

Dear Senators Acting Chair HEINRICH & Stennett, and
Representatives TRAIL, Andrus & Pence:

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

IDAPA 02.03.03 - Rules Governing Pesticide And Chemigation Use And
Application (Docket #02-0303-0801)

IDAPA 02.06.02 - Rules Pertaining To The Idaho Commercial Feed Law
(Docket #02-0602-0801)

IDAPA 02.06.12 - Rules Pertaining To The Idaho Fertilizer Law
(Docket #02-0612-0801)

IDAPA 02.06.18 - Rules Governing Mint Rootstock And Clone Production
(Docket #02-0618-0801)

IDAPA 02.06.31 - Noxious Weed Free Forage And Straw Certification Rules
(Docket #02-0631-0801)

IDAPA 02.06.41 - Rules Pertaining To The Idaho Soil And Plant Amendment Act
Of 2001 (Docket #02-0641-0801).

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 8-8-08. 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 9-5-
08.

_____ 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 334-2475, or send a written request to the address or
FAX number indicated on the memorandum enclosed.

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: July 18, 2008

SUBJECT: Idaho State Department of Agriculture

IDAPA 02.03.03 - Rules Governing Pesticide And Chemigation Use And Application (Docket #02-0303-0801)

IDAPA 02.06.02 - Rules Pertaining To The Idaho Commercial Feed Law (Docket #02-0602-0801)

IDAPA 02.06.12 - Rules Pertaining To The Idaho Fertilizer Law (Docket #02-0612-0801)

IDAPA 02.06.18 - Rules Governing Mint Rootstock And Clone Production (Docket #02-0618-0801)

IDAPA 02.06.31 - Noxious Weed Free Forage And Straw Certification Rules (Docket #02-0631-0801)

IDAPA 02.06.41 - Rules Pertaining To The Idaho Soil And Plant Amendment Act Of 2001 (Docket #02-0641-0801)

1. IDAPA 02.03.03 - Rules Governing Pesticide And Chemigation Use And Application

The Idaho State Department of Agriculture submits notice of a proposed rule at IDAPA 02.03.03 - Rules Governing Pesticide And Chemigation Use And Application. According to the Department, the purpose of the rule is to incorporate by reference the Code of Federal Regulations regarding pesticide containment requirements. The Department states that the code has been amended to require inspections of pesticide producing establishments, pesticide dealers and professional applicators to ensure that they are in compliance with federal pesticide containment requirements. The Department notes that the proposed rule change will allow the inspections to be completed with state credentials and reviewed by state officials. In addition, pre-registration requirements for unusable pesticide collections are no longer required and will be deleted.

We have no specific comments relating to this proposed rule. The action appears to be authorized pursuant to Section 22-3421, Idaho Code.

2. IDAPA 02.06.02 - Rules Pertaining To The Idaho Commercial Feed Law

The Idaho State Department of Agriculture submits notice of a proposed rule at IDAPA 02.06.02 - Rules Pertaining To The Idaho Commercial Feed Law. According to the Department, the purpose of the rule is to update the incorporation by reference section to reflect the 2009 edition of the Official Publication of the Association of American Feed Control Officials (AAFCO) which is usually published in January or February of each year. The Department notes that this is a standard reference manual for feed control officials for the registration of animal feed and provides consistency in the definition of feed ingredients and registration policies concerning feed between states and the U.S. FDA when feeds are being registered.

The only comment we have relating to this proposed rule is that the authority citation within the Notice of Rulemaking should reflect Section 25-2710, Idaho Code. The action appears to be authorized pursuant to Section 25-2710, Idaho Code.

3. IDAPA 02.06.12 - Rules Pertaining To The Idaho Fertilizer Law

The Idaho State Department of Agriculture submits notice of a proposed rule at IDAPA 02.06.12 - Rules Pertaining To The Idaho Fertilizer Law. According to the Department, the purpose of the rule is to update the incorporation by reference section to reflect the 2009 edition of the Official Publication of the Association of American Plant Food Control Officials (AAPFCO) which is usually published in January or February of each year. The Department notes that this is a standard reference manual for fertilizer control officials for the registration of fertilizers and provides consistency in the definition of chemicals, fertilizer ingredients, terms, and policies concerning fertilizer registration between states.

We have no specific comments relating to this rule. The action appears to be authorized pursuant to Section 22-604, Idaho Code.

4. IDAPA 02.06.18 - Rules Governing Mint Rootstock And Clone Production

The Idaho State Department of Agriculture submits notice of a temporary and proposed rule at IDAPA 02.06.18 - Rules Governing Mint Rootstock And Clone Production. According to the Department, the Mint Commission and industry representatives have requested that the Department change the time frame for the field inspections and triple the inspection rate from every thirty rows to every ten rows to provide better assurance that regulated pests and diseases such as Verticillium wilt are not present. The Department notes that the industry also wants the inspections to be conducted later in the growing season and would like the changes to be in place for the 2008 season. Informal negotiated rulemaking was conducted in January of 2008 with members of the Mint Commission and industry.

This rule also contains a fee increase from \$3.00 to \$5.00 per application for field inspection with the per acre inspection fee increasing from \$5.00 to \$15.00 per acre due to the increased amount of time that will be necessary to conduct inspections under the new time frame and procedures. The Department anticipates that the anticipated additional income due to the fee increase will be \$5,400.

We have no specific comments relating to this rule. The action appears to be authorized pursuant to Sections 22-702 and 22-2006, Idaho Code.

5. IDAPA 02.06.31 - Noxious Weed Free Forage And Straw Certification Rules

The Idaho State Department of Agriculture submits notice of a temporary and proposed rule at IDAPA 02.06.31 - Noxious Weed Free Forage And Straw Certification Rules. According to the Department, it is a member of the North American Weed Management Association (NAWMA) which has noxious weed free forage and straw inspection standards. These standards were incorporated into the Department's rules in March of 2007. In September, NAWMA amended certain standards relating to certification marking in regard to twine color. The revisions in this rule incorporate those changes. The Department notes that informal negotiated rulemaking discussions were held with County Weed Superintendents, growers and industry representatives. The Department also notes that certification twine is preferred by Idaho growers because it saves them time and money over manually attaching bale tags to each bale. The Department states that there was also a revision to the section pertaining to the specifications of the compressed forage bale binding material which will also benefit hay manufacturers and consumers.

We have no specific comments relating to this rule. The action appears to be authorized pursuant to Section 22-2403, Idaho Code.

6. IDAPA 02.06.41 - Rules Pertaining To The Idaho Soil And Plant Amendment Act Of 2001

The Idaho State Department of Agriculture submits notice of a proposed rule at IDAPA 02.06.41 - Rules Pertaining To The Idaho Soil And Plant Amendment Act Of 2001. According to the Department, the change will update the incorporation by reference section to reflect the 2009 edition of the Official Publication of the Association of American Plant Food Control Officials (AAPFCO) usually published in January or February of each year. The manuals are standard reference manuals for fertilizer control officials for the registration of soil and plant amendments and provide for consistency in the definitions of chemicals, soil and plant amendment ingredients, terms and policies concerning soil and plant amendment registration between states.

We have no specific comments relating to this rule. The action appears to be authorized pursuant to Section 22-2204, Idaho Code.

cc: Brian J. Oakey, Idaho State Department of Agriculture

& George Robinson, Michael E. Cooper, Dan Safford, Garry West

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.03.03 - RULES GOVERNING PESTICIDE AND CHEMIGATION USE AND APPLICATION

DOCKET NO. 02-0303-0801

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 22-3421, 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 August 20, 2008.

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:

Amend the Rules Governing Pesticide and Chemigation Use and Application to add a reference to the Code of Federal Regulations regarding pesticide containment requirements. Changes to the Code of Federal Regulations now require inspections of pesticide producing establishments, pesticide dealers and professional applicators to ensure that they are in compliance with federal pesticide containment requirements. This addition will allow the inspections to be completed with state credentials and reviewed by state officials. Pre-registration requirements for unusable pesticide collections are no longer required and will be deleted.

