

John Snelling asked why it was there. The form has name, address and phone number. He does not think that we need to call out the addition of the email. He was wondering if it needed to be added to the rules.

Andrea stated that the name and phone number was the only information on the form and reiterated that they needed the additional layer of communication.

John Snelling asked if we needed to call out all information required and not just the email.

Lloyd stated that ISDA would talk about it.

Andrea continued reviewing the changes to the rules:

- Section 150.01.c. had September deleted and August added.
- Section 150.02 had a strike due to redundancy and 150.02.a. had an addition of the word “drip.”
- Section 151 was struck because it was combined with Rule 150.
- Section 200.01 added the words “or final.”
- Section 200.02 had language added for Non-Phaseolus.
- Section 200.03.a. had additional language regarding reporting and testing
- Section 200.03.b. had additional language regarding Non-Phaseolus needing both tests conducted by the Department.
- Section 200.05 the language regarding east of the continental divide was struck
- Section 200.06 the language regarding west of the continental divide and from a foreign country was struck.
- Section 200.06.a. was added stating a written request was required to bring seed back into Idaho.
- Section 200.06.c. had language added regarding tagging.
- Section 200.07 had a section referenced an additional section of rules.

John Snelling asked if section 200.10.a.i. should include the words “or drip.”

Lloyd stated that ISDA would need to go through the rule and make sure that “or drip” was added whenever rill irrigation was mentioned.

- Section 201 had been struck because it had been combined with the rule regarding planting Phaseolus.

- Rules 250.02.a. and b. had language added regarding experimental plots, had combined language to mirror subsection c, and added both tests.

John Snelling asked if breeding nurseries needed to be added to the rule. He added that there should not be an exemption for testing and would like it identified.

Tina Eiman asked if John would like it added to the definitions because usually they are covered under experimental plots. She stated that it could be added to the definition of trial ground.

John Snelling stated that it comes down to the how to handle the resulting seeds because it can be a very small amount of seeds.

Lloyd asked stakeholders to submit language and added that if a breeding nursery is in our system as a trial ground it is covered. But if it is something that we do not cover he would like specific language.

Lloyd and Tina agreed to add clarification to the definition.

Andrea continued reviewing the draft rules:

- Rule 250.04 had clarifying language added regarding regulated pests.
- Rule 300 had section numbers updated to be consistent with changes
- Rule 350.01 had changed “may” to “will.”
- Rule 350.03 had clarifying language added regarding regulated pests.
- Rule 400.02.a. and b. had language added regarding destruction plans and destruction of diseased seeds.

Monty Hamilton question whether plowing should be part of the rule since there are many different methods for incorporating plant material into the soil. He added that plows are sometimes hard to come by.

Michael Goodson added that those issued had been addressed and Andrea added that the words “or other method approved by the director” had been added to take the different methods into account.

Gary stated that he would like to see the rule left as is, since plowing is the preferred method, but other options are covered.

Michael Goodson asked if there was a clause stating residue can leave field boundaries.

Lloyd answered that the way the language reads nothing can happen until there is an approved plan. Everybody agrees what is going to happen prior to it happening.

Michael Goodson added that while Treasure Valley has lots of plows, Magic Valley does not have very many. The main focus should be on preventing movement because only time kills the disease.

Andrea finished reviewing the draft rules ending with sections 450.02 and 451 that includes language striking two exemptions from destruction. There were also changes to the Laboratory Seed Sampling table. She then called for questions and comments on anything covered up to that point.

Gary asked about section 210 and asked for clarification regarding the number of generations and types of irrigation.

Tina explained that the first generation coming into Idaho would be under serology test and would be under rill or drip. The second generation could go under either rill or sprinkler irrigation. If it is under sprinkler then serology test is required whether you will be replanting under rill or sprinkler.

Gary asked how many generations are allowed to be grown under sprinklers and Tina answered a maximum of 2.

Gary then asked is section 210.b.ii. could be changed so instead of the word “thereafter” it specifically said “second generation.”

There was some confusion about how the rule was written and how best to clarify it. Andrea stated that this conversation came up at the last meeting and there was an attempt to make the language clear. She then asked that those involved with the discussion email possible language.

Gary proposed changing 210.b.ii. to say two generations instead of one.

John Snelling agreed with changing the language to two generations if “with the following conditions” added.

Andrea made a note of the changes proposed to that section.

Lloyd stated that ISDA will change the language and email it out to those involved and asked that they review it and send it back quickly.

