

Dear Senators RICE, Bayer, Ward-Engelking, and  
Representatives ANDRUS, Boyle, Pence:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
Idaho State Department of Agriculture:

IDAPA 02.04.21 - Rules Governing the Importation of Animals - Proposed Rule (Docket No.  
02-0421-1501);

IDAPA 02.04.29 - Rules Governing Trichomoniasis - Proposed Rule (Docket No. 02-0429-1501);

IDAPA 02.06.22 - Noxious Weed Rules - Proposed Rule (Docket No. 02-0622-1501);

IDAPA 02.06.25 - Rules Governing the Planting of Beans, Other than Phaseolus Species, in Idaho -  
Proposed Rule (Docket No. 02-0625-1501).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 09/16/2015. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 10/15/2015.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the  
memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

*Serving Idaho's Citizen Legislature*

### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Agricultural Affairs Committee and the House Agricultural Affairs Committee

**FROM:** Principal Legislative Research Analyst - Katharine Gerrity

**DATE:** August 27, 2015

**SUBJECT:** Idaho State Department of Agriculture

IDAPA 02.04.21 - Rules Governing the Importation of Animals - Proposed Rule (Docket No. 02-0421-1501)

IDAPA 02.04.29 - Rules Governing Trichomoniasis - Proposed Rule (Docket No. 02-0429-1501)

IDAPA 02.06.22 - Noxious Weed Rules - Proposed Rule (Docket No. 02-0622-1501)

IDAPA 02.06.25 - Rules Governing the Planting of Beans, Other than Phaseolus Species, in Idaho - Proposed Rule (Docket No. 02-0625-1501)

#### **1. IDAPA 02.04.21 - Rules Governing the Importation of Animals**

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.04.21 - Rules Governing the Importation of Animals. According to the department, the Western States Livestock Health Association has issued recommendations to harmonize Trichomoniasis import regulations for all western states. The department indicates that the Idaho Trichomoniasis Task Force met in May and approved the recommendation. The department states that as a result, the rule changes allow imported bulls to be considered virgins up to eighteen months of age and Trichomoniasis tests to be valid for sixty days.

The department notes that negotiated rulemaking was conducted in July 2015. The rulemaking appears to be authorized pursuant to Section 25-203, Idaho Code.

#### **2. IDAPA 02.04.29 - Rules Governing Trichomoniasis**

The Idaho State Department of Agriculture submits notice of proposed rule at Rules Governing Trichomoniasis. According to the department, the Western States Livestock Health Association has issued recommendations to harmonize Trichomoniasis import regulations for all western states. The department indicates that the Idaho Trichomoniasis Task Force met in May and approved the recommendation. The department states that as a result, the rule changes allow imported bulls to be considered virgins up to eighteen months of age and Trichomoniasis tests to be valid for sixty days. In addition, a definition for Polymerase Chain Reaction (PCR)

Mike Nugent, Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

has been added and references to this type of testing added throughout the rule. According to the department, both culture testing and PCR testing are used for testing for Trichomoniasis.

The department notes that negotiated rulemaking was conducted in July 2015. The rulemaking appears to be authorized pursuant to Section 25-203, Idaho Code.

### **3. IDAPA 02.06.22 - Noxious Weed Rules**

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.06.22 - Noxious Weed Rules. According to the department, the purpose of the rulemaking is to add Purple starthistle and Iberian starthistle to the early detection rapid response section of the noxious weed list. The department notes that both of these species have been listed for the past fifteen months as early detection rapid response noxious weeds under the Director's' temporary listing authorized by Section 22-24049(1)(u), Idaho Code.

The department indicates that negotiated rulemaking was conducted in July 2015. The rulemaking appears to be authorized pursuant to Section 22-2403, Idaho Code.

### **4. IDAPA 02.06.25 - Rules Governing the Planting of Beans, Other than Phaseolus Species, in Idaho**

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.06.25 - Rules Governing the Planting of Beans, Other than Phaseolus Species, in Idaho. According to the department, the rule is being amended to add a small trial ground exemption from disease testing for non-phaseolus beans from seed lots of one pound or less. The department notes that this exemption will allow researchers the ability to grow seed without a loss of seed from destruction during testing.

