

Dear Senators BURTENSHAW, Bayer, Nelson, and  
Representatives KAUFFMAN, Andrus, Toone:

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

IDAPA 02.06.02 - Rules Governing Registration and Licenses (ZBR Chapter Rewrite) - Proposed  
Rule (Docket No. 02-0602-2201);

IDAPA 02.06.05 - Rules Governing Plant Disease and Quarantines (ZBR Chapter Rewrite) -  
Proposed Rule (Docket No. 02-0605-2201).

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 08/09/2022. 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 09/06/2022.

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 334-4854, or send a written request to the address on the  
memorandum attached below.



**Terri Kondeff**  
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:** Deputy Division Manager - Katharine Gerrity  
**DATE:** July 20, 2022  
**SUBJECT:** Department of Agriculture

IDAPA 02.06.02 - Rules Governing Registration and Licenses (ZBR Chapter Rewrite) - Proposed Rule  
(Docket No. 02-0602-2201)

IDAPA 02.06.05 - Rules Governing Plant Disease and Quarantines (ZBR Chapter Rewrite) - Proposed Rule  
(Docket No. 02-0605-2201)

### **1. IDAPA 02.06.02 - Rules Governing Registration and Licenses**

#### **Summary and Stated Reasons for the Rule**

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.06.02 - Rules Governing Registration and Licenses. This is a fee rule. The rule is based on the Governor's Zero-Based Regulation Executive Order. According to the department, redundant language that is verbatim in statute has been removed. The department states the rule includes subchapters that allow for the enforcement of statutes related to commercial feed, fertilizer, soil and plant amendments, and bee registration. The department notes that the entire rule regulates an activity not regulated by the federal government.

#### **Negotiated Rulemaking / Fiscal Impact**

Negotiated rulemaking was conducted and there is no fiscal impact associated with this rulemaking.

#### **Statutory Authority**

The rulemaking appears to be authorized pursuant to Sections 22-604, 22-2204, 22-2303, 22-2503, 22-2511, and 25-2710, Idaho Code.

Paul Headlee, Deputy Director    Kristin Ford, Manager    Keith Bybee, Manager    April Renfro, Manager    Glenn Harris, Manager  
Legislative Services Office    Research & Legislation    Budget & Policy Analysis    Legislative Audits    Information Technology

Statehouse, P.O. Box 83720  
Boise, Idaho 83720-0054

Tel: 208-334-2475  
legislature.idaho.gov

## **2. IDAPA 02.06.05 - Rules Governing Plant Disease and Quarantines**

### **Summary and Stated Reasons for the Rule**

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.06.05 - Rules Governing Plant Disease and Quarantines. The rule is based on the Governor's Zero-Based Regulation Executive Order. According to the department, redundant language that is verbatim in statute has been removed. The department states that the rule includes subchapters that provide for quarantine activities to protect the state from the spread of pests and disease that can be harmful to the production of certain crops and are necessary to provide verification of disease or pest activities in order for Idaho grown crops to be eligible for export. The department also notes that the entire rule regulates an activity not regulated by the federal government.

### **Negotiated Rulemaking / Fiscal Impact**

Negotiated rulemaking was conducted and there is no fiscal impact associated with the rulemaking.

### **Statutory Authority**

The rulemaking appears authorized pursuant to Sections 22-2004 and 22-2006, Idaho Code.

cc: Department of Agriculture  
Lloyd Knight

### **\*\*\* PLEASE NOTE \*\*\***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

## IDAPA 02 – DEPARTMENT OF AGRICULTURE

### 02.06.02 – RULES GOVERNING REGISTRATIONS AND LICENSES

#### DOCKET NO. 02-0602-2201 (ZBR CHAPTER REWRITE, FEE RULE)

#### 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 Sections 22-604, 22-2204, 22-2303(5), 22-2503, 22-2511, and 25-2710, 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 July 20, 2022.

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:

This rule is being presented for authorization as part of the ISDA's plan to review each rule every 5 years. Redundant language that is verbatim in statute has been removed, consistent with the Governor's [Zero-Based Regulation Executive Order](#).

The rule was reviewed over the course of two negotiated rulemaking meetings, and that review benefited from the participation of program stakeholders, including regulated industry and other stakeholders.

