

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

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

IDAPA 02.06.22 - Noxious Weed Rules - Proposed Rule (Docket No. 02-0622-1601);

IDAPA 02.06.31 - Noxious Weed Free Forage and Straw Certification Rules - Proposed Rule (Docket  
No. 02-0631-1602).

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 10/03/2016. 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 11/01/2016.

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

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



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

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*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:** September 16, 2016

**SUBJECT:** Department of Agriculture

IDAPA 02.06.22 - Noxious Weed Rules - Proposed Rule (Docket No. 02-0622-1601)

IDAPA 02.06.31 - Noxious Weed Free Forage and Straw Certification Rules - Proposed Rule (Docket No. 02-0631-1602)

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

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.06.22 - Noxious Weed Rules. According to the department, the purpose of the rulemaking is to add all plants and plant parts in the genera of Cytisus, Genista, Spartium and Chamaecytisus to Idaho's Noxious Weed List. The department notes that the proposed rule also removes Cytisus scoparius from the "Control" noxious weed list and defines "subtaxa."

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

#### **2. IDAPA 02.06.31 - Noxious Weed Free Forage and Straw Certification Rules**

The Idaho State Department of Agriculture submits notice of 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 Invasive Species Management Association (NAISMA). The association changed its standards for Noxious Weed Free Forage and Straw products on February 1, 2016. The department states that it will not be able to certify forage crops to the association standards until the rules are amended and that the changes are necessary to ensure products can only be certified using the most current standards.

The department states that negotiated rulemaking was conducted. The rulemaking appears to be authorized pursuant to Sections 22-101 and 22-2403, Idaho Code.

cc: Department of Agriculture  
Brian J. Oakey

Mike Nugent, Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

## IDAPA 02 - DEPARTMENT OF AGRICULTURE

### 02.06.22 - NOXIOUS WEED RULES

#### DOCKET NO. 02-0622-1601

### NOTICE OF RULEMAKING - PROPOSED RULE

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

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 21, 2016.

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

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

The purpose of this rulemaking is to add four (4) genera of plants to the Idaho noxious weed list including the entirety of the genera *Cytisus*, *Chamaecytisus*, and *Spartium*, including hybrids and cultivars of these genera.

Specific changes include: (1) adding all plants and plant parts in the genera of: *Cytisus*, *Genista*, *Spartium*, and *Chamaecytisus* to Idaho's Statewide Noxious Weed List under IDAPA 02.06.22.100; (2) removing *Cytisus scoparius* from the "Control" noxious weed list; and (3) defining "subtaxa" in IDAPA 02.06.22.010.

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

There is no fee impact included in this proposed 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 anticipated as a result of this proposed rule.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 6, 2016 Idaho Administrative Bulletin, [Volume 16-7, Page 29](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Lloyd Knight, Administrator, Division of Plant Industries, at (208) 332-8620, or at [Lloyd.knight@isda.idaho.gov](mailto:Lloyd.knight@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 September 28, 2016.

DATED this 4th Day of August, 2016.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0622-1601  
(Only Those Sections With Amendments Are Shown.)

**010. DEFINITIONS.**

The Department adopts those definitions as set forth in Section 22-2402, Idaho Code, and in addition, adopts the following: (3-30-07)

**01. Early Detection and Rapid Response (EDRR).** Finding invasive plant species during the initial stages of colonization and then responding within the same season to initiate eradication of the invasive plant species. (3-30-07)

**02. Implements of Husbandry.** Every vehicle, including self-propelled units, designed or adapted and used exclusively in agricultural, horticultural, dairy and livestock growing and feeding operations when being incidentally operated as an implement of husbandry. Such implements include, but are not limited to, combines, discs, dry and liquid fertilizer spreaders, cargo tanks, harrows, hay balers, harvesting and stacking equipment, pesticide applicator equipment, plows, swathers, mint tubs and mint wagons, and farm wagons. A farm tractor when attached to or drawing any implement of husbandry shall be construed to be an implement of husbandry. Implements of husbandry do not include semi trailers, nor do they include motor vehicles or trailers, unless their design limits their use to agricultural, horticultural, dairy or livestock growing and feeding operations. (3-30-07)

**03. Subtaxa(on).** A supplementary piece of identifying information in a plant's or animal's scientific name. ( )

(BREAK IN CONTINUITY OF SECTIONS)

**100. NOXIOUS WEEDS - DESIGNATIONS.**

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

**01. Statewide PROHIBITED GENERA Noxious Weed List.** All plants and plant parts in the genera of: Cytisus, Genista, Spartium, and Chamaecytisus additionally including "all" subtaxa of these plant genera are prohibited in Idaho. ( )