Andrea called for thoughts and comments.

Mike Goodson stated that he had come to the meeting and asked if there was an agreement to regarding destruction of seeds and 3-5 years. He spoke with growers and they were not opposed to 5 years across the Board.

Andrea pointed out that for destruction it is 5 years for anthracnose and bacterial wilt and three years for all other regulated pests. It was discussed at the last meeting and that was the suggestion put forth.

Mike asked if it could be extended to 5 years for all diseases and Andrea stated that there was significant input that the other diseases do not last that long. Growers should not be limited for a

disease that does not last 5 years. The requirement was 2 years in the past, so it is already being extended. She saw no need to extend it further.

Andrea briefly described the process for arriving at the 3- and 5-year requirements. It was first brought up in April and discussed further in May, and a consensus was reached during the May meeting among stake holders.

Lloyd Knight thanked everyone for their participation in the process . He reiterated that they will make the changes discussed and email them out for review. He also mentioned that the comment period closed on June 20th . The next communication will be when the rule is published so that comments can be sent in if needed.

Lloyd Knight adjourned the meeting at 9:39 AM MDT.

02.06.06 – RULES GOVERNING THE PLANTING OF BEANS

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-1907, 22-2004, and 22-2006, Idaho Code. ()

001. TITLE AND SCOPE.

01. ~~Title.~~ The title of this chapter is IDAPA 02.06.06, “Rules Governing the Planting of Beans.”

~~02.~~ Scope. These rules govern the planting of beans in Idaho. ()

002. -- 009. (RESERVED)

010. DEFINITIONS.

The Department adopts the definitions set forth in Section 22-2005, Idaho Code. In addition, as used in this chapter: ()

01. **Department Approved Tag (Yellow Tag) (Phaseolus).** A tag issued by the Department to seed lots produced west of the Continental Divide in the contiguous United States. The seed lot must be accompanied by a phytosanitary certificate or official field inspection report issued by the regulatory agency of the state of origin, listing the diseases the crop was inspected for, that must include the regulated pests as defined in Section 012, 013.1 and 013.2 for Non-Phaseolus of these rules and be based on growing season and windrow or pre-harvest inspections. Seed lots must pass laboratory testing ~~done performed~~ by the Department on samples drawn in Idaho by the Department and found free from regulated pest(s) as listed in Section 012 (Phaseolus), 013.1 and 013.2 (Non-Phaseolus) of this rule. Non-Phaseolus must also pass laboratory testing performed by the Department or Department approved laboratories, on samples drawn in Idaho by the Department for soil as listed in Section 013.03 of this rule. ()

~~02.~~ **Department Approved Tag (Yellow Tag) (Non-Phaseolus).** A tag issued by the Department to seed lots produced outside of Idaho and imported into Idaho for planting. The seed lot must be certified by the seed certification agency of the state of origin and be accompanied by a phytosanitary certificate or official field inspection report issued by the regulatory agency of the state of origin. Seed lots must pass laboratory testing performed by the Department, or Department approved laboratories, on samples drawn in Idaho by the Department and found free from regulated pest(s) and soil as listed in Sections 012 and 013 of this rule. ()

03. **Department In-State Planting Tag (Green Tag).** A tag issued by the Department to seed lots in compliance with growing season and windrow inspections in Idaho. ()

04. **Detailed Varietal Planting Plan.** A plan that shows the variety name, seed lot number, In-state planting tag number (State Number) if applicable or other verified planting eligibility, pounds planted, acres planted, origin of seed, and the results of laboratory testing. ()

~~05.~~ **Drip Irrigation.** A system of crop irrigation involving the controlled delivery of water directly to individual plants through a network of stationary tubes or tapes, excluding drag lines. ()

~~0506.~~ **Edible Harvest.** Seed planted in Idaho intended for edible purposes (fresh green pod or dried edible seed). ()

~~0607.~~ **Experimental Plots.** Subdivisions of trial grounds used for the introduction of seed otherwise ineligible for planting in Idaho. ()

~~07.~~ **Farmstead.** All land farmed in common with the land upon which the trial ground is located. ()

08. Field. A field will be a parcel of land with recognizable boundaries which may include but not be limited to areas which are mowed, uncropped or planted to crops other than the kind in question. ()

0809. Home Garden. Personal use home gardens with a maximum of one-half (0.5) acre wherein Phaseolus or Non-Phaseolus species are planted for consumption and will not be utilized for replanting outside the same home garden where they were produced or offered for sale or sold for further propagation in Idaho. ()