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

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: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this rule incorporates by reference a federal rule that cannot be changed or revised.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact George Robinson, Ag Section Manager at (208) 332-8593.

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 August 27, 2008.

DATED this 19th day of June, 2008.

Brian Oakey, Deputy Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, ID 83701
Ph.: 208-332-8500
Fax: 208-334-2170

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0303-0801

007. INCORPORATION BY REFERENCE.

01. Incorporated Document. IDAPA 02.03.03 incorporates by reference 40 CFR Part 165 Subpart E - Standards For Pesticide Containment Structures, Sections 165.80 through 165.97 as published in the Federal Register, Volume 71, Number 158, on August 16, 2006. ()

02. Availability of Documents. Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701 or through the U.S. Government Printing Office at the following web address: <http://www.gpoaccess.gov/index.html>. ()

~~0078.~~ -- 049. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

100. LICENSING PROFESSIONAL APPLICATORS AND PESTICIDE DEALERS.

- 01. Demonstration of Competence.** (3-20-97)
- a.** Professional applicators shall not recommend the application or make an application of any pesticide for any purpose, unless they have demonstrated competence for that purpose, which competence must be demonstrated by passing Department examinations and becoming licensed in the appropriate categories listed in Subsection 100.02. (3-20-97)
 - b.** An applicant shall demonstrate competency in the following areas: (3-20-97)
 - i.** Labels and labeling, including terminology, instructions, format, warnings and symbols. (3-20-97)
 - ii.** Safety factors and procedures, including protective clothing and equipment, first aid, toxicity, symptoms of poisoning, storage, handling, transportation and disposal. (3-20-97)
 - iii.** Laws, rules, and regulations governing pesticides. (3-20-97)
 - iv.** Environmental considerations, including the effect of climate and physical or geographical factors on pesticides, and the effects of pesticides on the environment, and the animals and plants living in it. (3-20-97)
 - v.** Mixing and loading, including interpretation of labels, safety precautions, compatibility of mixtures, and protection of the environment. (3-20-97)
 - vi.** Methods of use or application, including types of equipment, calibration, application techniques, and prevention of drift and other types of pesticide migration. (3-20-97)
 - vii.** Pests to be controlled, including identification, damage characteristics, biology and habitat. (3-20-97)
 - viii.** Types of pesticides, including formulations, mode of action, toxicity, persistence, and hazards of use. (3-20-97)
 - ix.** Chemigation practices involving the application of chemicals through irrigation systems, calibration, management, and equipment requirements. (4-5-00)
 - x.** For use of the Livestock Protection Collar (LPC), in addition to the requirements of Subsection 100.01.b.i. through 100.01.b.viii., professional applicators shall have training in and knowledge of the following: (3-19-99)

- (1) Characteristics and habits of predatory animals, and particularly, coyotes. (3-19-99)
 - (2) Properties of the collars and of Sodium Fluoroacetate (Compound 1080). (3-19-99)
 - (3) Recordkeeping requirements set forth in Subsection 150.01 that will additionally include a record of each animal found poisoned or suspected of having been poisoned as a result of the use of Compound 1080, including target and non-target species. (3-19-99)
 - (4) The requirement for immediate reporting of suspected poisonings of non-target species and suspected poisonings of humans or domestic animals by the use of Compound 1080 to the United States Environmental Protection Agency (US EPA) and the Idaho State Department of Agriculture (ISDA). (3-19-99)
 - (5) How to properly dispose of animal remains, vegetation, or soil contaminated by a punctured LPC. (3-19-99)
 - (6) Practical treatment of Compound 1080 poisonings in humans and domestic animals. (3-19-99)
 - (7) Safe handling, attachment, and storage of LPC collars. (3-19-99)
 - (8) The requirement to post and maintain bilingual (English/Spanish or other second language appropriate for the region) signs at logical points of access to areas where LPCs are in use. (3-19-99)
 - (9) The requirement to perform inspections once every week to ensure that collars in use are accounted for, properly positioned, and intact. (3-19-99)
 - (10) Knowledge of alternative controls of predation. (4-5-00)
- xi. For use of the LPC, in addition to the requirements of Subsections 100.01.b.i. through 100.01.b.x., professional applicators shall have training in and the ability to: (3-19-99)
- (1) Recognize potential hazards to humans, domestic animals, and non-target wildlife from the use of the LPC. (3-19-99)
 - (2) Read and understand the labeling specific to the LPC. (3-19-99)
 - (3) Recognize general symptoms of poisoning by Compound 1080 in humans and domestic animals and take appropriate action. (3-19-99)
 - (4) Recognize where the LPC can be used safely and effectively and, conversely, where alternative methods of control would be more appropriate. (3-19-99)
 - (5) Assess damaged LPCs to determine which can be repaired and which must be disposed of properly. (3-19-99)
 - (6) Properly dispose of the LPCs. (3-19-99)
- 02. Certification.** A person shall be certified by passing Department examinations with a minimum of seventy percent (70%) in the applicable pesticide categories ~~of pesticides they apply.~~ (3-20-97)()
- a.** Professional applicators shall be certified and licensed in one (1) or more of the following categories: (3-20-97)
- i. Law and Safety (LS). This shall include general knowledge of pesticides including proper use and disposal, product characteristics, first aid, labeling, and laws. Certification in this category is required when certifying in Subsections 100.02.a.ii. through 100.02.a.ix. (3-20-97)
 - ii. Agriculture. For persons conducting field crop applications. Agriculture Herbicide (AH).

Certification in this category shall also certify a person to make herbicide applications in rights-of-way, forests, and rangelands. Agriculture Insecticide/Fungicide (AI). Certification in this category shall also certify a person to make insecticide/fungicide applications in rights-of-way, forests, and rangelands. Soil Fumigation (SF). (4-5-00)

iii. Forest Environment (FE). For U.S. Forest Service and Bureau of Land Management personnel, contractors, and private industry personnel who control pests in forests and on rangelands. (3-20-97)

iv. Right-of-Way Herbicide (RW). For railroads, highway departments and others, for roadside weed control, soil sterilant herbicides, and weed control on public lands (non-crop). Certification in the Agricultural Herbicide category shall exempt the applicant from the need to certify in this category. (3-20-97)

v. Public Health Pest (PH). For abatement districts and others controlling mosquitoes and other public health pests. (3-20-97)

vi. Livestock Pest Control (LP). For persons treating livestock pests. (3-20-97)

vii. Ornamental Herbicide (OH). For persons conducting outside urban or residential herbicide applications, with the exception of soil sterilant applications (see Subsection 100.02.a.iv.). Ornamental Insecticide/Fungicide (OI). For persons doing outside urban or residential insecticide and fungicide applications, including exterior applications to residential, urban or commercial buildings, excluding structural destroying pests (see Subsection 100.02.a.ix.). (4-5-00)

viii. General Pest Control Operations (GP). For persons controlling pests in and around residential, commercial, or other buildings, excluding structural destroying pests. (3-20-97)

ix. Structural Destroying Pest (SP). For persons involved in the control of pests which destroy wooden structures, such as bridges, houses, offices, and warehouses. (3-20-97)

x. General Vertebrate Control (GV). For Wildlife Services (WS) personnel of the United States Department of Agriculture-Animal and Plant Health Inspection Service, for controlling vertebrates such as rodents, predators, and birds. (4-5-00)

xi. Rodent Control (RC). For rodent districts and others, for the control of field rodents. Certification in the General Pest Control category shall exempt the applicant from the need to certify in this category. (3-20-97)

xii. Aquatic Weed and Pest Control (AW). For irrigation districts, canal companies and others, for weed and pest control on aquatic sites. (4-5-00)

xiii. Seed Treatment (ST). For persons doing treatments to protect seeds used for plant reproduction. (3-20-97)

xiv. Commodity Pest Control (CP). For persons controlling pests in stored commodities. (3-20-97)

xv. Potato Cellar Pest Control (PC). For persons who apply sprout inhibitors in potato cellars. (3-20-97)