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

**012. Statewide EDRR Noxious Weed List.**

Common Name		Scientific Name	
1.	Brazilian Elodea	1.	<i>Egeria densa</i>
2.	Common/European Frogbit	2.	<i>Hydrcharis morsus-ranae</i>
3.	Fanwort	3.	<i>Cobomba caroliniana</i>
4.	Feathered Mosquito Fern	4.	<i>Azolla pinnata</i>
5.	Giant Hogweed	5.	<i>Heracleum mantegazzianum</i>
6.	Giant Salvinia	6.	<i>Salvinia molesta</i>

Common Name		Scientific Name	
7.	Hydrilla	7.	<i>Hydrilla verticillata</i>
8.	Iberian Starthistle	8.	<i>Centaurea iberica</i>
9.	Policeman's Helmet	9.	<i>Impatiens glandulifera</i>
10.	Purple Starthistle	10.	<i>Centaurea calcitrapa</i>
11.	Squarrose Knapweed	11.	<i>Centaurea triumfetti</i>
12.	Syrian Beancaper	12.	<i>Zygophyllum fabago</i>
13.	Tall Hawkweed	13.	<i>Hieracium piloselloides</i>
14.	Variable-Leaf-Milfoil	14.	<i>Myriophyllum heterophyllum</i>
15.	Water Chestnut	15.	<i>Trapa natans</i>
16.	Water Hyacinth	16.	<i>Eichhornia crassipes</i>
17.	Yellow Devil Hawkweed	17.	<i>Hieracium glomeratum</i>
18.	Yellow Floating Heart	18.	<i>Nymphoides pelata</i>

If any of the above listed plants (Subsection 100.04~~2~~) are found to occur in Idaho, they shall be reported to the Department within ten (10) days following positive identification by the University of Idaho or other qualified authority as approved by the Director. These weeds shall be eradicated during the same growing season as identified. (3-25-16)( )

**023. Statewide Control Noxious Weed List.**

Common Name		Scientific Name	
1.	Black Henbane	1.	<i>Hyoscyamus niger</i>
2.	Bohemian Knotweed	2.	<i>Polygonum X bohemicum</i>
3.	Buffalobur	3.	<i>Solanum rostratum</i>
4.	Common Crupina	4.	<i>Crupina vulgaris</i>
5.	Common Reed (Phragmites)	5.	<i>Phragmites australis</i>
6.	Dyer's Woad	6.	<i>Isatis tinctoria</i>
7.	Eurasian Watermilfoil	7.	<i>Myriophyllum spicatum</i>
8.	Giant Knotweed	8.	<i>Polygonum sachalinense</i>
9.	Japanese Knotweed	9.	<i>Polygonum cuspidatum</i>
10.	Johnsongrass	10.	<i>Sorghum halepense</i>
11.	Matgrass	11.	<i>Nardus stricta</i>
12.	Meadow Knapweed	12.	<i>Centaurea debeauxii</i>
13.	Mediterranean Sage	13.	<i>Salvia aethiopsis</i>
14.	Musk Thistle	14.	<i>Carduus nutans</i>
15.	Orange Hawkweed	15.	<i>Hieracium aurantiacum</i>
16.	Parrotfeather Milfoil	16.	<i>Myriophyllum aquaticum</i>

Common Name		Scientific Name	
17.	Perennial Sowthistle	17.	<i>Sonchus arvensis</i>
18.	Russian Knapweed	18.	<i>Acroptilon repens</i>
19.	Scotch Broom	19.	<i>Cytisus scoparius</i>
20.	Small Bugloss	20.	<i>Anchusa arvensis</i>
21.	Vipers Bugloss	21.	<i>Echium vulgare</i>
22.	Yellow Hawkweed	22.	<i>Hieracium caespitosum</i>

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

(3-29-10)

**034. Statewide Containment Noxious Weed List.**

Common Name		Scientific Name	
1.	Canada Thistle	1.	<i>Cirsium arvense</i>
2.	Curlyleaf Pondweed	2.	<i>Potamogeton crispus</i>
3.	Dalmatian Toadflax	3.	<i>Linaria dalmatICA ssp. dalmatICA</i>
4.	Diffuse Knapweed	4.	<i>Centaurea diffusa</i>
5.	Field Bindweed	5.	<i>Convolvulus arvensis</i>
6.	Flowering Rush	6.	<i>Butomus umbellatus</i>
7.	Hoary Alyssum	7.	<i>Berteroa incana</i>
8.	Houndstongue	8.	<i>Cynoglossum officinale</i>
9.	Jointed Goatgrass	9.	<i>Aegilops cylindrica</i>
10.	Leafy Spurge	10.	<i>Euphorbia esula</i>
11.	Milium	11.	<i>Milium vernale</i>
12.	Oxeye Daisy	12.	<i>Leucanthemum vulgare</i>
13.	Perennial Pepperweed	13.	<i>Lepidium latifolium</i>
14.	Plumeless Thistle	14.	<i>Carduus acanthoides</i>
15.	Poison Hemlock	15.	<i>Conium maculatum</i>
16.	Puncturevine	16.	<i>Tribulus terrestris</i>
17.	Purple Loosestrife	17.	<i>Lythrum salicaria</i>
18.	Rush Skeletonweed	18.	<i>Chondrilla juncea</i>
19.	Saltcedar	19.	<i>Tamarix sp.</i>
20.	Scotch Thistle	20.	<i>Onopordum acanthium</i>
21.	Spotted Knapweed	21.	<i>Centaurea stoebe</i>
22.	Tansy Ragwort	22.	<i>Senecio jacobaea</i>