0910. ICIA Tag. A tag issued by ICIA provided that the lot was field and windrow inspected by ICIA in accordance with these rules. ()

1011. In-State Planting Tag Number (State Number). A number assigned by the Department to each lot which has successfully passed the Department's field and windrow inspection requirements in which no regulated pests were found. ()

1112. Introduction Plots. Subdivisions of trial grounds used for the introduction or increase of bean seed. ()

1213. Oregon Department of Agriculture Inspection Tag. A tag issued to seed lots produced in Malheur County, Oregon which were inspected in the growing season and in the windrow by the Oregon Department of Agriculture for the regulated pests as defined in Section 012 and Subsections 013.01 and 013.02 of these rules. ()

1314. Pre-Harvest Inspection. Inspection done prior to harvest, where harvest methods or crop condition do not allow for windrow inspection. ()

1415. Rill Irrigation. A method of applying non-pressurized irrigation water to crops in a free flow manner by using a series of drip, ditches, canals, siphon tubes, and gated pipe utilizing gravity as means of conveyance within the field. ()

1516. Seed Borne. Pest(s) that can be found on the seed or within the seed coat but do not necessarily result in the transfer of the pest to the resulting plant. ()

1617. Seed Lot. A definite quantity of seed identified by a lot number, every portion or bag of which is uniform, within permitted tolerances, for factors that appear in the labeling. ()

1718. Seed Transmitted. Pest(s) that can be transferred from the seed into the resulting plant. ()

1819. Sprinkler Irrigation. An overhead water delivery system used to disperse irrigation water to crops in a designated pattern utilizing a pump, a network series of pipes and delivering water under a controlled pressure in a predetermined quantity. ()

1920. Trial Grounds. Parcels of land located on one (1) farmstead set aside for the purpose of research testing or introduction of bean seed. ()

2021. True Identity of Seed Lot. True identity of seed lot is recorded using information provided by the applicant on the application for field inspection or on the detailed varietal planting plan and harvest records. The true identity of the seed lot is maintained by the Department after the applicant has finalized the harvest information and provided such to the Department. ()

2122. Windrow Inspection. An inspection procedure performed on a seed crop prior to harvest but after the crop has been cut and allowed for curing or drying out. ()

011. ABBREVIATIONS.

01. ICIA. Idaho Crop Improvement Association. ()

02. ISDA. Idaho State Department of Agriculture. ()

012. REGULATED PESTS (PHASEOLUS AND NON-PHASEOLUS).

01. Anthracnose. Caused by (*Colletotrichum lindemuthianum*), (*Glomerella lindemuthiana*). ()

02. Bacterial Wilt. Caused by (*Curtobacterium flaccumfaciens pv. flaccumfaciens*), (*Corynebacterium flaccumfaciens*). ()

03. Brown Spot. Caused by (*Pseudomonas syringae pv. syringae*), (*P. syringae*). ()

04. Common Blight. Caused by (*Xanthomonas axonopodis pv. phaseoli*), (*X. phaseoli*), (*X. phaseoli var. fuscans*). ()

~~05. Fuscus Blight. Caused by (*Xanthomonas fuscans subsp. fuscans*). ()~~

05. Halo Blight. Caused by (*Pseudomonas savastanoi pv. phaseolicola*), (*P. phaseolicola*). ()

013. REGULATED PESTS (NON-PHASEOLUS ONLY).

01. Soybean Cyst Nematode. (*Heterodera glycines*). ()

02. Asian Soybean Rust. Caused by (*Phakopsora pachyrhizi*). ()

03. Soil. There is a zero (0) tolerance, as defined by the soil tolerance standards of the Association of Official Seed Analysts (AOSA), for soil in any lot of a regulated article imported into Idaho and destined for planting in Idaho. This prohibition does not apply to seed of Idaho or Malheur County, Oregon origin. ()

014. -- 049. (RESERVED)

050. REGULATED ARTICLES.

All seed and growing plants of (*Phaseolus*) species, from any source, being grown or planted for the production of seed or planted for edible harvest within the state of Idaho. All seed and growing plants of Non-Phaseolus including soybean (*Glycine max*), mung bean (*Vigna radiata*), and azuki bean (*Vigna angularis*) and any other plant species capable of spreading a regulated pest as a contaminant or in a seed borne or seed transmitted manner, from any source and being planted within the state of Idaho, unless otherwise exempted in this rule. ()