This rule includes subchapters that allow for the enforcement of statutes related to commercial feed, fertilizer, soil and plant amendments, and bee registration. The rule as presented, significantly reduces language that is redundant to language found in statute and/or incorporated documents. The rule ensures consistency and a clear outline of requirements between the authorizing statutes, incorporated documents, and details left to the rule.

The subchapters are consistent with similar programs in other states, and they regulate activities not otherwise regulated by the federal government.

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

- Subchapter A – A product registration fee of \$40 per product, as authorized in statute.
- Subchapter B – No fee included.
- Subchapter C – No fee included in rule, fee is outlined in statute.
- Subchapter D – No fee included in rule, fee is outlined in statute.

**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: There is no fiscal impact associated with this rulemaking.

**IDAHO CODE SECTION 22-101A STATEMENT:** Pursuant to 22-101A(1), for any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, the director shall identify the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government. The sections of the rule which are broader in scope, more stringent than federal law or regulations, or regulate an activity not regulated by the federal government:

The entire rule regulates an activity not regulated by the federal government. The detailed 22-101A analysis can be found on the agency's website at [www.agri.idaho.gov](http://www.agri.idaho.gov).

**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 January 5, 2022 Idaho Administrative Bulletin, [Vol. 22-1, page 11](#) under Docket No. 02-ZBRR-2201.

**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:

The documents incorporated by reference are necessary in order to ensure that the registration programs for commercial feed, fertilizer, and soil amendments are consistent with other states. As currently written, the rule now relies on the standards outlined in the incorporated documents rather than re-writing standards in the agency rule.

**Subchapter A:**

**01. The Association of American Feed Control Officials (AAFCO) Official Publication.** The Terms, Ingredient Definitions, Model Bill and Regulations, and Policies as published in the “2022 Official Publication” of AAFCO where those statements do not conflict with Title 25, Chapter 27, Idaho Code, and any rule promulgated thereunder.

**02. The Merck Index.** The “Merck Veterinary Manual,” 11th Edition”, as published by Merck Research Laboratories Division of Merck & Co., Incorporated.

**Subchapter B:**

No documents incorporated.

**Subchapter C:**

**01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication.** The Officially Adopted Documents, Official Terms, and Policies, as published in the “2022 Official Publication” of AAPFCO where those statements do not conflict with Title 22, Chapter 6, Idaho Code, and any rule promulgated thereunder.

**02. The Association of Official Agricultural Chemists (AOAC) International.** The “2019 Official Methods of Analysis (OMA) of the AOAC,” 21st Edition, a copyrighted publication, is maintained and published by the AOAC International.

**Subchapter D:**

**01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication.** The Terms, Ingredient Definitions, and Policies, as published in the “2022 Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 22, Idaho Code, and any rule promulgated thereunder.

**02. The Association of Official Agricultural Chemists (AOAC) International.** The “2019 Official Methods of Analysis (OMA) of the AOAC,” 21st Edition, a copyrighted publication, is maintained and published by the AOAC International.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Andrea Thompson, Section Manager, Division of Plant Industries, at (208) 332-8500 or [andrea.thompson@isda.idaho.gov](mailto:andrea.thompson@isda.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 July 27, 2022.

DATED this July 6, 2022.

Lloyd B. Knight, Rules Review Officer  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 7249

Boise, Idaho 83707  
Phone: (208) 332-8664  
Fax: (208) 334-2170  
Email: [rulesinfo@isda.idaho.gov](mailto:rulesinfo@isda.idaho.gov)

**THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 02-0602-2201**  
**(Zero Based Regulation (ZBR) Chapter Rewrite)**

**02.06.02 – RULES GOVERNING REGISTRATIONS AND LICENSES**

**000. LEGAL AUTHORITY.**

Sections 22-604, 22-2204, 22-2303(5), 22-2503, 22-2511, and 25-2710, Idaho Code. ( )

**001. SCOPE.**

These rules specify general commercial feed, fertilizer, and soil and plant amendment product registration and label requirements. These rules are also to prevent the introduction or further dissemination of certain bee diseases and establish registration and collection of fees. ( )

**002. -- 103. (RESERVED)**

**SUBCHAPTER A – COMMERCIAL FEED**

**104. INCORPORATION BY REFERENCE.**

The following documents are incorporated by reference into this Subchapter A: ( )