xvi. Wood Preservative (WP). For persons who apply wood preservatives. (3-20-97)

xvii. Pest Control Consultant-Statewide (SW). For persons who make recommendations or supply technical advice concerning the use of any pesticide for agricultural purposes. (3-20-97)

xviii. Demonstration and Research (DR). For persons who apply or supervise the use of restricted use pesticides at no charge to demonstrate the action of the pesticide or conduct research with restricted use pesticides. A person shall be eligible to license in this category by passing the Pest Control Consultant examination. (3-20-97)

xix. Chemigation (CH). For persons who apply chemicals through an irrigation system, excluding Aquatic Weed and Pest Control applicators (see Subsection 100.02.xii.). (4-5-00)

xx. Livestock Protection Collars (LPC). For use of Livestock Protection Collars (LPC) containing the restricted use pesticide Compound 1080 to control predatory coyotes. (3-19-99)

b. Pesticide Dealers shall be certified and licensed in any category listed in Subsection 100.02 that pertains to the types of restricted use pesticides sold or distributed. (3-23-98)

c. Persons with an active license category on June 30, 1996, shall retain said category under the rules which became effective on July 1, 1996, until the expiration of the certification period or suspension of the license by the Department. (3-23-98)

d. Mixer-Loaders. Effective December 31, 1998, mixer-loader licenses issued by the Department shall expire. No person shall act as a mixer-loader for a professional applicator without first obtaining annual training. (3-23-98)

i. Training shall be conducted and certified by the professional applicator who employs the mixer-loader. Certification of training shall be on a form prescribed by the Department and must include the signatures of both the mixer-loader and the professional applicator providing the training. (3-23-98)

ii. Training shall include areas relevant to the pesticide mixing and loading operation and instruction on the interpretation of pesticide labels, safety precautions, first aid, compatibility of mixtures, and protection of the environment. (3-23-98)

iii. Employers of mixer-loaders shall comply with federal and state laws related to hazardous occupations and shall provide and ensure the use of personal protective equipment required in the label directions. (3-23-98)

03. Department Examination Procedures. (3-20-97)

a. Examinations shall be administered by a designated agent. (3-20-97)

b. To pass a Department examination, professional applicators and pesticide dealers shall obtain a score of seventy percent (70%) or higher. (3-23-98)

c. Payment of examination fees shall be received by the Idaho Department of Agriculture before examination results may be released. (3-20-97)

d. A minimum waiting period of one (1) week shall be required before an applicant may retake an examination. (4-6-05)

04. Licensing Periods and Recertification. Beginning August 31, 2000, Pesticide Dealer licenses shall expire on August 31, of even numbered years and have a twenty-four (24) month duration. A Pesticide Dealer License application form shall accompany each new license or license renewal request. Professional applicator licenses shall be renewed by satisfying the recertification provisions of this section. Licenses belonging to professional applicators with last names beginning with A through L, inclusive, shall expire on the last day of the year in every odd-numbered year, and licenses belonging to professional applicators with last names beginning with M through Z, inclusive, shall expire on the last day of the year in every even-numbered year. Any professional applicator with less than thirteen (13) months in the licensing period shall not be required to obtain recertification credits during the initial licensing period. The recertification period for professional applicators shall be concurrent with their two (2) year licensing period. Recertification requirements may be accomplished by complying with either Subsection 100.04.a. or 100.04.b. (4-5-00)

a. A person shall accumulate recertification credits by attending Department-accredited pesticide instruction seminars. (3-20-97)

i. A minimum of fifteen (15) credits shall be earned by a professional applicator during each recertification period. (3-23-98)

ii. A completed request for accreditation of a seminar shall be received by the Department not less than thirty (30) days prior to the scheduled seminar. Such a request shall be submitted on a form prescribed by the Department. Under exceptional circumstances, as described in writing by the person requesting accreditation, the thirty (30) day requirement may be waived. (3-20-97)

iii. Credit will be given only for those parts of seminars that deal with pesticide subjects as listed in Subsection 100.01.b. No credit will be given for training given to persons to prepare them for initial certification. (3-20-97)

iv. The number of credits assigned in advance for a seminar, or a part of a seminar, shall be tentative, and may be revised by the Department if it is later found that the training does not comply with Subsection 100.04.a.iii. (3-20-97)

v. Effective July 1, 1998, a recertification credit shall be based upon one (1) credit for each one (1) hour of instruction, as described in Subsection 100.04.a.iii. Should an applicator's recertification period include credits earned prior to July 1, 1998, those credits based on one hundred fifty (150) minutes of instruction shall be converted to three (3) credits for recertification purposes. (3-23-98)

vi. Verification of attendance at a seminar shall be accomplished by validating the attendee's pesticide license, using a stamp, sticker, or other method approved by the Department. A designated agent shall ensure that such attendance records are properly completed. Verification of attendance must be submitted with the license renewal application. (3-20-97)

vii. If a person has accumulated more than fifteen (15) credits during the recertification period, the excess credits may not be carried over to the next recertification period. (3-23-98)

viii. Upon earning the recertification credits as described above, a person shall be considered by the Department to be recertified for the next recertification period corresponding with the next issuance of a license. (3-20-97)

b. A person shall pass the Department's recertification examinations for all categories in which a person intends to license. (3-20-97)

i. Recertification examinations may be taken by a professional applicator beginning the thirteenth month of the recertification period. (3-23-98)

ii. The examination procedures as outlined in Subsection 100.03 shall be followed. (3-23-98)

iii. In addition to examinations for categories listed under Subsections 100.02.a.ii. through 100.02.a.ix., a person must also pass a Law and Safety recertification examination. (3-23-98)

iv. Recertification shall not be achieved by passing an entry-level examination. (3-20-97)

v. Upon passing the recertification examination(s), a person shall be considered by the Department to be recertified for the next recertification period. (3-20-97)

c. Any person who fails to accumulate the required recertification credits prior to the expiration date of their license shall be required to pass the appropriate recertification examination(s) before being licensed. (3-20-97)

05. Licensed Professional Applicator. Only a licensed professional applicator shall operate or supervise the operation of commercial application equipment by being present during the time of operation. (3-20-97)

06. Interim Exemption from Pesticide Dealer Licensing and Recordkeeping. Until such time as the director promulgates specific rules pertaining to distribution of general use pesticides (GUPs), persons selling only

GUPs shall not be required to obtain a pesticide dealer license or maintain distribution records of these products. (3-30-01)

(BREAK IN CONTINUITY OF SECTIONS)

850. UNUSABLE PESTICIDES COLLECTION AND DISPOSAL.

01. Authority. The Director of the Idaho Department of Agriculture or designated agent may, if deemed necessary for the protection of the environment, take possession and dispose of canceled, suspended, or otherwise unusable pesticides. (3-20-97)

02. Participant Transfer of Product Ownership. Persons interested in transferring the ownership of their unusable pesticide products to the Department shall: (3-20-97)

~~a. Preregister the product on a form prescribed by the Department. (3-20-97)~~

~~b_a.~~ Follow all applicable United States Department of Transportation regulations in the handling, loading, securing and transporting of their products. (3-20-97)

~~e_b.~~ Over-pack all torn or leaky containers to prevent a release of product into the environment during transport. (3-20-97)

~~d_c.~~ Sign a release, transferring the ownership of the product to the Department. (3-20-97)

~~e_d.~~ Comply with all applicable federal, state and local laws, regulations and ordinances. (3-20-97)

03. Department Possession for Disposal. In order to take possession and dispose of unusable pesticide products, the Department shall: (3-20-97)

~~a. Preregister participants in the area where the collection site is located. (3-20-97)~~

~~b. Notify preregistered participants of pesticide products approved for collection and disposal. (3-20-97)~~

~~e_a.~~ Secure appropriate collection site(s) in cooperation with local government and other organizations. (3-20-97)

~~e_b.~~ Obtain an Environmental Protection Agency identification number as a hazardous waste generator. (3-20-97)