Negotiated rulemaking was conducted in July 2015. The rulemaking appears to be authorized pursuant to Section 22-2006, Idaho Code.

cc: Department of Agriculture  
Brian J. Oakey

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**  
**02.04.21 - RULES GOVERNING THE IMPORTATION OF ANIMALS**  
**DOCKET NO. 02-0421-1501**  
**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 25-203 Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Western States Livestock Health Association has issued recommendations to harmonize Trichomoniasis import regulations for all western states. On May 20, 2015, Idaho Trichomoniasis Task Force approved the recommendations and is willing to cooperate with the harmonization effort. As a result, the proposed rule changes would allow imported bulls to be considered virgins up to eighteen (18) months of age and Trichomoniasis tests to be valid for sixty (60) days.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: NA

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: ISDA does not anticipate any fiscal impact as a result of this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 1, 2015, Idaho Administrative Bulletin, [Vol. 15-7, page 18](#). A negotiated rulemaking meeting was held at the Idaho State Department of Agriculture on July 24, 2015. Two members of the public participated in the meeting. No written comments were received.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this proposed rule, contact Dr. Scott Leibsle, Deputy Administrator - Division of Animal Industries at (208) 332-8540. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to Dr. Scott Leibsle and must be delivered on or before September 23, 2015. Comments can be delivered via email to [scott.leibsle@agri.idaho.gov](mailto:scott.leibsle@agri.idaho.gov) or via regular mail to Dr. Leibsle's attention at the address listed below.

DATED this 6th Day of August, 2015.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd  
P.O. Box 790  
Boise, Idaho 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0421-1501  
(Only Those Sections With Amendments Are Shown.)

**260. TRICHOMONIASIS.**

The Certificate of Veterinary Inspection for bulls imported into Idaho shall contain a statement certifying that trichomoniasis is not known to exist in the herd of origin, and: (5-3-03)

**01. Virgin Bulls Less Than ~~Twelve~~ **Eighteen** Months of Age.** The virgin bull(s) are less than ~~twelve~~ **(+2) eighteen (18)** months of age and have not serviced a cow; or (4-7-11)( )

**02. Tested Bulls.** The bull(s) have been tested by culture or PCR for trichomoniasis within ~~thirty (30)~~ **sixty (60)** days of shipment, were negative to the test, and have not been exposed to female cattle since the test sample was collected. (4-2-08)( )

**03. Exceptions.** Exceptions to certification and testing: (5-3-03)

**a.** Bulls consigned directly to slaughter at an approved slaughter establishment; or (5-3-03)

**b.** Bulls consigned directly to an approved feedlot; or (5-3-03)

**c.** Bulls consigned directly to a specifically approved livestock market; or (5-3-03)

**d.** Rodeo bulls imported by an Idaho based rodeo producer, with an approved rodeo bull lot as described in IDAPA 02.04.29, "Rules Governing Trichomoniasis," Section 400 or rodeo bulls imported to perform at specific rodeos in Idaho. (4-7-11)

**e.** Bulls imported for exhibition at livestock shows, provided the bull will be returned to its state of origin, will not be exposed to female cattle, and will not be offered for sale. (4-7-11)

## IDAPA 02 - DEPARTMENT OF AGRICULTURE

### 02.04.29 - RULES GOVERNING TRICHOMONIASIS

DOCKET NO. 02-0429-1501

#### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 25-203, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

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**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: NA

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All written comments must be directed to Dr. Scott Leibsle and must be delivered on or before September 23, 2015. Comments can be delivered via email to [scott.leibsle@agri.idaho.gov](mailto:scott.leibsle@agri.idaho.gov) or via regular mail to Dr. Scott Leibsle's attention at the address listed below.

DATED this 6th Day of August, 2015.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd  
P.O. Box 790  
Boise, Idaho 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0429-1501**  
**(Only Those Sections With Amendments Are Shown.)**

**010. DEFINITIONS.**

As used in these rules the following terms have the following meanings: (3-30-07)

**01. Administrator.** The administrator of the Division of Animal Industries, Idaho State Department of Agriculture or his designee. (3-30-07)

**02. Cattle.** All bovidae. (3-30-07)

**03. Department.** The Idaho State Department of Agriculture. (3-30-07)

**04. Division of Animal Industries.** Idaho State Department of Agriculture, Division of Animal Industries. (3-30-07)

**05. Exposed Cattle.** Any cattle that have been in contact with cattle infected with, or affected by Trichomoniasis. (3-30-07)

**06. Federal Animal Health Official.** An employee of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services who is authorized to perform animal health activities. (3-30-07)