**01. The Association of American Feed Control Officials (AAFCO) Official Publication.** The Terms, Ingredient Definitions, Model Bill and Regulations, and Policies as published in the “2022 Official Publication” of AAFCO where those statements do not conflict with Title 25, Chapter 27, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAFCO website at: [www.aafco.org](http://www.aafco.org). ( )

**02. The Merck Index.** The “Merck Veterinary Manual,” 11th Edition, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The manual is publicly available online from Merck & Co., Inc at: <http://www.rsc.org/merckindex>. ( )

**105. -- 114. (RESERVED)**

**115. REGISTRATION AND FEES.**

**01. Product Registration Fee.** Whenever a commercial feed is registered for distribution in the state of Idaho, a fee of forty dollars (\$40) per product will be collected. ( )

**02. Product Registration Fee Exemption.** Sellers who are not regularly engaged in the business of manufacturing or selling commercial feed and whose total amount of gross annual sales does not exceed five hundred dollars (\$500) are exempt from payment of the registration fee. This registration fee exemption does not exempt anyone from other sections of Subchapter A and/or the Idaho Commercial Feed Law. ( )

**116. -- 119. (RESERVED)**

**120. LABEL FORMAT.**

**01. Label Format.** Commercial feeds shall be labeled with the information prescribed in Section 25-2705 of the Commercial Feed Law and Subchapter A on the principal display panel of the product and in the following general format. ( )

- a. Net Weight. ( )
  - b. Product name and brand name if any. ( )
  - c. If a drug is used, the required directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements appear elsewhere on the label. ( )
  - d. The guaranteed analysis of the feed as required under the provisions of Section 25-2705(1)(c) of the Commercial Feed Law includes the following items, unless exempted, and in the order listed: ( )
    - i. Minimum percentage of crude protein. ( )
    - ii. Maximum or minimum percentage of equivalent protein from non-protein nitrogen. ( )
    - iii. Minimum percentage of crude fat. ( )
    - iv. Maximum percentage of crude fiber. ( )
    - v. Minerals, to include, in the following order: minimum and maximum percentages of calcium (Ca), minimum percentage of phosphorus (P), minimum and maximum percentages of salt (NaCl), and other minerals. ( )
    - vi. Vitamins. ( )
    - vii. Total sugars as invert on dried molasses products or products being sold primarily for their sugar content. ( )
    - viii. Exemptions. Guarantees for minerals are not required when there are no specific label claims and when the commercial feed contains less than six and one-half percent (6 1/2%) of Calcium, Phosphorus, Sodium, or Chloride. Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement. Guarantees for crude protein, crude fat, and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses. ( )
  - e. Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of Section 25-2705(1)(d) of the Commercial Feed Law shall be listed in decreasing order of predominance by weight: ( )
    - i. The name of each ingredient as defined in the AAFCO Official Publication, common or usual name, or one approved by the Director. ( )
    - ii. Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the AAFCO Official Publication in lieu of the individual ingredients; provided that when a collective term for a group of ingredients is used on the label, individual ingredients within that group shall not be listed on the label. The manufacturer shall provide the feed control official, upon request, with a list of individual ingredients within a defined group, that are or have been used at manufacturing facilities distributing in or into the state. ( )
- 02. Guidelines for “Human Grade” Claims.** In order to substantiate that a “human grade” claim is truthful and not misleading, a manufacturer making such claims must have documentation as required in the AAFCO Official Publication. Submitted documentation will not be reviewed as part of the label approval process, excepting any legal question or action requiring such.

**121. -- 129. (RESERVED)**

**130. EXPRESSION OF GUARANTEES.**

**01. Percentage by Weight.** The guarantees for crude protein, equivalent protein from non-protein nitrogen, crude fat, crude fiber and mineral guarantees (when required) will be in terms of percentage by weight. ( )

**02. Commercial Feeds.** Commercial feeds containing six and one-half percent (6 1/2%) or more Calcium, Phosphorus, Sodium or Chloride shall include in the guaranteed analysis the minimum and maximum percentages of calcium (Ca), the minimum percentage of phosphorus (P), and if salt is added, the minimum and maximum percentage of salt (NaCl). Minerals, except salt (NaCl) shall be guaranteed in terms of percentage of the element. When calcium and/or salt guarantees are given in the guaranteed analysis such shall be stated and conform to the following: ( )