~~e_c.~~ Provide and ensure the use of personal protective equipment for Department employees. (3-20-97)

~~f_d.~~ Ensure that workers unload chemicals from participant's vehicle only in an area developed to contain possible spills. (3-20-97)

~~g_e.~~ Sign a transfer of ownership, releasing the participant of the product. (3-20-97)

~~h_f.~~ Transfer the unusable pesticide products as hazardous waste to a hazardous waste contractor(s) for transport and disposal. (3-20-97)

~~i_g.~~ Comply with all applicable federal, state and local laws, regulations and ordinances. (3-20-97)

04. Contract Transport and Disposal. The contractor(s) providing for the transport and disposal of the hazardous waste shall: (3-20-97)

- a.** Provide a representative to participate in the collection site evaluation and selection process. (3-20-97)
- b.** Prepare the selected site collection area in such a manner as to contain possible spills. (3-20-97)
- c.** Certify to the Department that their employees handling the hazardous waste materials meet Occupational Safety and Health Administration safety and training requirements. (3-20-97)
- d.** Certify to the Department that their employees handling or transporting the hazardous waste materials meet United States Department of Transportation training requirements. (3-20-97)
- e.** Provide and ensure the use of personal protective equipment for their employees during collection events. (3-20-97)
- f.** Overpack the hazardous waste materials as required by the disposal facility and the United States Department of Transportation. (3-20-97)
- g.** Obtain and provide the Department with written approval for hazardous waste acceptance from the treatment, storage and disposal facility prior to the collection. (3-20-97)
- h.** Provide the manifest forms, labels and markings for the overpacked containers and provide the placards for the commercial hazardous waste transport vehicles. (3-20-97)
- i.** Label, manifest, mark, and placard the load for proper transportation. (3-20-97)
- j.** Transport hazardous waste materials to the approved disposal site(s). (3-20-97)
- k.** Certify to the Department that the commercial hazardous waste transporter: (3-20-97)

 - i. Is registered through the Environmental Protection Agency and possesses an Environmental Protection Agency identification number. (3-20-97)
 - ii. Is registered through the Environmental Protection Agency in each state through which the hazardous waste is transported. (3-20-97)
 - iii. Is registered with the United States Department of Transportation, Research and Special Programs Administration to transport hazardous waste. (3-20-97)
 - iv. Has obtained an Idaho Department of Transportation hazardous waste trip permit and hazardous materials endorsement. (3-20-97)
 - v. Has obtained a satisfactory safety rating from the United States Department of Transportation. (3-20-97)
- l.** Perform a final cleanup in such a manner as to ensure that the collection site is returned to its original condition. (3-20-97)
- m.** Provide complete documentation of collections, transportation and disposal to the Department in a timely manner. (3-20-97)
- n.** Comply with all applicable Federal, State and local laws, regulations, and ordinances. (3-20-97)

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.02 - RULES PERTAINING TO THE IDAHO COMMERCIAL FEED LAW

DOCKET NO. 02-0602-0801

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 25-2724, 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 August 20, 2008.

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 change will update the incorporation by reference section to reflect the 2009 edition of the Official Publication of the Association of American Feed Control Officials (AAFCO) usually published in January or February of each year. This is a standard reference manual for feed control officials for the registration of animal feeds. It provides for consistency in the definition of feed ingredients and registration policies concerning feeds between states and the U.S. Food and Drug Administration when feeds are being registered.

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

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 with the adoption of this rule change. This is a dedicated fund program.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the simplicity of the changes.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Michael E. Cooper, Bureau Chief at (208) 332-8620.

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 August 27, 2008.

DATED this 19th day of June, 2008.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0602-0801

004. INCORPORATION BY REFERENCE.

Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.02 incorporates by reference: (3-30-07)

01. The Association of American Feed Control Officials (AAFCO) Official Publication. The Terms, Ingredient Definitions and Policies as published in the "2008~~9~~ Official Publication" of AAFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 25, Chapter 27, Idaho Code, and any rule promulgated thereunder. (~~4-2-08~~)()

02. The Merck Index. The "2006 Merck Index," 14th Edition, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. (3-30-07)

IDAPA 02 - DEPARTMENT OF AGRICULTURE
02.06.12 - RULES PERTAINING TO THE IDAHO FERTILIZER LAW
DOCKET NO. 02-0612-0801
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 22-604, 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 August 20, 2008.

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 change will update the incorporation by reference section to reflect the 2009 edition of the Official Publication of the Association of American Plant Food Control Officials (AAPFCO) usually published in January or February of each year. These are standard reference manuals for fertilizer control officials for the registration of fertilizers. They provide for consistency in the definitions of chemicals, fertilizer ingredients, terms, and policies concerning fertilizer registration between states.

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

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 with the adoption of this rule change.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the simplicity of the changes.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Michael E. Cooper, Bureau Chief at (208) 332-8620.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 27, 2008.

DATED this 19th day of June, 2008.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0612-0801

004. INCORPORATION BY REFERENCE.

Copies of these documents may be obtained from the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.12 incorporates by reference: (3-30-01)

01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication. The Terms, Ingredient Definitions, and Policies, as published in the “200~~89~~ 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 6, Idaho Code, and any rule promulgated thereunder; or
(~~4-2-08~~)()

02. The Merck Index. The “2006 Merck Index,” 14th Edition as published by Merck Research Laboratories Division of Merck & Co., Incorporated. (4-2-08)

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.18 - RULES GOVERNING MINT ROOTSTOCK AND CLONE PRODUCTION

DOCKET NO. 02-0618-0801 (FEE RULE)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is June 1, 2008.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 22-702 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 August 20, 2008.

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Mint Commission and industry representatives have requested that the Department change the time frame for the field inspections and triple the inspection rate from every thirty (30) rows to every ten (10) rows to provide better assurance that regulated pests and diseases are not present.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a and c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The mint industry is concerned that the current inspection rate of every 30 rows is insufficient to detect mint diseases, such as Verticillium wilt. They request that the rate be tripled to every 10 rows and be conducted later in the growing season. The mint industry would like to have the new inspection criteria in place for the 2008 season.

FEE SUMMARY: Pursuant to Section 67-5226(2), Idaho Code, the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

Application for field inspection will increase from \$3 to \$5. The per acre inspection fee will increase from \$5 to \$15 per acre due to the increased amount of time that will be necessary to conduct inspections under the new time frame and procedures. Expected income will be an additional \$5,400 from the fee increase.

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:

This is a dedicated fund program and will not impact the General Fund.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the rulemaking was requested by the Mint Commission and industry representatives. Since this change affects very few growers, informal negotiated rule making was held on January 4, 2008, with members of the Mint Commission and Industry. These temporary and proposed rules are the outcome of that meeting.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Michael E. Cooper, Bureau Chief at (208) 332-8620 or Garry West, Program Manager at (208) 736-2195.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 27, 2008.