**07. Herd.** A herd is any group of cattle maintained on common ground for any purpose, or two (2) or more groups of cattle under common ownership or supervision, geographically separated, but which have an interchange or movement of cattle without regard to whether they are infected with or exposed to Trichomoniasis. (3-30-07)

**08. Hold Order.** A hold order is a form of quarantine that may be used to restrict the movement of cattle while the Trichomoniasis status is being investigated. (3-30-07)

**09. Infected Cattle.** Any cattle determined by an official test or diagnostic procedure to be infected with Trichomoniasis or diagnosed by a veterinarian as infected. (3-30-07)

**10. Infected Herd.** Any herd in which any cattle have been determined by an official test or diagnostic procedure to be infected with Trichomoniasis or diagnosed by a veterinarian as being infected. (3-30-07)

**11. Negative.** Cattle that have been tested with official test procedures and found to be free from infection with Trichomoniasis. (3-30-07)

**12. PCR. Polymerase Chain Reaction.** ( )

**123. Positive.** Cattle that have been tested with official test procedures and found to be infected with Trichomoniasis. (3-30-07)

**134. Quarantine.** A written order, or a verbal order followed by a written order, executed by the Administrator, to confine or hold cattle on a premises or any other location, and to prevent movement of cattle from a premises or any other location when the Administrator has determined that the cattle have been found or are suspected to be exposed to or infected with Trichomoniasis, or the owner is not in compliance with the provisions of this chapter. (3-30-07)

**145. Quarantined.** Isolation of all cattle diseased or exposed thereto, from contact with healthy cattle and exclusion of such healthy cattle from enclosures or grounds where said diseased or exposed cattle are, or have

been kept. (3-30-07)

**156. Registered Veterinarians.** Veterinarians registered with, and approved by the Division of Animal Industries to collect Trichomoniasis samples for official Trichomoniasis culture testing. (3-30-07)

**167. Restrain.** The confinement of cattle in a chute, or other device, for the purpose of efficient, effective, and safe testing approved by the Administrator. (3-30-07)

**178. State Animal Health Official.** The Administrator, or his designee, responsible for disease control and eradication activities. (3-30-07)

**189. T Brand.** A two inch by three inch (2" x 3") single-character hot iron T brand, applied to the left of the tail-head of a bull, signifying that the bull is infected with trichomoniasis. (4-7-11)

~~190.~~ **Trichomoniasis.** A venereal disease caused by the organism *Tritrichomonas foetus*. (4-2-08)

**(BREAK IN CONTINUITY OF SECTIONS)**

**200. BULLS FOR SALE.**

Bulls presented for sale at specifically approved livestock markets, shows, special sales, or by private contract in Idaho shall be accompanied by a certificate of negative test and a statement signed by the owner certifying "Trichomoniasis has not been diagnosed in the herd of origin;" or (3-30-07)

**01. Returned to Home Premises.** Such bulls shall be returned to home premises for official testing; or (4-2-08)

**02. Sold Directly to Slaughter.** Such bulls shall be sold directly to slaughter at an approved slaughter establishment, an Idaho approved feedlot, as defined in IDAPA 02.04.20, "Rules Governing Brucellosis"; or (4-7-11)

**03. Placed Under a Hold Order.** Such bulls shall be placed under Hold Order by the livestock market veterinarian or a private veterinarian and shall have three (3) consecutive negative Trichomoniasis or PCR culture tests. The samples for each test shall be collected at least seven (7) days apart and ~~cultured~~ tested for Trichomoniasis to be eligible to receive a certificate of negative test; or ~~(3-30-07)~~ ( )

**04. Virgin Bulls.** Virgin bulls native to Idaho that are less than twenty-four (24) months of age, which have never serviced a cow shall be identified with an official Trichomoniasis bangle tag of the correct color for the current testing season. (4-7-11)

**05. Period of Validity.** For resident breeding bulls sold in Idaho, the negative test shall be valid for up to ninety (90) days provided the bull(s) has had no contact with female cattle from the time of test to the time of sale. (3-30-07)

**06. Contact with Female Cattle.** Bulls that have had contact with female cattle subsequent to testing must be retested prior to sale. (3-30-07)

**(BREAK IN CONTINUITY OF SECTIONS)**

**210. IMPORTED BULLS.**

**01. Non-Virgin Bulls.** Non-virgin breeding bulls may be imported into the state of Idaho provided they meet the following requirements: (3-30-07)