**a.** When the minimum is five percent (5%) or less, the maximum will not exceed the minimum by more than one (1) percentage point. ( )

**b.** When the minimum is above five percent (5%), the maximum will not exceed the minimum by more than twenty percent (20%) and in no case shall the maximum exceed the minimum by more than five (5) percentage points. ( )

**131. -- 144. (RESERVED)**

**145. ADULTERANTS.**

**01. Screenings or By-Products.** All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds. ( )

**146. -- 309. (RESERVED)**

**SUBCHAPTER B – BEE INSPECTION**

**310. REGULATED BEE DISEASES.** American foulbrood, European foulbrood, sac brood and bee paralysis, Varroa mite, tracheal mite, or any other disease or abnormal condition of egg, larval, pupal, or adult stages of honey bees. ( )

**311. -- 329. (RESERVED)**

**330. REGULATED PRODUCTS AND RELATED EQUIPMENT.** Subchapter B concerns any stage of the common honey bee, *Apis mellifera* L., all equipment used in handling and manipulation of bees, wax, and hives, and includes any containers for honey and wax that may be used in any apiary or in transporting bees and their products and apiary supplies that are located within the state of Idaho. ( )

**331. -- 339. (RESERVED)**

**340. REGISTRATION AND COLLECTION OF FEES.** On or before July 1 of each year any person engaging in the activities of apicultural shall file with the Idaho Department of Agriculture a "Registration" form provided by the Idaho Department of Agriculture specifying the name, residence, place of apiaries, number of hives or colonies of bees owned or controlled, and such other information as may be required, accompanied by the applicable registration fee. ( )

**341. -- 403. (RESERVED)**

**SUBCHAPTER C – FERTILIZER**

**404. INCORPORATION BY REFERENCE.** The following documents are incorporated by reference into Subchapter C: ( )



**01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication.** The Officially adopted Documents, Official Terms, and Policies, as published in the “2022 Official Publication” of AAPFCO where those statements do not conflict with Title 22, Chapter 6, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAPFCO website at: [www.aapfco.org](http://www.aapfco.org). ( )

**02. The Association of Official Agricultural Chemists (AOAC) International.** The “2019 Official Methods of Analysis (OMA) of the AOAC,” 21st Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: [www.EOMA.AOAC.org](http://www.EOMA.AOAC.org). A copy may be purchased online from AOAC International. ( )

**405. -- 419. (RESERVED)**

**420. SAMPLING AND ANALYSIS.**

The methods of sampling are those of AAPFCO and analysis are those of the Association of Official Analytical Chemists (AOAC) or other methods as approved by the department. ( )

**421. -- 439. (RESERVED)**

**440. WARNING OR CAUTION STATEMENTS.**

A warning or cautionary statement is required on any fertilizer product: ( )

**01. Containing Boron.** If the fertilizer product contains one tenth of a percent (.10%) or more boron in a water soluble form, the statement shall include: ( )

**a.** The word “Warning” or “Caution” conspicuously displayed; ( )

**b.** The crops for which the fertilizer is recommended; and ( )

**c.** That the use of the fertilizer on any crop(s) other than those recommended may result in serious injury to the crop(s). ( )

**02. Containing Molybdenum.** If the fertilizer product contains one thousandths of a percent (.001%) or more molybdenum, the statement shall include: ( )

**a.** The word “Warning” or “Caution” conspicuously displayed; and ( )

**b.** That the application of fertilizers containing molybdenum may result in forage crops containing levels of molybdenum that are toxic to ruminant animals. ( )

**441. -- 469. (RESERVED)**

**470. INVESTIGATIONAL ALLOWANCES.**

**01. Deeming a Fertilizer Deficient.** A fertilizer will be deemed deficient if the analysis of any nutrient is below the guarantee by an amount exceeding the values in the following schedules, or if the overall index value of the fertilizer is below ninety-seven percent (97%). Note: For these investigational allowances to be applicable, the recommended AOAC International procedures for obtaining samples, preparation and analysis must be used. These are described in Official Methods of Analysis of the Association of Official Analytical Chemists, 13th Edition, 1980, and in succeeding issues of the Journal of the Association of Official Analytical Chemists. In evaluating replicate data, Table 19, page 935, Journal of the Association of Official Analytical Chemists, Volume 49, No. 5, October, 1966, should be followed. ( )

**02. Investigational Allowances for Nitrogen, Phosphate and Potash.** For guaranteed percentages not listed in the following table, calculate the appropriate investigational allowance by interpolation.