DATED this 19th day of June, 2008.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0618-0801

200. INSPECTION PROCEDURES.

01. Inspection Requests. All requests for inspection shall be made prior to May 1 of each year on forms provided by the Department. (3-23-98)

a. Incomplete applications for inspection will not be accepted. (3-9-93)

b. No application for field inspection will be accepted after June 1 of each year except in the case of healthy clones. (3-23-98)

02. First Field Inspection. Mint fields submitted for inspection shall be inspected during active growth ~~in early June through mid July~~ prior to oil harvest, but not earlier than the third week of July and not later than the first week of August, by the Idaho Department of Agriculture inspector. The inspection protocol is as follows: ~~(3-23-98)~~(6-1-08)T

a. Inspectors shall walk the entire field at ~~thirty ten (310)~~ row intervals. ~~Inspector shall walk fields with less than thirty (30) rows at fifteen (15) row intervals.~~ (3-9-93)(6-1-08)T

b. The inspector shall wear rubber boots which are sanitized between each field. A ten percent (10%) solution of sodium hypochlorite shall be used to sanitize boots. (3-9-93)

c. The site of any sample taken for a Verticillium wilt determination shall be marked. (3-23-98)

d. Fields found with Verticillium wilt during the first inspection will result in the entire field being disapproved and permanently ineligible for certification purposes by the Department. (6-1-08)T

03. Second Field Inspection. Mint fields submitted for inspection shall be sampled after oil harvest or removal of foliage in early to mid September for the presence of the mint root borer. The sampling protocol is as follows: ~~(3-23-98)~~(6-1-08)T

a. Three (3) samples per five (5) acres will be collected. (3-23-98)

b. Sampling sites shall include areas of plant stress. (3-9-93)

c. In each sampling site one (1) square foot samples of mint roots and two (2) to three (3) inches of soil shall be selected. (3-9-93)

d. The mint roots and the soil in each sample shall be examined for evidence of regulated pests. (3-9-93)

- e. The site of any sample taken will be appropriately marked. (3-23-98)
- f. Fields found with Verticillium wilt during the second inspection will result in the entire field being disapproved by the Department and permanently ineligible for certification purposes, by the Department. (3-23-98)
- g. Fields with stem borer or other insects without control options (i.e., stem borer), will be disapproved by the Department for certification but, if proven clean at a later date, could again be considered for certification. (3-23-98)
- 04. Notification of Infestation.** The Idaho Department of Agriculture shall notify the grower immediately upon the completion of any test results for regulated pest(s). (3-23-98)
- 05. Issuance of Certified Defined Generation and In-State Defined Generation Transfer Permits.** (9-1-94)
- a. Restricted area as defined in Subsection 100.02: a certified defined generation transfer permit with the parent rootstock number will be issued for rootstock that meets the following requirements: (9-1-94)
- i. Roots shall be grown in restricted areas. (3-23-98)
- ii. Field submitted and inspected per Subsections 200.01 through 200.04. (3-23-98)
- iii. Zero (0) tolerance for regulated disease(s), insect(s) without effective control options (i.e., stem borer), and noxious weed(s). (3-23-98)
- iv. Levels of mint root borer infestation will be listed in the transfer permit. (3-23-98)
- b. Commercial production area as defined in Subsection 100.01: an in-state defined generation transfer permit with the parent rootstock number and level of mint root borer infestation issued for rootstock that meets the following requirements: (3-23-98)
- i. Field submitted and inspected per Subsections 200.01 through 200.04. (3-23-98)
- ii. Zero (0) tolerance for regulated disease(s), insect(s) without effective control options (i.e., stem borer), and noxious weed(s). (3-23-98)
- iii. Levels of mint root borer infestation will be listed in the transfer permit. (3-23-98)
- 06. Exemptions -- Issuance of In-State Transfer Numbers.** (9-1-94)
- a. Restricted area as defined in Subsection 100.02: rootstock found to be infested with noxious weed(s), shall not be eligible for a certified defined generation transfer permit for the current year. The Department of Agriculture will issue an in-state transfer number to allow the grower to plant rootstock within their farm for the purpose of controlling the infestation. The field must be submitted for inspection per Subsections 200.01 through 200.04. If the rootstock is found to be free of the noxious weed(s), the rootstock will be eligible for a certified defined generation transfer permit with parent rootstock number. The eligible rootstock will be assigned a certified defined generation transfer permit with parent rootstock number corresponding to the next generation had it not been denied certification the previous year. Rootstock denied certification two consecutive years shall not be eligible for future certification. (3-23-98)
- b. Commercial production area as defined in Subsection 100.01: rootstock found to be infested with a noxious weed(s) or insect(s) shall not be eligible for an in-state defined generation transfer permit for the current year. The Department of Agriculture will issue an in-state transfer number to allow the grower to plant the rootstock within their farm for the purpose of controlling the infestation. The field must be submitted for inspection per Subsections 200.01 through 200.04. If the rootstock is found to be free from the noxious weed(s) the rootstock will be eligible for an in-state defined generation transfer permit with parent rootstock number. The eligible rootstock will be assigned an in-state defined generation transfer permit corresponding to the next generation had it not been denied certification

the previous year. Rootstock denied certification two consecutive years shall not be eligible for future certification. (3-23-98)

07. Laboratory Tests. In the event visual examination reveals evidence of a regulated pest, laboratory tests, if necessary to determine the causal organism, will be conducted by the Idaho Department of Agriculture laboratory on official samples in addition to the field inspection. In the case of a disagreement between the state Department of Agriculture and the interested party concerning the identity of the regulated pest in question, the state Department of Agriculture will submit an official sample to any lab of the University of Idaho, for a final determination. (3-23-98)

08. Transfer Permits and Resale. (3-9-93)

a. It shall be the responsibility of each grower producing certified or in-state defined generation mint rootstock originating within the state to obtain transfer permits from the Department prior to moving planting stocks for resale. (~~3-9-93~~)(6-1-08)T

b. Each time a transfer permit is issued, the Idaho Department of Agriculture will send a copy and/or notification to the office of the Idaho Mint Commission. (3-23-98)

201. MOVEMENT OF FARM EQUIPMENT.

Farm equipment, including but not limited to tillage equipment, planters and digging equipment moving from the infested area into the restricted area shall be clean and free of soil to the satisfaction of the Director or ~~his~~ the Director's designated agent. (~~9-1-94~~)(6-1-08)T

(BREAK IN CONTINUITY OF SECTIONS)

300. AUTHORITY TO ENTER, INSPECT, AND CONTROL REQUIREMENTS.

01. Agent Authorization. The Idaho Director of Agriculture or ~~his~~ the Director's designated agents are authorized to enter and inspect any and all mint plantings in the restricted area and any and all mint plantings that have been submitted for inspection. (~~3-23-98~~)(6-1-08)T

02. Submission for Inspection. Additionally, all mint planted in the restricted area shall be submitted to the Idaho Department of Agriculture for annual inspection. (3-23-98)

301. -- 349. (RESERVED).

350. PENALTY.

01. Penalty. Any person violating the provisions of these rules shall be subject to the penalty provisions of Title 22, Chapters 7 and 20, Idaho Code. (5-3-03)

02. Destruction of Rootstock. Restricted area as defined in Subsection 100.02: any field of mint rootstock determined to be infected with a regulated pest including those without control options ~~shall~~ may be destroyed to eliminate the regulated pest by or at the expense of the grower or landlord. Except if the county, or any portion thereof, as determined by the Department, in which a field of mint rootstock determined to be infected with the regulated disease(s) or infested with insects without control options is to be made part of the commercial production area, then destruction of the field shall not be required. The method of destruction shall include but not be limited to uprooting to expose and desiccate the rootstocks. All destruction shall have been completed by November 1st of each year. (~~5-3-03~~)(6-1-08)T

(BREAK IN CONTINUITY OF SECTIONS)

450. FEES AND CHARGES.

Under provisions of Title 22, Chapter 7, Idaho Code, the fees and charges for inspections, certificates, and permits under these rules shall be as follows: (7-1-93)

01. Transfer ~~Certificates~~ Permits. For in-state sale or movement of certified or in-state defined generation rootstock: ten dollars (\$10) per certificate permit. (~~7-1-93~~)(6-1-08)T

02. Field Inspections. (7-1-93)

a. Application for field inspection: ~~three~~ five dollars (\$~~35~~) per field. (~~7-1-93~~)(6-1-08)T

b. Field inspection, collection of samples and examination of samples shall be assessed at a rate of ~~five~~ fifteen dollars (\$15) per acre per inspection. (~~7-1-93~~)(6-1-08)T

c. Travel costs and lodging shall be charged according to established state rates and policy. (7-1-93)

d. Every effort shall be made to schedule field inspections to insure the most efficient use of travel time. Charges for travel time will be charged on a prorated basis when more than one (1) farm is inspected during a trip. (7-1-93)

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.31- NOXIOUS WEED FREE FORAGE AND STRAW CERTIFICATION RULES

DOCKET NO. 02-0631-0801

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is June 16, 2008.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. 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 than August 20, 2008.