**a.** If the bull originates from a herd of bulls wherein all bulls have tested negative for Trichomoniasis



since being removed from cows, the bull shall have been tested negative to a Trichomoniasis culture test within ~~thirty~~ sixty (360) days prior to import and shall have had no contact with female cattle from the time of test to the time of import; or ~~(3-30-07)~~( )

b. If the bull originates from a herd where one (1) or more bulls or cows have been found infected with Trichomoniasis, the bull shall have three (3) consecutive negative Trichomoniasis culture or PCR tests. The samples for each test shall be collected at least seven (7) days apart and cultured tested for Trichomoniasis, the last test being within ~~thirty~~ sixty (360) days prior to import into Idaho; or ~~(3-30-07)~~( )

c. If the bull is a single bull with no prior herd test history or originates from a herd of bulls that is still with cows or that has not been tested for Trichomoniasis since being removed from cows, the bull shall have three (3) consecutive negative Trichomoniasis culture or PCR tests. The samples for each test shall be collected at least seven (7) days apart and cultured tested for Trichomoniasis, the last test being within ~~thirty~~ sixty (360) days prior to import into Idaho. ~~(3-30-07)~~( )

d. Upon arrival at their destination in Idaho, all imported bulls shall be identified with an official Trichomoniasis bangle tag of the correct color for the current testing season, except imported dairy bulls that will be in a dry lot operation are not required to be identified with an official Trichomoniasis tag upon arrival at their destination. (3-30-07)

**02. Virgin Bulls.** Bulls imported into Idaho that are less than ~~twelve~~ eighteen (128) months of age which have never serviced a cow are not required to be Trichomoniasis tested prior to import into Idaho, provided that: ~~(4-7-11)~~( )

a. Such bulls shall be accompanied by a certificate signed by the owner or the owner's representative attesting that the animals are virgin bulls and have never serviced a cow; and (3-30-07)

b. Upon arrival at their destination in Idaho, such bulls shall be identified by an Idaho accredited veterinarian with an official Trichomoniasis bangle tag of the correct color for the current testing season. (3-30-07)

**03. Bulls for Grazing.** Bulls that are entering Idaho for grazing purposes shall meet the Trichomoniasis test requirements of Section 100 of this rule. A copy of the certificate of negative Trichomoniasis test shall accompany the grazing permit application. (4-2-08)

**(BREAK IN CONTINUITY OF SECTIONS)**

**310. INFECTED BULLS AND HERDS.**

Any bull or cow that is positive to a Trichomoniasis culture or PCR test shall be considered infected. A herd in which one (1) or more bulls or cows are found infected with Trichomoniasis shall be considered infected. ~~(3-30-07)~~( )

**01. Confirmatory Testing of Culture Positive Bulls.** Any culture positive bull must be confirmed positive for *Trichomonas foetus* by Polymerase Chain Reaction (PCR) test unless the animal is destined directly to slaughter. The positive culture specimen shall be submitted to a qualified laboratory, approved by the Administrator, in accordance with the qualified laboratories submission requirements. ~~The culture positive specimen must arrive at the laboratory within forty eight (48) hours after being found to contain trichomonad organisms.~~ ~~(4-7-11)~~( )

a. If polymerase chain reaction (PCR) determines the bull is positive or inconclusive for *Trichomonas foetus*, the bull will be considered positive for trichomoniasis. (4-7-11)

b. If polymerase chain reaction (PCR) determines the bull is negative for *Trichomonas foetus*, the bull will be considered negative for trichomoniasis. (4-7-11)

**02. Quarantine of Infected Herds.** Any veterinarian that discovers an infected herd shall immediately place the herd under a Hold Order, and notify the Division of Animal Industries within forty-eight (48) hours that the test was positive. Upon notification of an infected Trichomoniasis herd, a state or federal animal health official shall

conduct an epidemiological investigation of the infected herd and issue a quarantine. The quarantine may include a provision requiring all breeding age female cattle in the infected herd to be held in isolation from all bulls for a period of up to one hundred twenty (120) days as determined by the Administrator. (3-30-07)

**03. Exposed Herds.** Herds identified as exposed through an epidemiological investigation shall be placed under a Hold Order. (3-30-07)

**a.** Bulls in exposed herds shall be tested as determined by the Trichomoniasis epidemiologist. (3-30-07)

**b.** All bulls tested in exposed herds and all purchased and home raised additions to the bull herd, including virgin bulls, shall be individually identified with an official Trichomoniasis bangle tag of the correct color for the current testing season and the tag number and status of the bull shall be recorded on an official Trichomoniasis test and report form. (3-30-07)