051. EDIBLE HARVEST EXEMPTION.

Seeds planted for edible harvest must bear an approved tag as defined in Section 200.0809 ~~or 201.06~~ of this rule. Seeds planted for edible harvest are not required to undergo inspection requirements defined in Section 150 ~~and 151~~, and are not covered by the irrigation restrictions defined in Section 200.0910. ()

052. HOME GARDEN EXEMPTION.

Seeds planted for home garden use and consumption that will not be sold for replanting outside the original home garden space are allowed to utilize small package, non-tagged seed and are exempt from inspection requirements defined in Section 150 ~~and 151~~ of this rule and from irrigation restrictions defined in Section 200.0910. All seed intended for production of seed for replanting outside the home garden where they were produced are defined as Regulated Articles in Section 050. ()

053. -- 149. (RESERVED)

150. INSPECTION ~~(PHASEOLUS).~~

~~All seeds harvested from bean fields in Idaho intended for replanting in Idaho shall be submitted to the Department~~

~~or ICIA for growing season and windrow inspections. ()~~
Phaseolus seeds harvested from bean fields in Idaho intended for replanting in Idaho shall be submitted to the Department or the ICIA for growing season and pre-harvest/windrow inspections.

Non-Phaseolus seeds imported or Idaho origin intended for planting or replanting in Idaho shall be submitted to the Department or the ICIA for growing season and pre-harvest/windrow inspections.
()

01. Application for Inspection. ()

a. Deadline for Submission. Received by the Department on or before July 1 of each year. ()

b. Application Forms. Forms will be provided by the Department or may be company generated. Company generated application forms must be approved by the Department prior to submission. Forms will require grower email address. ()

c. Additional or Substitute Acreage. Applications for additional or substitute acreage may be submitted until ~~September~~ August 1 and will be accepted on a case by case basis and the cost of inspection to be determined by the Director. ()

02. Active Growth Inspection. Unless the Director, in his sole discretion, deems additional inspections are necessary, the bean seed ~~for replanting~~ will be inspected as follows: ()

a. Fields under drip or rill irrigation -- at least once. ()

b. Fields under sprinkler irrigation -- at least twice. ()

03. Windrow or Pre-Harvest Inspection. ()

a. Number of inspections -- at least once. ()

b. The Director may authorize qualified personnel to perform windrow inspections under the supervision of the Department. ()

c. The Director may upon written request of the seed company agent perform standing crop pre-harvest inspection. ()

~~151. INSPECTION (NON-PHASEOLUS)~~

~~All imported or Idaho origin seeds intended for planting or replanting in Idaho shall be submitted to the Department for growing season and pre-harvest/windrow inspections. ()~~

~~**01. Application for Inspection. ()**~~

~~a. Deadline for Submission. Received by the Department on or before July 1 of each year. ()~~

~~b. Application Forms. Forms will be provided by the Department or may be company generated. Company generated application forms must be approved by the Department prior to submission. ()~~

~~c. Additional or Substitute Acreage. Applications for additional or substitute acreage may be submitted until September 1 and will be accepted on a case by case basis and the cost of inspection to be determined by the Director. ()~~

~~**02. Inspections.** Unless the Director, at his sole discretion, deems additional inspections are necessary, the bean seed for planting will be inspected as follows: ()~~

~~a. Fields under rill or sprinkler irrigation at least once; ()~~

~~b. Pre Harvest or Windrow Inspection at least once. ()~~

152. -- 199. (RESERVED)

200. REQUIREMENTS FOR PLANTING BEAN SEED IN IDAHO (~~PHASEOLUS~~).

In order to be eligible for planting bean seed in Idaho: ()

01. Idaho Grown Seed. Seeds planted must be from a lot that has an in-state planting tag number (state number) assigned by the Department based on growing season and windrow or final inspections and be tagged by the Department with a Department In-State Planting Tag (Green tag) or be tagged by the ICIA in accordance with these rules. ()

02. Malheur County, Oregon Grown Seed. Bean seed produced in Malheur County, Oregon must be from a lot inspected in the growing season and in the pre-harvest or windrow for the regulated pests as defined in Section 012, and for Non-Phaseolus shall also include inspection for the regulated pests as defined in Section 013.01 and 013.02. Seed must be tagged of these rules and tagged by the Oregon Department of Agriculture. The ICIA may inspect and issue tags for bean seed grown in Malheur County, Oregon provided that each field is inspected according to these rules and the Malheur County Bean Disease Control Area order. ()