<b>Guaranteed Percent</b>	<b>Nitrogen Percent</b>	<b>Available Phosphate Percent</b>	<b>Potash Percent</b>
04 or less	0.49	0.67	0.41
05	0.51	0.67	0.43
06	0.52	0.67	0.47
07	0.54	0.68	0.53
08	0.55	0.68	0.60
09	0.57	0.68	0.65
10	0.58	0.69	0.70
12	0.61	0.69	0.79
14	0.63	0.70	0.87
16	0.67	0.70	0.94
18	0.70	0.71	1.01
20	0.73	0.72	1.08
22	0.75	0.72	1.15
24	0.78	0.73	1.21
26	0.81	0.73	1.27
28	0.83	0.74	1.33
30	0.86	0.75	1.39
32 or more (*)	0.88	0.76	1.44

(\*For DAP and MAP, the Investigational Allowance for Available Phosphate is zero point seventy (0.70); for TSP, the Investigational Allowance shall be: one point fifty-two (1.52)). For dry custom mix fertilizers, an additional five percent (5%) of the guaranteed percentage shall be granted in addition to the allowances made in Subsection 470.02. ( )

**471. -- 503. (RESERVED)**

**SUBCHAPTER D – SOIL AND PLANT AMENDMENTS**

**504. INCORPORATION BY REFERENCE.**

The following documents are incorporated by reference into Subchapter D: ( )

**01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication.** The Terms, Ingredient Definitions, and Policies, as published in the “2022 Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 22, Idaho Code, and any rule promulgated thereunder. A copy may be purchased online from the AAPFCO website at: [www.aapfco.org](http://www.aapfco.org). ( )

**02. The Association of Official Agricultural Chemists (AOAC) International.** The “2019 Official Methods of Analysis (OMA) of the AOAC,” 21st Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: [www.EOMA.AOAC.org](http://www.EOMA.AOAC.org). A copy may be purchased online from AOAC International. ( )

**505. -- 999. (RESERVED)**

# PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency:** Idaho State Department of Agriculture \_\_\_\_\_

**Agency Contact:** Lloyd Knight \_\_\_\_\_ **Phone:** (208)332-8664 \_\_\_\_\_

**Date:** \_\_\_\_\_

**IDAPA, Chapter and Title Number and Chapter Name:**

[IDAPA 02.06.02 – Rules Governing Registrations and Licenses](#) \_\_\_\_\_

**Fee Rule Status:** x \_\_\_\_\_ **Proposed** \_\_\_\_\_ **Temporary**

**Rulemaking Docket Number:** 02-0602-2201 \_\_\_\_\_

## STATEMENT OF ECONOMIC IMPACT:

02.06.02	Commercial Feed Product Registration Fee	IDAPA 02.06.02.115.01. Product Registration Fee; \$40.00 per product.	Section 25-2704, Idaho Code
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No changes to the fees. The fee is defined in statute.

**IDAPA 02 – DEPARTMENT OF AGRICULTURE**  
**02.06.05 – RULES GOVERNING PLANT DISEASE AND QUARANTINES**  
**DOCKET NO. 02-0605-2201 (ZBR CHAPTER REWRITE)**  
**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 Sections 22-2004 and 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 July 20, 2022.

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:

This rule is being presented for authorization as part of the ISDA's plan to review each rule every 5 years. Redundant language that is verbatim in statute has been removed, consistent with the Governor's [Zero-Based Regulation Executive Order](#).

The rule was reviewed over the course of two negotiated rulemaking meetings, and that review benefited from the participation of program stakeholders, including regulated industry and other stakeholders.

This rule includes subchapters that provide for quarantine activities that are authorized in statute (Plant Pest Act). These quarantines provide for two primary services: First, the quarantines are in place to protect from the spread of pests and disease that can be harmful to the production of certain crops. Second, quarantine activities can be necessary to provide verification of disease or pest activities in order for Idaho grown crops to be eligible for export.

There are no comparable federal quarantine regulations. These quarantines are state specific, although there is consistency between Oregon, Washington, and Idaho related to the quarantines for hops and grapes.