**04. Testing of Infected Herds.** Bulls in infected herds shall be tested negative for Trichomoniasis three (3) consecutive times before the quarantine can be released. Each of the tests shall be at least seven (7) days apart. The samples for each test shall be collected at least seven (7) days apart and ~~cultured~~ **tested** for Trichomoniasis to be eligible to receive a certificate of negative test. ~~(3-30-07)~~(      )

**a.** All bulls tested in the infected herd and all purchased and home raised additions to the bull herd, including virgin bulls, shall be individually identified with an official Trichomoniasis bangle tag of the correct color for the current testing season and the tag number and status of the bull shall be recorded on an official Trichomoniasis test and report form. (3-30-07)

**b.** Bulls that have three (3) consecutive negative Trichomoniasis culture ~~or PCR~~ tests conducted at least seven (7) days apart shall be considered negative to Trichomoniasis and can be so certified. ~~(3-30-07)~~(      )

**05. Identifying Infected Bulls.** All bulls testing positive for trichomoniasis shall, within seven (7) days of diagnosis, be identified with a hot iron T brand applied to the left of the tail-head indicating that the bull is positive for trichomoniasis. (4-7-11)

**(BREAK IN CONTINUITY OF SECTIONS)**

**331. OFFICIAL TRICHOMONIASIS TESTS.**

**01. Official Culture Tests.** An official test is one in which the sample is received in the official laboratory, in good condition, ~~within forty eight (48) hours of collection~~ and such sample is tested according to the official Idaho "Protocol for *Trichomonas foetus* Diagnosis in Cattle." ~~Samples in transit for more than forty eight (48) hours will not be accepted for official testing and shall be discarded.~~ Samples, which have been frozen or exposed to high temperatures, shall ~~also~~ be discarded. ~~(4-7-11)~~(      )

**02. Polymerase Chain Reaction.** Polymerase Chain Reaction is accepted as an official test when completed by a qualified laboratory, approved by the Administrator, ~~and the sample is received by the laboratory within forty eight (48) hours of collection.~~ ~~(4-2-08)~~(      )

**03. Other Official Tests.** Other tests for Trichomoniasis may be approved by the Division of Animal Industries, as official tests, after the tests have been proven effective by research, have been evaluated sufficiently to determine efficacy, and a protocol for use of the test has been established. (3-30-07)

**332. REGISTERED VETERINARIANS.**

Only veterinarians registered with the Division of Animal Industries shall collect samples for official tests for Trichomoniasis within the state of Idaho. (3-30-07)

**01. Use of Official Laboratories.** Registered veterinarians shall only utilize official laboratories for

~~culture~~ testing of Trichomoniasis samples.

~~(3-30-07)~~( )

**02. Education Requirements.** All veterinarians shall attend an educational seminar on Trichomoniasis and proper sample collection techniques, conducted by the Division of Animal Industries, prior to being granted registered status. (3-30-07)

**(BREAK IN CONTINUITY OF SECTIONS)**

Bulls currently in a rodeo string, bulls purchased under the feedlot exemption at a specifically approved livestock market, bulls purchased by private treaty, and bulls purchased in other states and imported into Idaho for rodeo purposes are exempt from Trichomoniasis testing under the following conditions: (3-30-07)

**01. Division Approval.** The owner of the rodeo bulls has completed and submitted an application to the Division of Animal Industries, which the Division has approved; and (3-30-07)

**02. Not Mixed with Cows.** The rodeo bulls are confined to a dry lot and not mixed with cows or used for breeding purposes; and (3-30-07)

**03. Permanently Identified.** All bulls in the rodeo string are permanently identified with official ear tags or unique numbers hot iron branded on the animal; and (3-30-07)

**04. Records Maintained.** The identification numbers are maintained in a permanent record file at the owner's premises and a copy of the record will be provided to the Division of Animal Industries upon request; and (3-30-07)

**05. Bulls Purchased.** Bulls purchased for addition to the rodeo string shall meet all other health requirements. Purchased bulls shall be immediately identified as specified in Subsection 400.03 of this rule. Official back tag and ear tag numbers on the bull at time of purchase shall be correlated to the permanent identification in the permanent record; and (4-2-08)

**06. Bulls Removed for Slaughter.** Removal of bulls to slaughter is documented in the permanent record file; and (3-30-07)