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

ISDA is a member of the North American Weed Management Association (NAWMA). NAWMA has Noxious Weed Free Forage and Straw inspection standards. ISDA successfully incorporated the NAWMA noxious weed free forage and straw inspection standards into IDAPA 02.06.31 on March 21, 2007. On September 9, 2007, NAWMA voted to change the certification marking, from special blue and orange colored twine to special purple and yellow colored twine. ISDA must now amend its rules to follow the national standard.

The majority of Idaho producers will be forced to mark noxious weed-free bales with bale tags rather than certified twine for the 2008 growing season. ISDA still possesses a small amount (25% of the twine needed for 2008) of the blue/orange twine which the US Forest Service will honor indefinitely, however, ISDA can't get any more of the blue/orange twine this year because it is made to order once a year and that deadline has passed. ISDA has secured a sufficient quantity of the new purple/yellow twine for 2008. The certification twine is preferred by Idaho growers because it saves them time and money over manually attaching bale tags to each bale.

An Idaho manufacturer of twice-compressed forage bales has asked ISDA to revise the section pertaining to the specifications of the compressed forage bale binding material. As it is currently written, the specifications are technically not possible to obtain. This revision will benefit the hay manufacturer and any others that chose to participate the same way it benefits the growers that use certified twine; less time and money is spent to mark products certified. The manufacturer has stated that without the revision he can't afford the labor (he did this for one season) to manually attach the certification tags. This revision will also benefit the consumer, because conventional bales of noxious weed free forage and straw are typically only available in the late summer and fall. The certified compressed forage bales will be available year round in retail feed stores.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1) (b) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Compliance with deadlines in amendments to governing law or federal programs and conferring a benefit.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: None

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: None.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the changes were to conform with the national standards of the North American Weed Management Association approved on September 24, 2007 and revised on May 15, 2008. Informal negotiated rulemaking

discussions were held with County Weed Superintendents, growers and industry representatives between the above mentioned dates.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Dan Safford, Noxious Weed Program Specialist at (208) 332-8592.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 27, 2008.

DATED this 19th day of June, 2008.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0631-0801

010. DEFINITIONS.

The definitions found in Section 22-2402, Idaho Code, apply to this chapter. In addition, as used in this chapter:

(7-1-94)

01. Agent. Any instrumentality or entity authorized by the director of the department, and acting on behalf of the department, to administer the provisions of this rule. Any designated agent shall act in an official capacity for the department and under the supervision of the director of the department. The principal purpose of the agent is to establish, conduct, and maintain a uniform and reasonable system of inspection and certification of forage and straw crops to determine if such crops are noxious weed free. (3-19-07)

02. Approved Inspector. An individual who has been accredited by the department or by the department's agent in the noxious weed free forage and straw certification program. (3-19-07)

03. Bale. A mechanically compressed package of forage or straw bound by string or wire, or other binding material. (3-19-07)

04. Bale Tag. A tag or label which is attached to the string or wire, or other binding material of a bale of certified forage or straw, and identifies the bale as being certified noxious weed free. (3-19-07)

05. Certificate of Inspection. A record of inspection issued by an approved inspector that states the results of a field or commodity inspection. The certificate shall document that the inspected field or commodity is Idaho ~~State~~ ~~Noxious~~ ~~Weed~~ ~~Free~~, North American Noxious Weed Free, or that the field or commodity contains noxious weeds. ~~(3-19-07)~~(6-16-08)T

06. Certification. The process whereby an approved inspector conducts field or commodity inspections to determine that the field or commodity is noxious weed free. (3-19-07)

07. Certification Markings. Bale tags, blue and orange colored twine, purple and yellow colored twine, compressed forage bale binding material, and forage cubes/pellets container tags/labels. ~~(3-19-07)~~(6-16-08)T

- 08. Certified Compressed Forage Bale Binding Material.** An ISDA approved binding material which is attached to a compressed forage bale of certified noxious weed free forage and identifies the bale as being certified ~~as~~ to the North American ~~Noxious Weed Free~~ Standards. (~~3-19-07~~)(6-16-08)T
- 09. Compressed Forage Bale.** A bale that has been twice compressed, once in the field by a forage baler and then recompressed a second time and bound by string, wire or other binding material. (3-19-07)
- 10. Department.** The Idaho State Department of Agriculture. (3-19-07)
- 11. Field.** The land on which a forage or straw crop is grown and is not divided by streams, public roads, other crops, or other barriers. (3-19-07)
- 12. Field Certification Inspection.** An on-site inspection of forage or straw in the field, and areas adjacent to the field, for the presence of noxious weeds. The inspection shall be conducted prior to cutting or harvesting. (3-19-07)
- 13. Forage.** Alfalfa, grain, and grass hay, and/or combinations of alfalfa, grain, or grass hay; the term “forage” includes forage cubes, compressed forage bales, and pellets. (3-19-07)
- 14. Forage Cubes.** Forage that is harvested from a field certified to North American Standards and is mechanically compacted into wafers or cubes. (3-19-07)
- 15. Forage Cube/Pellet Tag.** A tag, ~~or~~ label, or statement which is attached ~~to~~ or printed on a container of certified noxious weed free forage cubes or pellets, and identifies the container as being certified ~~as~~ to the North American ~~Noxious Weed Free~~ Standards. (~~3-19-07~~)(6-16-08)T
- 16. Idaho State Noxious Weed Free.** Forage and straw inspected for weeds designated by the director as noxious as defined in Section 22-2402(15), Idaho Code, and determined to be free of such weeds. (3-19-07)
- 17. Idaho State Noxious Weed Free Standards.** Forage and straw that meets the requirements Idaho State Noxious Weed Free. (3-19-07)
- 18. North American Noxious Weed Free.** Forage and straw inspected for, and determined to be free of, weeds designated as noxious by the director as defined in Section 22-2402(15) Idaho Code and noxious weeds listed on the North American Weed List. (3-19-07)
- 19. North American Weed Free Forage Certification Program.** The North American Weed Management Association standard for forage certification. (3-19-07)
- 20. North American Twine.** ~~Blue Purple~~ and ~~orange yellow~~ colored twine that is used to mark bales as certified to the North American ~~Weed Free Forage~~ Standards. (~~3-19-07~~)(6-16-08)T
- 21. North American Standards.** Requirements of the North American Weed Free Forage Certification Program. (3-19-07)
- 22. Noxious Weed Free.** No noxious weeds with viable seed, injurious portions, or propagating parts were found during inspection procedures. (3-19-07)
- 23. Official Sample.** A sample taken by an approved inspector. (3-19-07)
- 24. Pellets.** Forage that is harvested from a field certified to North American Standards and is manufactured into an agglomerated feed, formed by compacting and forcing through die openings by a mechanical process. (3-19-07)
- 25. Straw.** The dried stalks or stems remaining after grain is harvested. (3-19-07)
- 26. Transit Certificate.** A document completed by an approved inspector to authorize the movement

of noxious weed free certified forage bales or straw bales into or through areas which require noxious weed free forage and straw certification. The transit certificate must be in the possession of the transporter. If individual bales are tagged with an approved bale tag, a transit certificate is not required. (3-19-07)

(BREAK IN CONTINUITY OF SECTIONS)

100. VOLUNTARY NOXIOUS WEED FREE FORAGE AND STRAW CERTIFICATION PROGRAM.

01. Purpose. The noxious weed free forage and straw certification program is a voluntary program, the purpose of which is to provide a means for the inspection and certification of forage and straw as noxious weed free. The program will be managed by the department and may be implemented through an agent of the department. The program will allow for the transportation, possession, storage, and sale of forage and straw into and through states which place regulations and restrictions on such commodities. The program is intended to reduce the exportation, importation, growth, and spread of noxious weeds. (3-19-07)

02. Certifying Authority. The department or its agent is the certifying authority. The certifying authority shall appoint, as needed, approved inspectors throughout the state, who may issue certificates of inspection. (3-10-00)