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

There are no fees associated with this rule.

**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:

There is no fiscal impact associated with this rulemaking.

**IDAHO CODE SECTION 22-101A STATEMENT:** Pursuant to 22-101A(1), for any rule promulgated or adopted by the director which is broader in scope or more stringent than federal law or regulations, or which regulates an activity not regulated by the federal government, the director shall identify the portions of the adopted rule that are broader in scope or more stringent than federal law or rules, or which regulate an activity not regulated by the federal government. The sections of the rule which are broader in scope, more stringent than federal law or regulations, or regulate an activity not regulated by the federal government:

The entire rule regulates an activity not regulated by the federal government.

The detailed 22-101A analysis can be found on the agency's website at [www.agri.idaho.gov](http://www.agri.idaho.gov).

**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 January 5, 2022 Idaho Administrative Bulletin, [Vol. 22-1, page 11](#) under Docket No. 02-ZBRR-2201.

**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:

There are no documents incorporated by reference.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Andrea Thompson, Section Manager, Division of Plant Industries, at (208) 332-8500 or [andrea.thompson@isda.idaho.gov](mailto:andrea.thompson@isda.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 July 27, 2022.

DATED this July 6, 2022.

Lloyd B. Knight  
Rules Review Officer  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 7249  
Boise, Idaho 83707  
Phone: (208) 332-8664  
Fax: (208) 334-2170  
Email: [rulesinfo@isda.idaho.gov](mailto:rulesinfo@isda.idaho.gov)

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0605-2201**  
**(Zero Based Regulation (ZBR) Chapter Rewrite)**

**02.06.05 – RULES GOVERNING PLANT DISEASE AND QUARANTINES**

**000. LEGAL AUTHORITY.**

Sections 22-2004, and 22-2006, Idaho Code.

( )

**001. SCOPE.**

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

( )

**002. -- 009. (RESERVED)**

**010. DEFINITIONS.**

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

( )

**SUBCHAPTER A – DISEASES OF HOPS**

**011. -- 111. (RESERVED)**

**112. REGULATED PESTS.**

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

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

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

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

**113. -- 119. (RESERVED)**

**120. REGULATED ARTICLES.**

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

**121. -- 129. (RESERVED)**

**130. QUARANTINE AREA.**

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

**131. -- 139. (RESERVED)**

**140. RESTRICTIONS ON IMPORT.**

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

**141. --159. (RESERVED)**

**160. SPECIAL PERMITS.**

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

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

**02. Conditions.** Special permits, when granted, may include such conditions as may be necessary to prevent disease establishment. All permitted material must be found free from regulated pests by a federal, state, or university laboratory. ( )

**161. -- 211. (RESERVED)**

#### **SUBCHAPTER B – WHITE ROT DISEASE OF ONION**

**212. REGULATED PEST.**

Onion white rot (*Sclerotium cepivorum*). ( )

**213. -- 219. (RESERVED)**

**220. DESIGNATED COUNTIES.**

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

221. -- 229. (RESERVED)

**230. REGULATED PRODUCTS.**

Bulbs, sets, or seedlings of onion, garlic, leek, chive, shallot or other Allium species, including all ornamental Allium species, for planting purposes. ( )

231. -- 249. (RESERVED)

**250. RULES GOVERNING SHIPMENTS.**

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

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

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

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

251. -- 309. (RESERVED)

**SUBCHAPTER C – APPLE AND CHERRY PESTS**

**310. DEFINITIONS.**

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

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

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

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

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

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

311. – 319. (RESERVED)

**320. REGULATED PESTS.**

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

**02. Plum Curculio.** (*Conotrachelus nenuphar* (Coleoptera: Curculionidae)). ( )

**321. REGULATED ARTICLES.**

All commercially packed fresh fruit of apple (including crabapple), cherry, hawthorn (haw), pear, plum, prune, and quince. ( )

**322. --329. (RESERVED)**

**330. REGULATED AREAS.**

**01. Non-Infested Areas -- Within Idaho.** Any commercial orchard surveyed for verification of pest freedom and found negative. ( )

**331. -- 339. (RESERVED)**

**340. RESTRICTIONS.**

Any shipment of regulated articles shall be free from infestation of regulated pests. ( )