**07. Bulls Removed for Breeding Purposes.** Bulls that are removed from the rodeo string for breeding purposes shall undergo three (3) consecutive negative PCR tests or cultures for Trichomoniasis. The samples for each test shall be collected at least seven (7) days apart and cultured tested for Trichomoniasis to be eligible to receive a certificate of negative test. ~~(3-30-07)~~( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**401. -- 409. (RESERVED)**

**410. FEEDING BULLS OF UNKNOWN TRICHOMONIASIS STATUS.**

Bulls of unknown Trichomoniasis status may be fed for slaughter in an Idaho approved feedlot where the bulls are isolated from all female cattle. (3-30-07)

**01. Removal of Untested Bulls.** Untested bulls shall be sold directly to slaughter at an approved slaughter establishment. (3-30-07)

**02. Removal of Bulls for Breeding Purposes.** Bulls that are removed for breeding purposes shall undergo three (3) consecutive negative PCR tests or cultures for Trichomoniasis. The samples for each test shall be collected at least seven (7) days apart and cultured tested for Trichomoniasis to be eligible to receive a certificate of negative test. ~~(3-30-07)~~( )

## IDAPA 02 - DEPARTMENT OF AGRICULTURE

### 02.06.22 - NOXIOUS WEED RULES

#### DOCKET NO. 02-0622-1501

#### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 22-2403, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later September 16, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The noxious weed list proposal is to make permanent the addition of Purple starthistle (*Centauria calcitrapa*) and Iberian starthistle (*Centauria iberica*) to the Early Detection Rapid Response (EDRR) section of the noxious weed list. Both of these species have been listed for the past 15 months as EDRR noxious weeds under the Director's temporary listing authority Section 22-2404(1)(u), Idaho Code.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: NA

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: ISDA does not anticipate any fiscal impact from the changes to be made to the Rule as a result of this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 1, 2015, Idaho Administrative Bulletin, [Vol. 15-7 page 24](#). A negotiated rulemaking meeting was held at the Idaho State Department of Agriculture on July 14, 2015.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Matt Voile, Agriculture Section Manager, Invasive Species, at (208) 332-8667 or email [Matt.Voile@agri.idaho.gov](mailto:Matt.Voile@agri.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2015.

DATED this 6th Day of August, 2015.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, Idaho 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0622-1501  
(Only Those Sections With Amendments Are Shown.)

**100. NOXIOUS WEEDS - DESIGNATIONS.**

The weeds listed on the Statewide EDRR, Containment, and Control lists- are hereby officially designated and published as noxious. (3-30-07)

**01. Statewide EDRR Noxious Weed List.**

Common Name	Scientific Name
1. Brazilian Elodea	1. <i>Egeria densa</i>
2. Common/European Frogbit	2. <i>Hydrcharis morsus-ranae</i>
3. Fanwort	3. <i>Cobomba caroliniana</i>
4. Feathered Mosquito Fern	4. <i>Azolla pinnata</i>
5. Giant Hogweed	5. <i>Heracleum mantegazzianum</i>
6. Giant Salvinia	6. <i>Salvinia molesta</i>
7. Hydrilla	7. <i>Hydrilla verticillata</i>
<del>8.</del> <b>8.</b> Iberian Starthistle	<del>8.</del> <b>8.</b> <i>Centaurea iberica</i>
<del>89.</del> Policeman's Helmet	<del>89.</del> <i>Impatiens glandulifera</i>
<del>10.</del> <b>10.</b> Purple Starthistle	<del>10.</del> <b>10.</b> <i>Centaurea calcitrapa</i>
<del>911.</del> Squarrose Knapweed	<del>911.</del> <i>Centaurea triumfetti</i>
<del>102.</del> Syrian Beancaper	<del>102.</del> <i>Zygophyllum fabago</i>
<del>143.</del> Tall Hawkweed	<del>143.</del> <i>Hieracium piloselloides</i>
<del>124.</del> Variable-Leaf-Milfoil	<del>124.</del> <i>Myriophyllum heterophyllum</i>
<del>135.</del> Water Chestnut	<del>135.</del> <i>Trapa natans</i>
<del>146.</del> Water Hyacinth	<del>146.</del> <i>Eichhornia crassipes</i>
<del>157.</del> Yellow Devil Hawkweed	<del>157.</del> <i>Hieracium glomeratum</i>
<del>168.</del> Yellow Floating Heart	<del>168.</del> <i>Nymphoides pelata</i>

If any of the above listed plants (Subsection 100.01) are found to occur in Idaho, they shall be reported to the Department within ten (10) days following positive identification by the University of Idaho or other qualified authority as approved by the Director. These weeds shall be eradicated during the same growing season as identified. (3-20-14)( )