03. Certification Training. The department shall determine minimum training and accreditation standards for approved inspectors. Training will be provided annually by the department or its agent. Attendance at annual training will certify accreditation for the inspector for that calendar year. Approved inspectors will be issued a certificate of training for the calendar year. Annual training shall include: (3-19-07)

- a. Field inspection techniques and procedures; (3-19-07)
- b. ISDA and North American Noxious weed list plant identification; (3-19-07)
- c. ISDA and North American certification standards and guidelines; (3-19-07)
- d. Knowledge of weed management, including: (3-19-07)
 - i. Burning; (3-19-07)
 - ii. Mowing, cutting or roguing; (3-19-07)
 - iii. Mechanical methods; and (3-19-07)
 - iv. Herbicides. (3-19-07)
- e. Inspection forms. (3-19-07)

04. Certification Program. (3-10-00)

- a. The department or its agent shall: (3-10-00)
 - i. Coordinate forage and straw inspections within the state; (3-10-00)
 - ii. Select, train, and supervise persons who serve as approved inspectors; (3-10-00)
 - iii. Issue certificates of inspection, transit certificates, North American Twine, forage cubes/pellets tags/labels, certified compressed forage bale binding material, and bale tags to qualifying participants; (3-19-07)
 - iv. Maintain a record of inspections performed and certificates and tags issued; (7-1-94)

b. Under the direction of the department or its agent an approved inspector may perform inspections and issue certificates of inspection, transit certificates, North American Twine, forage cubes/pellets tags/labels, and bale tags within the state at cost. (3-19-07)

05. Application for Certification. (7-1-94)

a. Application for certification inspection shall be made on forms available from ~~the~~ the department or its agent and submitted to the department or its agent. (~~3-10-00~~)(6-16-08)T

b. An applicant's signature on the application for certification is verification of the accuracy of the information submitted, and signifies the applicant's intent to comply with the post-certification and distribution requirements. (3-10-00)

06. Field Inspection Procedures. (7-1-94)

a. Forage or straw shall be inspected within ten (10) days prior to harvest in the field of origin for each field and cutting to be certified. (3-19-07)

b. Each field inspected shall be identified by the name of the owner and a field name or number. The certification inspection may be performed on an entire field or a portion of a field, if the portion is plainly marked and identified prior to inspection. (3-10-00)

c. Field inspections must take place prior to any operation that will limit the approved inspector's ability to properly inspect and certify the field. Fields that have been cut or harvested prior to inspection are ineligible for certification. (3-19-07)

d. There shall be a minimum of two (2) entry points per field. (3-19-07)

e. There shall be minimum of one (1) entry point per each ten (10) acres. (3-19-07)

f. Each point of entry shall be at least one-hundred fifty (150) feet into the field, and each additional one-hundred fifty (150) feet traveled shall constitute an entry point. Travel shall be uninterrupted, proceeding through the field being inspected. (3-19-07)

g. The entire field border shall be physically inspected. (3-19-07)

h. The field inspection will include all ditches, fence rows, roads, easements, rights-of-way, or buffer zones surrounding the field. (3-19-07)

i. Forage which contains any noxious weeds as identified in Section 22-2402(15) or noxious weeds listed on the North American Noxious Weed List, may be certified if the following requirements are met: (3-19-07)

i. Field upon which the forage was produced was treated to prevent seed formation or seed ripening to the degree that there is no danger of dissemination of the seed, or any injurious portion thereof from such noxious weeds, or undesirable plant species, or the propagating parts of the plant are not capable of producing a new plant; (3-19-07)

ii. Noxious weed(s) were treated not later than rosette to bud stage, or boot stage for grass species classified as noxious weeds, prior to cutting or harvesting; and (3-19-07)

iii. Treatment method can include, but is not limited to burning, mowing, cutting or roguing, mechanical methods, or chemicals. (3-19-07)

j. An inspection certificate shall document that the above requirements have been met. (3-19-07)

k. Baling equipment must be cleaned of any noxious weeds prior to harvesting certified forage. If the

baling equipment is not cleaned, the first three (3) small square bales or the first large round or square bale produced shall be considered non-certified. (3-19-07)

l. Interstate shipment of baled forage and straw shall be accompanied by an original transit certificate issued by the approved inspector in the county of origin. The storage area shall also be inspected and shall be free of noxious weeds. (3-19-07)

m. An approved inspector may not inspect fields of which said inspector has ownership or financial interest. (3-19-07)

07. Certification Standards. After completing an inspection, the approved inspector shall complete a certificate of inspection. (3-10-00)

a. If the field or commodity inspected is certified as North American Noxious Weed Free, the approved inspector shall issue a certificate of inspection for that harvest or cutting. If the field or commodity contains North American Noxious Weeds, but does not contain Idaho State noxious weeds, it may be certified as Idaho State noxious weed free, and such certification shall be noted on the certificate of inspection. (3-19-07)

b. If the field or commodity inspected is certified as noxious weed free, as defined in these rules, the approved inspector may also issue, upon request, any of the following documents: (3-19-07)

i. Transit certificates. (7-1-94)

ii. Bale tags. (7-1-94)

iii. North American Twine only if the field or commodity is certified as North American Noxious Weed Free. (3-19-07)

iv. Forage cube/pellet tag/labels only if the field or commodity is certified as North American Noxious Weed Free. (3-19-07)

v. Certified compressed forage bale binding material only if the field or commodity is certified as North American Noxious Weed Free. (3-19-07)

c. Certificates of inspection, transit certificates and bale tags shall be on forms prescribed by the department or its agent. (3-10-00)

d. ~~Certificates of inspection, transit certificates, North American Twine, North American Noxious Weed Free Forage cubes/pellets tags/labels, certified compressed forage bale binding material,~~ and bale tags must be purchased from the department or its agent. ~~(3-19-07)~~(6-16-08)T

08. Copy of Inspections and a List of Approved Inspectors. Upon request, the agent shall provide the department with a copy of certificates of inspections issued and a current list of approved inspectors. (3-10-00)

09. Reciprocity. Forage or straw certified under a reciprocal agreement between the department and another state, and certified as North American Noxious Weed Free according to the other state's approved certification standards, may be shipped into the state of Idaho and shall be considered to meet the requirements of the Idaho program. (3-19-07)

10. Exports. Certification under these rules does not qualify a commodity for export from the United States. Applications for certification for export should be made directly to the Division of Plant Industries within the department. (3-10-00)

11. Voluntary Posting. After certification, a producer may post signs, or other forms of notification, on the certified commodity indicating that the commodity is certified as noxious weed free. (3-10-00)

12. Post-Certification and Distribution Requirements. After a producer's commodity has been

inspected and certified, the producer shall: (3-19-07)

- a. Take reasonable and prudent steps to protect the certified commodity from contamination; (7-1-94)
- b. Keep the certified commodity separated from all uncertified commodity; (3-10-00)
- c. Attach bale tags, certified compressed forage bale binding material, or North American Twine to each bale of certified forage or straw intended for sale as noxious weed free forage or straw prior to the bales leaving the producers stack yard or storage area; and (3-19-07)
- d. Attach cube/pellet tag/label to each container of certified forage cubes/pellets intended for sale as noxious weed free forage prior to the containers leaving the producer's facility. (3-19-07)
- e. Provide the shipper, trucker, or transporter with the appropriate number of transit certificates. (3-10-00)

13. Cancellation for Failure to Comply. Any person who provides false information on an application for inspection or who fails to comply with the post-certification and distribution requirements may, upon order of the director, be suspended for a period of up to two (2) years from participating in the forage and straw certification program. (7-1-94)

14. Enforcement and Cancellation. Harvested lots of forage or straw from certified fields may be checked at any time by an approved inspector. Manufactured lots of forage cubes, pellets, and compressed forage bales may be checked at any time by an approved inspector. Evidence that forage, straw, forage cubes/pellets, or compressed forage bales are not from a certified field or that any lot has not been protected from contamination shall be cause for cancellation of certification. (3-19-07)

15. Misuse of Transit Certificate and Certification Markings. Using a transit certificate or certification marking for forage from a field that has not been certified shall constitute a violation of these rules. (3-19-07)

16. Certification Fees. A minimum of thirty dollars (\$30) per inspection shall be charged for up to ten (10) acres, and three dollars (\$3) per acre thereafter, for fields up to ninety-nine (99) acres. Fields that are one-hundred (100) acres or larger in size, the fee is three dollars (\$3) per acre for the first one-hundred (100) acres and two dollars (\$2) per acre thereafter. The agent is authorized to assess a general fee of thirty dollars (\$30) per year to recover overhead costs. The agent may waive the general fee if the applicant has already been assessed a similar fee for other types of crop inspections. (3-19-07)

101. -- 149. (RESERVED).