03. Imported Seed Grown West of the Continental Divide in the Contiguous United States. Imported bean seed grown west of the Continental Divide in the contiguous United States must: ()

a. Be accompanied by a phytosanitary certificate or official field inspection report issued by the regulatory agency of the state of origin, listing the diseases for which the crop was inspected, that must include the regulated pests as defined in Section 012 of these rules, and stating that the crop was field and windrow or pre-harvest inspected; Non-Phaseolus phytosanitary certificate or official field inspection report shall also include regulated pests as defined in Section 013.01 and 013.02.; ()

b. Seed lot shall successfully pass laboratory tests conducted by the Department from samples officially drawn in the state of Idaho by the Department for regulated pests as defined in Section 012. Non-Phaseolus shall also pass laboratory tests for regulated pests as defined in Sections 012 and 013. Tests will be conducted by the Department from samples officially drawn in the state of Idaho by the Department; ()

c. Bear a Department approved tag (yellow); ()

d. Not be planted under sprinkler irrigation; and ()

e. Each field planted in Idaho must be submitted for field and windrow or pre-harvest inspections. ()

04. Imported Seed Grown East of the Continental Divide in the Contiguous United States or of Foreign Origin. Imported bean seed grown east of the Continental Divide in the Contiguous United States or of foreign origin to be planted in Idaho shall be planted only on an approved trial ground as outlined in Section 250. ()

05. Idaho Grown Seeds Shipped ~~East of the Continental Divide in the Contiguous United States~~ or to a Foreign Country and Returned. Bean seeds shipped ~~east of the Continental Divide in the contiguous United States~~ or to a foreign country may be returned to Idaho but, upon return, be planted on an approved trial ground as outlined in Section 250. ()

06. Idaho Grown Seeds Shipped ~~West of the Continental Divide in~~ Within the Contiguous United States, Except Malheur County, Oregon, ~~or to a Foreign Country and Returned.~~ Bean seeds shipped outside Idaho or Malheur County, Oregon, ~~west of the Continental Divide~~ in the contiguous United States, ~~or to a foreign~~

country, which were tagged with one of the approved planting tags listed in Section 200.09 prior to leaving the state and at the Director's discretion were segregated in such a way to ensure freedom from regulated pests, may be returned to Idaho for planting under the following conditions:()

a. A written request to bring seed back into Idaho must be submitted to ISDA and approved prior to planting.

ab. Seed tags and packaging are intact with the segregation of the seed deemed satisfactory by the Director, ()

b. Bean seed not tagged with one of the approved planting tags listed in Section 200.09 prior to leaving the state, returned to Idaho without seed tags and packaging intact, or not segregated to the satisfaction of the Director, may be returned to Idaho but, upon return, will fall under Section 200.03 ~~or 201.03~~ of these rules or may be planted on an approved trial ground as outlined in Section 250. ()

07. **Contaminated Seeds.** The seeds from any bean field found or known to be contaminated with a regulated pest, as defined in Section 012 and 013 of these rules, cannot be planted in Idaho. ()

08. **True Identity of Seed Lots.** Failure to maintain the true identity of any seed lot intended for seed purposes will automatically disqualify that lot for future planting in Idaho. ()

09. **Tags.** Bean seeds planted in Idaho shall be from an approved lot bearing an approved tag on each bag or container, stating the kind, variety, and lot number. The following is a list of approved planting tags in Idaho: ()

a. Department in-state planting tag (green tag); ()

b. Department approved tag (yellow tag); ()

c. ICIA tag, provided the lot was field and windrow inspected by ICIA in accordance to these rules; or ()

d. Oregon Department of Agriculture inspection tag. ()

10. **Irrigation.** ()

a. Pintos, Reds, Pinks, Great Northerns, Small Whites, Navy Beans, Blacks, Kidneys, Yellows, Cranberries, and Lima beans: ()

i. First generation of seed grown in Idaho must be grown and inspected under rill irrigation. ()

ii. Thereafter, the seed may be grown and inspected for two (2) consecutive generations in Idaho under sprinkler irrigation. ()

iii. Seed grown under sprinkler irrigation for two (2) consecutive generations shall then be grown and inspected for one (1) generation in Idaho under rill irrigation. ()

b. All other beans: ()

i. First generation of seed grown in Idaho must be grown and inspected under rill irrigation. ()

ii. Thereafter, the seed may be grown and inspected for one (1) generation in Idaho under sprinkler irrigation. ()

iii. Any time seed has been grown and inspected for one (1) generation in Idaho under sprinkler irrigation and prior to planting the seed under sprinkler irrigation or rill irrigation in Idaho, the seed must be sampled and laboratory tested by the Department in Idaho and found negative for the regulated pests. ()

iv. Following a second consecutive planting of the seed under sprinkler irrigation in Idaho, the seed must be sampled and laboratory tested by the Department in Idaho and found negative for the regulated pests. ()

v. After meeting the requirements of Subsections 200.09.b.i. through 200.09.b.iv., the seed must be grown and inspected for one (1) generation in Idaho under rill irrigation. ()