Common Name		Scientific Name	
23.	White Bryony	23.	<i>Bryonia alba</i>
24.	Whitetop (Hoary Cress)	24.	<i>Cardaria draba</i>
25.	Yellow Flag Iris	25.	<i>Iris pseudocorus</i>
26.	Yellow Starthistle	26.	<i>Centaurea solstitialis</i>
27.	Yellow Toadflax	27.	<i>Linaria vulgaris</i>

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

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

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

## IDAPA 02 - DEPARTMENT OF AGRICULTURE

### 02.06.31 - NOXIOUS WEED FREE FORAGE AND STRAW CERTIFICATION RULES

DOCKET NO. 02-0631-1602

#### 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 22-101(3), 22-2403, 22-2411, 22-2412, and 22-2413.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 21, 2016.

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

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

The ISDA is a member of a national standards organization called the North American Invasive Species Management Association (NAISMA). NAISMA has standards for Noxious Weed Free Forage and Straw (NWFFS) products. NAISMA changed its NWFFS standards on February 1, 2016 and the ISDA will not be able to certify forage crops to the NAISMA standards until these rules are amended. Idaho has multiple manufacturers of NWFFS products (forage cubes & pellets) and these proposed changes are needed to ensure these products can only be certified using the most current standards rather than the NAISMA standards that as currently written in this rule.

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

There are no fees being imposed or changed in this rulemaking.

**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 negative impact to the state general fund as a result of this proposed rule.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 6, 2016 Idaho Administrative Bulletin, [Volume 16-7, Page 45](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Dan Safford, Program Specialist, Invasive Species, at (208) 332-8592, or at [dan.safford@isda.idaho.gov](mailto:dan.safford@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 September 28, 2016.

DATED this 4th Day of August, 2016.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2280 Old Penitentiary Road

P.O. Box 790, Boise, ID 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170



**THE FOLLOWING IS THE TEXT OF THE PROPOSED RULE FOR DOCKET NO. 02-0631-1602**  
**(Only Those Sections With Amendments Are Shown.)**

**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. (5-8-09)

**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, purple and yellow colored twine, compressed forage bale binding material, and forage cubes/pellets container tags/labels. (4-4-13)

**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 to the North American Standards. (5-8-09)

**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, label, or statement which is attached or printed on a container of certified noxious weed free forage cubes or pellets, and identifies the container as being certified to the North American Standards. (5-8-09)

**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 Designated Weed List. ~~(3-19-07)~~( )

**19. North American Weed Free Forage Certification Program.** The North American Weed Invasive Species Management Association standard for forage certification. ~~(3-19-07)~~( )

**20. North American Twine.** Special Ppurple and yellow colored twine approved by NAISMA that is used to mark bales as certified to the North American Standards. ~~(3-19-07)~~( )

**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. 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)

**24. Straw.** The dried stalks or stems remaining after grain is harvested. (3-19-07)

**25. Transit Certificate.** A document completed by an approved inspector to certify products proposed for movement as certified noxious weed free into states that 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.~~ ~~(4-4-13)~~( )

**011. ABBREVIATIONS.**

**01. ISDA.** The Idaho State Department of Agriculture. (3-19-07)

**02. NA~~W~~ISMA.** North American Weed Invasive Species Management Association. ~~(3-19-07)~~( )

**03. NWFF&S.** Noxious Weed Free Forage and Straw. (3-19-07)

**012. -- 099. (RESERVED)**

**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, certification, and marking 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 preparation of a transit certificate for the purpose of interstate transport or shipping 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. (4-4-13)

**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 department or its agent and submitted to the department or its agent. (5-8-09)
- 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 a maximum of ten (10) days prior to cutting/harvesting in the field of origin for each field and cutting to be certified. Fields must be inspected again if circumstances prevent

harvest of the forage for a period greater than ten (10) days from the first inspection. ~~(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 (four (4) hectares). ~~(3-19-07)~~( )