**341. -- 511. (RESERVED)**

**SUBCHAPTER D – PEACH TREE DISEASES**

**512. REGULATED PESTS.**

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

**513. -- 519. (RESERVED)**

**520. AREA UNDER QUARANTINE.**

All states or foreign countries or portion thereof where Peach Yellows is known to occur. ( )

**521. -- 524. (RESERVED)**

**525. REGULATED ARTICLES.**

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

**526. -- 529. (RESERVED)**

**530. RESTRICTIONS GOVERNING SHIPMENTS.**

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

**531. -- 539. (RESERVED)**

**540. OFFICIAL CERTIFICATE REQUIREMENTS.**

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

**541. -- 549. (RESERVED)**

**550. EXEMPTIONS.**

This quarantine does not apply to experiments of the United States Department of Agriculture in the state of Idaho



nor to experiments of the College of Agriculture, Department of Pathology of the University of Idaho. ( )

**551. -- 609. (RESERVED)**

**SUBCHAPTER E – DISPOSAL OF CULL ONIONS AND POTATOES**

**610. DEFINITIONS.**

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

**01. Cull Onions.** Refers to those onions that are not marketable or usable for consumption or are generally considered waste, and includes the residue left in the field from the production of onion seed as well as commercial onions. ( )

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

**611. -- 619. (RESERVED)**

**620. REGULATED AREA.**

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

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

**621. -- 629. (RESERVED)**

**630. REGULATED PRODUCTS.**

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

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

**631. -- 639. (RESERVED)**

**640. DISPOSITION OF CULL ONIONS.**

All cull onions existing in the control area shall be disposed of by a method approved of in Section 641 of this rule, to prevent sprouting. Disposal of all existing cull onions and debris must be completed prior to March 15th, of each year; provided; however, that in the case of onions sorted on or after March 15th of each year, the cull onions resulting therefrom shall be disposed of within one (1) week after such sorting regardless of the disposal method. The Department only enforces the cull onion disposal portions of this rule from March 15th through July 1st of each year. ( )

**641. DISPOSAL METHODS.**

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

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

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

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

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

**a.** Onion debris shall be completely removed from feeding areas and buried under twelve (12) inches or more of onion-free soil by March 15th of each year. ( )

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

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

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

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

**a.** Commercial onion fields where sort-out bulbs are left at harvest shall be disked and plowed as deep as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil by March 15th of each year. ( )

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

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

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

**642. INCLEMENT WEATHER.**

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

**643. (RESERVED)**

**644. NOTIFICATION REQUIRED.**

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

**645. -- 649. (RESERVED)**

**650. DISPOSITION OF CULL POTATOES.**

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

generated after May 15th shall be rendered non-viable on a daily basis until September 20th. ( )

**651. CULL POTATO DISPOSAL METHODS.**

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

**652. -- 709. (RESERVED)**

**SUBCHAPTER F – MINT ROOTSTOCK AND CLONE PRODUCTION**

**710. DEFINITIONS.**

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

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

**711. (RESERVED)**

**712. REGULATED PESTS.**

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

**02. Insects.** Mint stem borer (*Pseudobaris nigrina*), insect pests of mint rootstocks and any persistent insect pest known to be detrimental to the production of mint rootstocks and without effective control options. ( )

**03. Noxious Weeds.** Those weeds declared noxious by authority of Title 22, Chapter 24, Idaho Code (Noxious Weed Law) and Rules. Growers will be notified by the Department of existing noxious weed problems. If noxious weeds have not been effectively controlled as determined by the Department, prior to the second inspection, the field will be rejected for certification by the Department. ( )

**713. -- 714. (RESERVED)**

**715. REGULATED PRODUCTS.**

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

**716. -- 719. (RESERVED)**

**720. CONTROL AREAS.**

To facilitate inspection and control, the areas, currently defined as: Cassia, Gooding, Jerome, Minidoka, and Twin Falls counties. ( )

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

**721. -- 729. (RESERVED)**

**730. REQUIREMENTS FOR PLANTING MINT ROOTSTOCK.**

**01. State of Origin Phytosanitary Certificate.** Healthy clones shall be accompanied by a phytosanitary certificate or transfer permit issued by a regulatory agency of the state of origin with zero (0) tolerance for regulated disease(s), insect(s) and noxious weed(s). ( )