201. REQUIREMENTS FOR PLANTING BEAN SEED IN IDAHO (NON PHASEOLUS).

In order to be eligible for planting seed in Idaho: ()

~~01. Idaho Origin Seed to Be Replanted.~~ Seeds planted must be from a lot that was produced in accordance with these rules and has an in-state planting tag number (state number) assigned by the Department based on growing season and pre harvest or windrow inspections and be tagged by the Department with a Department In-State Planting Tag (Green tag). ()

~~02. Malheur County, Oregon Grown Seed.~~ Seed produced in Malheur County, Oregon must be from a lot inspected in the growing season and pre harvest or windrow for the regulated pests as defined in Section 012, 013.01, and 013.02 of these rules and tagged by the Oregon Department of Agriculture. ()

~~03. Imported Seed From Other Than Malheur County, Oregon.~~ Imported seed must: ()

~~a.~~ Be certified by the seed certification agency of the state of origin and be accompanied by a state phytosanitary certificate issued by the regulatory agency of the state of origin, listing the diseases for which the crop was inspected, that must include the regulated pests and soil as defined in Sections 012 and 013 of these rules, as identified from official field inspection, official samples and official laboratory testing; or ()

~~b.~~ Each seed lot shall successfully pass laboratory tests on untreated seed for regulated pests and soil conducted by the Department (in the case of nematodes and soil by a Department approved lab) from samples officially drawn in the state of Idaho by the Department; and ()

~~c.~~ Bear a Department Approved Tag (Yellow Tag) at the time of planting; and ()

~~d.~~ Be submitted for a growing season inspection in compliance with Section 151 of this rule; and ()

~~e.~~ If intended for seed production, not be planted under sprinkler irrigation for the first growing season. ()

~~04. Contaminated Seeds.~~ The seeds from any field found or known to be contaminated with a regulated pest or soil, as defined in Section 012 and 013 of these rules, cannot be planted in Idaho. ()

~~05. True Identity of Seed Lots.~~ Failure to maintain the true identity of any seed lot intended for seed purposes will automatically disqualify that lot for future planting in Idaho. ()

~~06. Tags.~~ Seeds planted in Idaho shall be from an approved lot bearing an approved tag on each bag or container, stating the kind, variety, and lot number. The following is a list of approved planting tags in Idaho: ()

~~a.~~ Department in state planting tag (green tag); ()

~~b.~~ Department approved tag (yellow tag); ()

~~c. Oregon Department of Agriculture inspection tag. ()~~

202. -- 249. (RESERVED)

250. TRIAL GROUNDS.

01. General Trial Ground Requirements. ()

a. A written request for trial ground must be submitted to the Director for approval prior to May 20 of the year the bean seed will be planted and must contain: ()

i. Name of person in charge. ()

ii. Geographic location and size of trial ground. ()

iii. Detailed varietal planting plan. If the original planting plan is changed, the person in charge of the trial ground must notify the Director. ()

b. Must be jointly supervised by the Department and personnel approved by the Director. ()

c. The land must be owned or leased by the applicant. If leased, a copy of the lease must accompany the application. ()

d. More than one (1) trial ground may be approved provided that a separate application is submitted and each trial ground meets the requirements of Section 250. ()

02. Trial Ground Subdivisions. ()

a. Experimental Plots. A maximum of one (1) pound of bean seed per variety per company or designated agent for any given year may be planted in an experimental plot without laboratory testing. Non-Phaseolus shall successfully pass laboratory tests for regulated pests as defined in 013.01 and 013.03. Tests will be conducted by a Department approved lab from samples officially drawn in the state of Idaho by the Department.
()

b. Introduction Plots. Introduction plots are limited to a maximum of two (2) acres per variety per company or designated agent for any given year and each seed lot to be planted in an introduction plot must successfully pass laboratory tests conducted by the Department from samples officially drawn in the state of Idaho by the Department. Non-Phaseolus shall successfully pass laboratory tests for regulated pests as defined in Sections 012 and 013. Tests will be conducted by a Department approved lab from samples officially drawn in the state of Idaho by the Department. ()