**f.** Each point of entry shall be at least one-hundred fifty (150) feet (forty-five (45) meters) into the field, and each additional one-hundred fifty (150) feet (forty-five (45) meters) 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; Forage that contains any noxious weeds may still be certified if the field upon which the forage was produced is treated to prevent noxious weed seed or other propagule viability according to agricultural practices acceptable to, and to the satisfaction of, the approved inspector.~~ ~~(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. ~~If individual bales are tagged with an approved bale tag, a transit certificate is not required.~~ The storage area shall also be inspected and shall be free of noxious weeds. ~~(4-4-13)~~( )

**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. The date on the bale tag must accurately reflect the year in which the bale was produced. (4-4-13)

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.** North American Twine and bale tags must be purchased from the department or its agent. (5-8-09)

**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. #

~~individual bales are tagged with an appropriate bale tag, a transit certificate is not required.~~ (4-4-13)( )

**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>
<del>Bermudagrass</del> <del>Austrian fieldcress</del>	<del><i>Cynodon dactylon</i></del> <del><i>Rorippa austriaca</i></del>
<del>Black henbane</del>	<del><i>Hyoscyamus niger</i></del>
Buffalobur	<i>Solanum rostratum</i>
Canada thistle	<i>Cirsium arvense</i>
Common burdock	<i>Arctium minus</i>
Common crupina	<i>Crupina vulgaris</i>
<del>Common mullein</del>	<del><i>Verbascum thapsus</i></del>
Common tansy	<i>Tanacetum vulgare</i>
<del>Common teasel</del>	<del><i>Dipsacus fullonum</i></del>
<del>Cutleaf teasel</del>	<del><i>Dipsacus laciniatus</i></del>
<del>Dame's rocket</del>	<del><i>Hesperis matronalis</i></del>
Dalmatian toadflax	<i>Linaria dalmatica</i>
Diffuse knapweed	<i>Centaurea diffusa</i>
Dyers woad	<i>Isatis tinctoria</i>
Field bindweed	<i>Convolvulus arvensis</i>
<del>Hemp (marijuana)</del>	<del><i>Cannabis sativa</i></del>

Common Name	Scientific Name
<del>Henbane, Black</del>	<del>Hyoscyamus niger</del>
Field scabious	<del>Knautia arvensis</del>
Hoary alyssum	<del>Berteroa incana</del>
Hoary cress	Cardaria spp.
Horsenettle	Solanum carolinense
Houndstongue	Cynoglossum officinale
Johnsongrass	Sorghum halepense
Jointed goatgrass	Aegilops cylindrica
Leafy spurge	Euphorbia esula
<del>Matgrass</del>	<del>Nardus stricta</del>
Meadow knapweed	Centaurea pratensis
Medusahead	Taeniatherum caput-medusae
<del>Milium</del>	<del>Milium vernale</del>
Musk thistle	Carduus nutans
Orange hawkweed	Hieracium aurantiacum
Oxeye daisy	Chrysanthemum leucanthemum
Perennial pepperweed	Lepidium latifolium
<del>Perennial sorghum</del>	<del>Sorghum almum</del>
Perennial sowthistle	Sonchus arvensis
Plumeless thistle	Carduus acanthoides
Poison hemlock	Conium maculatum
Puncturevine	Tribulus terrestris
Purple loosestrife	Lythrum salicaria
Quackgrass	Agropyron repens
Rush skeleton weed	Chondrilla juncea
Russian knapweed	Centaurea repens
Scentless chamomile	Matricaria perforata or M. milaceum
<del>Scotch broom</del>	<del>Cytisus scoparius</del>
Scotch thistle	Onopordum acanthium
Sericea Lespedeza	Lespedeza cuneata
<del>Silverleaf nightshade</del>	<del>Solanum elaeagnifolium</del>
<del>Skeletonleaf bursage</del>	<del>Ambrosia tomentosa</del>
Spotted knapweed	Centaurea maculosa
Squarrose knapweed	Centaurea virgata

Common Name	Scientific Name
St. Johnswort	<i>Hypericum perforatum</i>
Sulfur cinquefoil	<i>Potentilla recta</i>
<del>Syrian beancaper</del>	<del>Zygophyllum fabago</del>
<del>Tall buttercup</del>	<del>Ranunculus acris</del>
Tansy ragwort	<i>Senecio jacobaea</i>
<del>Toothed spurge</del>	<del>Euphorbia dentata</del>
<del>Vipers bugloss/blueweed</del>	<del>Echium vulgare</del>
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>

(4-4-13)( )

**(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 Bale Tag.** The following information shall be shown on baled forage and straw: (5-8-09)( )

**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)

**g.** Year the bale tag was issued. (4-4-13)

**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 purple ink on 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. (5-8-09)