**02. Greenhouse Requirements.** Greenhouses shall be screened and tightly constructed to preclude entry of any regulated pest. Planting media shall be sterilized prior to planting and not re-used for planting of any mint destined to be entered in mint certification. Greenhouses shall be disinfected annually with a ten percent (10%) sodium hypochlorite solution. ( )

**731. -- 739. (RESERVED)**

**740. DETECTION OF REGULATED PESTS.**

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

**741. -- 779. (RESERVED)**

**780. EXEMPTIONS.**

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

**02. Private Home Use.** These rules do not apply to species of the genus *Mentha* intended for private home use. ( )

**781. -- 819. (RESERVED)**

**SUBCHAPTER G – GRAPE PLANTING STOCK**

**820. REGULATED AREAS.**

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

**821. -- 829. (RESERVED)**

**830. REGULATED COMMODITIES.**

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

**831. REGULATED PESTS.**

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

**01. Grapevine Fanleaf Virus.** ( )

**02. Grapevine Leaf Roll - Associated Viruses.** ( )

**03. Red Blotch Virus.** ( )

**04. Grapevine Corky Bark Disease.** Which include, but may not be limited to: ( )

**a. Grapevine virus A.** ( )

**b. Grapevine virus B.** ( )

**05. Grape Phylloxera.** (*Daktulosphaira vitifoliae*); ( )

**06. Pierce's Disease.** As caused by the bacterium *Xylella fastidiosa*; ( )

- 07. **Vine Mealybug.** (*Planococcus ficus*) ( )
- 08. **Glassy-Winged Sharpshooter.** (*Homalodisca vitripennis*). ( )
- 09. **European Grapevine Moth.** (*Lobesia botrana*) ( )
- 10. **Xiphinema Index.** ( )

832. -- 834. (RESERVED)

**835. RULES GOVERNING SHIPMENTS.**

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

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

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

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

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

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

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

836. -- 839. (RESERVED)

**840. ACCEPTABLE TREATMENTS.**

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

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

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

**841. -- 854. (RESERVED)**

**SUBCHAPTER H – JAPANESE BEETLE**

**855. REGULATED PEST.**  
Japanese beetle (*Popillia japonica*). ( )

**856. -- 859. (RESERVED)**

**860. AREAS UNDER QUARANTINE.**  
Any areas known to be infested or subsequently found to be infested. ( )

**861. -- 869. (RESERVED)**

**870. ARTICLES AND COMMODITIES UNDER QUARANTINE.**

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

- a.** Soil, humus, compost, and manure (except when commercially packaged); ( )
- b.** All plants with roots (except bareroot plants free from soil); ( )
- c.** Grass sod; ( )
- d.** Plant crowns or roots for propagation (except when free from soil or under 50mm plug or liner rooting media); ( )
- e.** Bulbs, corms, tubers, and rhizomes of ornamental plants (except when free from soil); ( )
- f.** Any other plant, plant part, article, or means of conveyance when it is determined by the Director or authorized agent to present a hazard of spreading live Japanese beetle due to infestation or exposure to infestation by Japanese beetle. ( )

**02. Soil.** For the purposes of this quarantine, soil is defined as all growing media in which the plants are actually rooted. Packing material other than soil, added to bareroot plants after harvesting would not normally pose a pest risk. Packing material would be covered under (Subsection 870.01.f.), at the inspector's discretion. ( )

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

**871. -- 879. (RESERVED)**

**880. RESTRICTIONS.**

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

**01. Certificate of Treatment.** All of the articles and commodities covered are approved for entry into Idaho when accompanied by a certificate issued by an authorized state agricultural official at origin stating that the article or shipment was treated for Japanese beetle or grown in accordance with methods and procedures approved and prescribed by the Director. A Certificate of Treatment shall include the date of treatment. During the adult flight period (June to September), the treatment must occur no more than 2 weeks prior to shipment or be retreated. If plants are exposed to a second or additional flight season, they must be retreated during each flight season. Plants that are treated outside of the adult flight season are certified until the next flight season; at which time they must be retreated

if not sold before the next flight season begins. ( )

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

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

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

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

i. Area surveyed. ( )

ii. How survey was carried out. ( )

iii. Personnel involved. ( )

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

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

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

**04. Privately Owned House Plants.** Privately owned house plants grown indoors are exempt from Subchapter H. ( )

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

**881. -- 999. (RESERVED)**