03. Trial Ground Restrictions and Inspection Procedures. ()

a. Any machinery used in production of bean seed on trial grounds must be disinfected, to the satisfaction of the Director, prior to movement to other bean fields. ()

b. Approved trial grounds shall not be planted under sprinkler irrigation. ()

c. During each growing season there will be a minimum of four (4) active growth inspections and one (1) windrow or pre-harvest inspection. ()

04. Detection of Regulated Pest. ~~If a regulated pest is found by field inspection, windrow or pre harvest inspection or subsequent laboratory seed testing, the infested seed must be destroyed. None of the remaining bean seed produced on that farmstead may be released for general planting in Idaho. The remaining seeds must be sampled and laboratory tested by the Department. If the laboratory test is negative for the regulated pests, then the seeds must~~

~~be planted on an approved trial ground for one (1) additional year and are limited to a maximum of two (2) acres.~~

a. If a regulated pest is found by field inspection, windrow or pre-harvest inspection or subsequent laboratory seed testing, the infested seed must be destroyed and the field must follow the requirements of Section 400.02. Once the negative seed plots have been harvested, the grower must follow the destruction requirements outlined in Section 400.02 for the remainder of the trial ground. ()

b. None of the remaining bean seed produced on that designated trial ground may be released for general planting in Idaho. The remaining seeds harvested from the field on which the trial ground is located must be sampled and laboratory tested by the Department. If the laboratory test is negative for the regulated pests, then the seeds must be planted on an approved trial ground for one (1) additional year and are limited to a maximum of two (2) acres. ()

251. -- 299. (RESERVED)

300. SPECIAL SITUATIONS.

The Director may grant specific exemptions for research purposes for the planting of beans that do not meet the requirements of Sections 200,~~201~~, or 250. Seed not meeting the requirements of Sections 200,~~201~~, or 250 must be planted only in counties where commercial beans or bean seed is not produced, as determined by the Director. ()

301. -- 349. (RESERVED)

350. DETECTION, IDENTIFICATION, AND REPORTING OF REGULATED PESTS.

01. Reporting. Any person ~~may~~ will report to the Department the detection of any of the regulated pests. ()

02. Observation. Detection of regulated pests will be based on the observance of symptoms in the field. ()

03. Detection of a regulated pest. Upon confirmation of a regulated pest, all bean fields adjacent to the infested field, fields where equipment was shared, and fields planted with the same parent seed will be inspected by ISDA or ICIA.

03. Disagreement. In case of disagreement concerning the identity of the regulated pest or the virulence of the pathogen to Phaseolus or Non-Phaseolus, the Department will submit cultures of the suspected pathogen to a plant pathologist appointed by the Dean of the College of Agriculture, University of Idaho. The results and findings obtained by the approved pathologist are final. ()

04. Release of Information. When the presence of a regulated pest is confirmed, information regarding the location and acres involved will be released upon request. ()

351. -- 399. (RESERVED)

400. DISPOSITION OF DISEASED SEED AND INFECTED FIELDS.

01. Quarantine. Any field in which there is a disagreement concerning the identity of the regulated pest or the virulence of the pathogen to its host will be placed under quarantine. Entry to the quarantined area will be restricted to the grower or his agents, Department officials, University of Idaho plant pathologists, and persons authorized in writing by the Director. Persons granted entry to the quarantined area will be required to take all necessary sanitary precautions prescribed by the Director. ()

02. Destruction.

a. Upon the confirmation of a regulated pest, any bean fields within the boundaries of the state will be

destroyed ~~in part or~~ in total, as required by the Director, to eliminate the pest at the expense of the grower and his landlord. The Director will notify the grower or his landlord of the method and extent of the destruction and safeguards against pest spread in order for the parties to comply. A written plan of destruction and disinfection must be signed by the Department, Company Representative, and the grower.