**02. Statewide Control Noxious Weed List.**

Common Name	Scientific Name
1. Black Henbane	1. <i>Hyoscyamus niger</i>
2. Bohemian Knotweed	2. <i>Polygonum X bohemicum</i>

<b>Common Name</b>	<b>Scientific Name</b>
3. Buffalobur	3. <i>Solanum rostratum</i>
4. Common Crupina	4. <i>Crupina vulgaris</i>
5. Common Reed (Phragmites)	5. <i>Phragmites australis</i>
6. Dyer's Woad	6. <i>Isatis tinctoria</i>
7. Eurasian Watermilfoil	7. <i>Myriophyllum spicatum</i>
8. Giant Knotweed	8. <i>Polygonum sachalinense</i>
9. Japanese Knotweed	9. <i>Polygonum cuspidatum</i>
10. Johnsongrass	10. <i>Sorghum halepense</i>
11. Matgrass	11. <i>Nardus stricta</i>
12. Meadow Knapweed	12. <i>Centaurea debeauxii</i>
13. Mediterranean Sage	13. <i>Salvia aethiopsis</i>
14. Musk Thistle	14. <i>Carduus nutans</i>
15. Orange Hawkweed	15. <i>Hieracium aurantiacum</i>
16. Parrotfeather Milfoil	16. <i>Myriophyllum aquaticum</i>
17. Perennial Sowthistle	17. <i>Sonchus arvensis</i>
18. Russian Knapweed	18. <i>Acroptilon repens</i>
19. Scotch Broom	19. <i>Cytisus scoparius</i>
20. Small Bugloss	20. <i>Anchusa arvensis</i>
21. Vipers Bugloss	21. <i>Echium vulgare</i>
22. Yellow Hawkweed	22. <i>Hieracium caespitosum</i>

Weeds listed in the control list are known to exist in varying populations throughout the state. The concentration of these weeds is at a level where control and/or eradication may be possible. A written plan for weeds on the Statewide Control Noxious Weed List shall be developed by the control authority that specifies active control methods to reduce known populations in not more than five (5) years. The plan shall be available to the Department upon request.

(3-29-10)

**03. Statewide Containment Noxious Weed List.**

<b>Common Name</b>	<b>Scientific Name</b>
1. Canada Thistle	1. <i>Cirsium arvense</i>
2. Curlyleaf Pondweed	2. <i>Potamogeton crispus</i>
3. Dalmatian Toadflax	3. <i>Linaria dalmatica ssp. dalmatica</i>
4. Diffuse Knapweed	4. <i>Centaurea diffusa</i>
5. Field Bindweed	5. <i>Convolvulus arvensis</i>
6. Flowering Rush	6. <i>Butomus umbellatus</i>
7. Hoary Alyssum	7. <i>Berteroa incana</i>
8. Houndstongue	8. <i>Cynoglossum officinale</i>

Common Name		Scientific Name	
9.	Jointed Goatgrass	9.	<i>Aegilops cylindrica</i>
10.	Leafy Spurge	10.	<i>Euphorbia esula</i>
11.	Milium	11.	<i>Milium vernale</i>
12.	Oxeye Daisy	12.	<i>Leucanthemum vulgare</i>
13.	Perennial Pepperweed	13.	<i>Lepidium latifolium</i>
14.	Plumeless Thistle	14.	<i>Carduus acanthoides</i>
15.	Poison Hemlock	15.	<i>Conium maculatum</i>
16.	Puncturevine	16.	<i>Tribulus terrestris</i>
17.	Purple Loosestrife	17.	<i>Lythrum salicaria</i>
18.	Rush Skeletonweed	18.	<i>Chondrilla juncea</i>
19.	Saltcedar	19.	<i>Tamarix sp.</i>
20.	Scotch Thistle	20.	<i>Onopordum acanthium</i>
21.	Spotted Knapweed	21.	<i>Centaurea stoebe</i>
22.	Tansy Ragwort	22.	<i>Senecio jacobaea</i>
23.	White Bryony	23.	<i>Bryonia alba</i>
24.	Whitetop (Hoary Cress)	24.	<i>Cardaria draba</i>
25.	Yellow Flag Iris	25.	<i>Iris pseudocorus</i>
26.	Yellow Starthistle	26.	<i>Centaurea solstitialis</i>
27.	Yellow Toadflax	27.	<i>Linaria vulgaris</i>