150. NORTH AMERICAN NOXIOUS WEED LIST.

| Common Name | Scientific Name |
|--------------------|-----------------------------|
| Absinth wormwood | <i>Artemisia absinthium</i> |
| Bermudagrass | <i>Cynodon dactylon</i> |
| Buffalobur | <i>Solanum rostratum</i> |
| Canada thistle | <i>Cirsium arvense</i> |
| Common burdock | <i>Arctium minus</i> |
| Common crupina | <i>Crupina vulgaris</i> |
| Common tansy | <i>Tanacetum vulgare</i> |
| Dalmatian toadflax | <i>Linaria dalmatica</i> |

| Common Name | Scientific Name |
|-----------------------|---|
| Diffuse knapweed | <i>Centaurea diffusa</i> |
| Dyers woad | <i>Isatis tinctoria</i> |
| Field bindweed | <i>Convolvulus arvensis</i> |
| Hemp (marijuana) | <i>Cannabis sativa</i> |
| Henbane, Black | <i>Hyoscyamus niger</i> |
| Hoary cress | <i>Cardaria spp.</i> |
| Horsenettle | <i>Solanum carolinense</i> |
| Houndstongue | <i>Cynoglossum officinale</i> |
| Johnsongrass | <i>Sorghum halepense</i> |
| Jointed goatgrass | <i>Aegilops cylindrica</i> |
| Leafy spurge | <i>Euphorbia esula</i> |
| Matgrass | <i>Nardus stricta</i> |
| Meadow knapweed | <i>Centaurea pratensis</i> |
| Medusahead | <i>Taeniatherum caput-medusae</i> |
| Milium | <i>Milium vernale</i> |
| Musk thistle | <i>Carduus nutans</i> |
| Orange hawkweed | <i>Hieracium aurantiacum</i> |
| Oxeye daisy | <i>Chrysanthemum leucanthemum</i> |
| Perennial pepperweed | <i>Lepidium latifolium</i> |
| Perennial sorghum | <i>Sorghum almum</i> |
| Perennial sowthistle | <i>Sonchus arvensis</i> |
| Plumeless thistle | <i>Carduus acanthoides</i> |
| Poison hemlock | <i>Conium maculatum</i> |
| Puncturevine | <i>Tribulus terrestris</i> |
| Purple loosestrife | <i>Lythrum salicaria</i> |
| Quackgrass | <i>Agropyron repens</i> |
| Rush skeletonweed | <i>Chondrilla juncea</i> |
| Russian knapweed | <i>Centaurea repens</i> |
| Scentless chamomile | <i>Anthemis arvensis</i> <i>Matricaria perforata</i> |
| Scotch broom | <i>Cytisus scoparius</i> |
| Scotch thistle | <i>Onopordum acanthium</i> |
| Sericea Lespedeza | <i>Lespedeza cuneata</i> |
| Silverleaf nightshade | <i>Solanum elaeagnifolium</i> |
| Skeletonleaf bursage | <i>Ambrosia tomentosa</i> |

| Common Name | Scientific Name |
|--------------------|-------------------------------|
| Spotted knapweed | <i>Centaurea maculosa</i> |
| Squarrose knapweed | <i>Centaurea virgata</i> |
| St. Johnswort | <i>Hypericum perforatum</i> |
| Sulfur cinquefoil | <i>Potentilla recta</i> |
| Syrian beancaper | <i>Zygophyllum fabago</i> |
| Tansy ragwort | <i>Senecio jacobaea</i> |
| Toothed spurge | <i>Euphorbia dentata</i> |
| Wild oats | <i>Avena fatua</i> |
| Wild proso millet | <i>Panicum miliaceum</i> |
| Yellow hawkweed | <i>Hieracium pratense</i> |
| Yellow starthistle | <i>Centaurea solstitialis</i> |
| Yellow toadflax | <i>Linaria vulgaris</i> |

~~(3-19-07)~~(6-16-08)T

(BREAK IN CONTINUITY OF SECTIONS)

250. CERTIFICATION MARKING.

Each certified bale or container shall be marked by one (1) of the following: (3-19-07)

01. North American Twine. Only one (1) strand is required per bale. (3-19-07)

02. Forage Tag. The following information shall be shown on baled forage and straw:
~~(3-19-07)~~(6-16-08)T

a. The words - “North American Weed Free Forage Certification Program” or “Idaho State Noxious Weed Free Forage & Straw Certification Program”; (3-19-07)

b. Bale tag serial number; (3-19-07)

c. County of origin identification; (3-19-07)

d. ISDA emblem; (3-19-07)

e. ISDA telephone number; and (3-19-07)

f. A statement that the product is “Certified to the North American Standards” or “Certified to the Idaho State Noxious Weed Free Standards.” (3-19-07)

03. Forage Cube/Pellet Tag/Label. Certification tags/labels shall be attached to or a statement with the following information shall be printed on each container of noxious weed free product: (3-19-07)

a. The words - “North American Weed Free Forage Certification Program”; (3-19-07)

b. ISDA forage manufacturer identification number; (3-19-07)

- c. ISDA emblem; (3-19-07)
- d. ISDA telephone number; and (3-19-07)
- e. A statement that the product is “Certified to the North American Standards.” (3-19-07)

04. Certified Compressed Forage Bale Binding Material. The following information shall be printed in ~~blue~~ purple ink on ~~orange~~ yellow binding material. Two (2) consecutive vertical purple lines approximately one eighth of an inch (1/8”) wide, spaced approximately one and one quarter inches (1 1/4”) apart, placed before and after written text which includes the acronym “ISDA NWFFS” and can include the manufacturer’s name.

~~(3-19-07)~~(6-16-08)T

- ~~a.~~ *The words “North American Weed Free Forage Certification Program”;* (3-19-07)
- ~~b.~~ *ISDA forage manufacturer identification number;* (3-19-07)
- ~~c.~~ *ISDA emblem;* (3-19-07)
- ~~d.~~ *ISDA telephone number; and* (3-19-07)
- ~~e.~~ *A statement that the product is “Certified to the North American Standards.”* (3-19-07)

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.41 - RULES PERTAINING TO THE IDAHO SOIL AND PLANT AMENDMENT ACT OF 2001

DOCKET NO. 02-0641-0801

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 22-2204, 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 August 20, 2008.

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 change will update the incorporation by reference section to reflect the 2009 edition of the Official Publication of the Association of American Plant Food Control Officials (AAPFCO) usually published in January or February of each year. These are standard reference manuals for fertilizer control officials for the registration of soil and plant amendments. They provide for consistency in the definitions of chemicals, soil and plant amendment ingredients, terms and policies concerning soil and plant amendment registration between states.

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

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 with the adoption of this rule change. This is a dedicated fund program.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the simplicity of the changes.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Michael E. Cooper, Bureau Chief at (208) 332-8620.

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 August 27, 2008.

DATED this 19th day of June, 2008.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0641-0801

004. INCORPORATION BY REFERENCE.

Copies of these documents may be obtained from the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.41 incorporates by reference: (4-6-05)

01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication.

The terms, ingredient definitions and policies as published in the "2008~~9~~ 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.

~~(4-2-08)~~()

02. The Merck Index. The "2006 Merck Index," 14th Edition, as published by Merck Research

Laboratories Division of Merck & Co., Incorporated. (4-2-08)