- b. No residue or harvested seed can leave the field boundaries upon notification to the grower by the Department. The grower has seven (7) days to burn or breakup plant material, and incorporate into the soil by plowing or other method as approved by the Director. All equipment used to eliminate the pest is required to be disinfected. Destruction and disinfection will be witnessed by the Department. The field will then be quarantined from bean plantings throughout the permanent boundary for five (5) years following the detection of Anthracnose and Bacterial Wilt, and for three (3) years for all other regulated pests as listed in Section 012 and 013. ()

03. Threshing and Segregating. When the symptoms of a regulated pest are first detected during windrow inspection and laboratory confirmation is necessary, the Director may allow the beans to be threshed and segregated until laboratory results are obtained. ()

401. -- 449. (RESERVED)

450. EXEMPTIONS FROM DESTRUCTION (PHASEOLUS).

01. Brown Spot. Fields contaminated with brown spot, (*Pseudomonas syringae* pv. *syringae*), are exempt from destruction. The Department will review this exemption as necessary. ()

~~**02. — Beans for Processing or Fresh Consumption.** Snap beans or lima beans for processing or fresh consumption are exempt from destruction if the diseased portion of the field is destroyed or harvested within five (5) days after first detection or verification as per Section 350 and Subsection 400.01 and the crop residue is promptly and completely destroyed after harvest, as required by the Director.~~ ()

~~**451. — EXEMPTIONS FROM DESTRUCTION (NON PHASEOLUS).**~~

~~Those non Phaseolus crops for forage production are exempt from destruction if the diseased portion of the field is destroyed or harvested within five (5) days after first detection or verification as per Section 350 and Subsection 400.01, as required by the Director.~~ ()

452. -- 549. (RESERVED)

550. FEES AND CHARGES.

The fees and charges for tags and inspections under these rules are: ()

01. Tags. Green tags or Yellow tags for In-State Planting Purposes -- Eighteen cents (\$0.18) per hundred-weight. ()

02. Applications. ()

a. Application for Field Inspection -- Five dollars (\$5) each. ()

b. Late Application for Field Inspection -- Ten dollars (\$10) each. ()

03. Field Inspections. ()

a. Inspection Fees. ()

i. Active Growth Fees -- Three dollars and fifty cents (\$3.50) per acre, per inspection, fifty dollar (\$50) minimum. ()

- ii. Windrow or Pre-harvest Fees -- Three dollars and fifty cents (\$3.50) per acre, fifty dollars (\$50) minimum. ()
- iii. Department Approved Trial Grounds - origin east of the Continental Divide -- Ten dollars (\$10) per acre, per inspection, fifty dollars (\$50) minimum. ()
- iv. Department Approved Trial Grounds - origin West of the Continental Divide -- Three dollars and fifty cents (\$3.50) per acre, per inspection, fifty dollars (\$50) minimum. ()
- v. Requests for pre-harvest or windrow inspections after office hours, on weekends or holidays will be charged at cost plus mileage. ()

04. Laboratory Seed Sampling. Official Sample -- twenty dollars (\$20) per sample. Sample size requirements for imported seed:

Lot size	Sample Size
<10 pounds	Negotiable
10 - 14 pounds	0.5 pounds
15 - 25 pounds	1.0 pounds
26 - 50 pounds	1.5 pounds
51 - 200 pounds	2.0 pounds
201 - 1,000 pounds	3.0 pounds
>1,000 pounds	5.0 pounds for every 10,000 pounds or portion thereof
<u>Non-Phaseolus Nematode</u>	<u>1.0 pound for every 10,000 pounds or portion thereof</u>
<u>Non-Phaseolus Nematode Trial Ground Experimental Plot</u>	<u>50 grams</u>
<u>Non-Phaseolus Soil Exam</u>	<u>500 grams</u> (seed can be returned to applicant, upon request)

()

05. Plant Pathological Laboratory Services. Fees will be charged at current laboratory rates and are available upon request. ()

06. Confirmation Fees. The party disputing the Department's determination of the presence of a regulated pest per Subsection 350.03 will be responsible for the payment of fees charged by the University of Idaho. ()

07. Soil Analysis. Testing for the presence of soil will be performed by the Idaho State Seed Laboratory or other seed laboratory approved by the Department. The cost of soil analysis will be at the normal rates as is charged by those approved laboratories. ()

08. Nematode Analysis. Nematodes testing will be performed by the University of Idaho Nematology Laboratory or other laboratory approved by the Department. The cost of analysis for nematodes will be at the normal

rates for testing as is charged by those approved laboratories. ()

09. Special Project Fee. Special projects not covered by 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, research, lot history verification, data entry, sales and purchases, transfer of lots into ISDA database, ISDA training of private company personnel or any other circumstance approved by the Director. ()

551. -- 999. (RESERVED)