Weeds listed in the containment noxious weeds list are known to exist in various populations throughout the state. Weed control efforts may be directed at reducing or eliminating new or expanding weed populations while known and established weed populations, as determined by the weed control authority, may be managed by any approved weed control methodology, as determined by the weed control authority. (3-29-10)

**04. Designation of Articles Capable of Disseminating Noxious Weeds.** The following articles are designated by the Director as capable of disseminating noxious weeds: (7-1-93)

- a. Construction equipment, road building and maintenance equipment, and implements of husbandry. (3-30-07)
- b. Motorized vehicles such as, all-terrain vehicles, motorcycles, and other off-road vehicles and non-motorized vehicles such as bicycles and trailers. (3-30-07)
- c. Grain and seed. (7-1-93)
- d. Hay, straw and other material of similar nature. (7-1-93)
- e. Nursery stock including plant material propagated for the support of aquarium, pet, or horticultural activities. (3-30-07)
- f. Feed and seed screenings. (7-1-93)
- g. Fence posts, fencing and railroad ties. (7-1-93)

- h.** Sod. (7-1-93)
- i.** Manure, fertilizers and material of similar nature. (7-1-93)
- j.** Soil, sand, mulch, and gravel. (3-30-07)
- k.** Boats, personal watercraft, watercraft trailers, and items of a similar nature. (3-30-07)



**IDAPA 02 - DEPARTMENT OF AGRICULTURE**  
**02.06.25 - RULES GOVERNING THE PLANTING OF BEANS,**  
**OTHER THAN *PHASEOLUS* SPECIES, IN IDAHO**

**DOCKET NO. 02-0625-1501**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 22-2006, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The rule is being amended to add a small trial ground exemption from disease testing for non-phaseolus beans from seed lots of one (1) pound or less. This exemption will allow researchers the ability to grow seed without a loss of seed from destruction during testing.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: NA

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: ISDA does not anticipate any fiscal impact from the changes to be made to the Rule as a result of this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 1, 2015, Idaho Administrative Bulletin, [Vol. 15-7, page 25](#). A negotiated rulemaking meeting was held at the Idaho State Department of Agriculture on July 22, 2015. Representatives from industry were present and provided comments to the draft rule. The final language of the proposed rule incorporates the comments from the industry.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jared Stuart, Agriculture Section Manager at (208) 332-8620 or [jared.stuart@agri.idaho.gov](mailto:jared.stuart@agri.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2015.

DATED this 6th Day of August, 2015.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, Idaho 83701  
Phone: (208) 332-8500  
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**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0625-1501**  
**(Only Those Sections With Amendments Are Shown.)**

**013. 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. ~~(3-20-14)~~( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**150. REQUIREMENTS FOR PLANTING REGULATED ARTICLES IN IDAHO.**

In order to be eligible for planting seed in Idaho: (3-20-14)

**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). (3-20-14)

**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 of these rules and tagged by the Oregon Department of Agriculture. (3-20-14)

**03. Imported Seed From Other Than Malheur County, Oregon.** Imported seed must: (3-20-14)

**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; or (3-20-14)

**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 (3-20-14)

**c.** Must bear a Department Approved Tag (Yellow Tag) at the time of planting; and (3-20-14)

**d.** Be submitted for a growing season inspection in compliance with Section 200 of this rule; and (3-20-14)

~~**e.** If intended for replanting for future seed or commercial production, be submitted for a growing season inspection in accordance with Section 200 of this rule; and (3-20-14)~~

**f.** If intended for seed production, not be planted under sprinkler irrigation for the first growing season. (3-20-14)

**04. Contaminated Seeds.** The seeds from any field found or known to be contaminated with a regulated pest, as defined in Section 012 of these rules, or soil as defined in Section 013, shall not be planted in Idaho. (3-20-14)

**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. (3-20-14)

**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:

- (3-20-14)
- a. Department in-state planting tag (green tag); (3-20-14)
  - b. Department approved tag (yellow tag); (3-20-14)
  - c. Oregon Department of Agriculture inspection tag. (3-20-14)

**(BREAK IN CONTINUITY OF SECTIONS)**

201. -- ~~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 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 seed per variety may be planted in an experimental plot without laboratory testing. ( )

**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) pre-harvest or windrow inspection. ( )

**04. Detection of Regulated Pest.** If a regulated pest is found by field inspection, windrow 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. ( )

**251. -- 299. (RESERVED)**