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02.06.18 - RULES GOVERNING MINT ROOTSTOCK AND CLONE PRODUCTION

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 22, Chapters 7, 19 and 20, Idaho Code. (9-1-94)

001. TITLE AND SCOPE.

The title of this chapter is Mint Control Rules. This chapter has the following scope: These rules shall govern procedures for planting or sale of mint. The official citation of this chapter is IDAPA 02.06.18.000 et.seq. For example, this section's citation is IDAPA 02.06.18.001. (9-1-94)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (9-1-94)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeals before the Department of Agriculture under this chapter. (9-1-94)

004. DEFINITIONS.

01. Certified Defined Generation. Certified defined generation of mint rootstock means its origin is in the restricted area and its history may be directly traced, not to exceed five (5) generations, to its source as healthy clones. (7-1-93)

02. Healthy Clones (HC). Those plants originating from cuttings obtained from the Mint Industry Research Council collection, and having continuously been maintained in an approved greenhouse and under the supervision of the state of origin's department of agriculture; and having been grown in accordance with requirements set forth by the Mint Industry Research Council, which requirements are hereby incorporated by reference. Copies of the requirements are on file with the State Law Library, located at 451 W. State Street, Boise, Idaho 83702, the Office of Rules Coordinator, Division of Statewide Administrative Rules, State Auditor's Office, located at 700 W. State Street, 5th Floor, Boise, Idaho 83720 and the Idaho Department of Agriculture, 2270 Old Penitentiary Road, Boise, Idaho 83712. (9-1-94)

03. Nuclear Planting Stock (NPS). Those rootstocks originating from healthy clones. (9-1-94)

04. Certified Defined Generation 1 (CDG-1). Those rootstocks one (1) generation removed from nuclear planting stock, and fulfilling the requirements as herein provided. (9-1-94)

05. Certified Defined Generation 2 (CDG-2). Those rootstocks one (1) generation removed from CDG-1 planting stock and fulfilling the requirements as herein provided. (9-1-94)

06. Certified Defined Generation 3 (CDG-3). Those rootstocks one (1) generation removed from CDG-2 planting stock and fulfilling the requirements as herein provided. (9-1-94)

07. Certified Defined Generation 4 (CDG-4). Those rootstocks one (1) generation removed from CDG-3 planting stock and fulfilling the requirements as herein provided. (9-1-94)

08. In-State Defined Generation. In-state defined generation of mint rootstock means its origin is in the infested area and its history may be directly traced, not to exceed five (5) generations, to its source as healthy clones. (9-1-94)

09. In-State Defined Generation 1 (SDG-1). Those rootstocks one (1) generation removed from nuclear planting stock, and fulfilling the requirements as herein provided. (9-1-94)

10. In-State Defined Generation 2 (SDG-2). Those rootstocks one (1) generation removed from SDG-1 or CDG-1 planting stock and fulfilling the requirements as herein provided. (9-1-94)

11. In-State Defined Generation 3 (SDG-3). Those rootstocks one (1) generation removed from SDG-2 or CDG-2 planting stock and fulfilling the requirements as herein provided. (9-1-94)

12. In-State Defined Generation 4 (SDG-4). Those rootstocks one (1) generation removed from SDG-3 or CDG-3 planting stock and fulfilling the requirements as herein provided. (9-1-94)

005. -- 009. (RESERVED).

010. REGULATED PESTS.

01. Diseases. (3-3-93)

a. Restricted area as defined in Subsection 100.02. Verticillium wilt (*Verticillium albo-atrum* Reinke and Berth and *V. dahliae* Kleb) a persistent soil-borne fungal disease of mint and any virulently pathogenic, persistent disease found or known to be detrimental to the production of mint rootstock. (9-1-94)

b. Infested area as defined in Subsection 100.01. Verticillium wilt (*Verticillium albo-atrum* Reinke and Berth and *V. dahliae* Kleb) a persistent soil-borne fungal disease of mint and any virulently pathogenic, persistent disease found or known to be detrimental to the production of mint rootstock. (9-1-94)

02. Insects. (3-3-93)

a. Restricted area as defined in Subsection 100.02. Mint root borer (*Fumibotys fumalis*) and mint stem (*Pseudobaris nigrina*), insect pests of mint rootstocks and any persistent insect pest found or known to be detrimental to the production of mint rootstocks. (9-1-94)

b. Infested area as defined in Subsection 100.01. Mint stem borer (*Pseudobaris nigrina*), insect pest of mint rootstocks and any persistent insect pest known to be detrimental to the production of mint rootstocks. (9-1-94)

03. Weeds. (3-3-93)

a. Restricted area as defined in Subsection 100.02. Those weeds declared noxious by authority of Title 22, Chapter 24, Idaho Code (Noxious Weed Law) and Rules. (9-1-94)

b. Infested area as defined in Subsection 100.01. Those weeds declared noxious by authority of Title 22, Chapter 24, Idaho Code (Noxious Weed Law) and Rules. (9-1-94)

011. -- 049. (RESERVED).

050. REGULATED PRODUCTS.

01. *Mentha*. Rootstocks of all species of the genus *Mentha*. (7-1-93)

02. *Mentha* Production Equipment. Machinery, tools, and equipment used in the production of *Mentha* species. (7-1-93)

051. -- 099. (RESERVED).

100. CONTROL AREAS.

To facilitate inspection and control, the land mass of the state of Idaho is divided into two (2) areas, currently defined as: (1-21-92)

01. Infested Area. Ada, Canyon, Elmore, Gem, Gooding, Payette, Owyhee, and Washington Counties. (1-21-92)

02. Restricted Area. That land mass of the state of Idaho not included in the infested area. (1-21-92)

101. -- 149. (RESERVED).

150. REQUIREMENTS FOR MINT ROOTSTOCK TO BE PLANTED IN IDAHO.

01. Restricted Area As Defined In Subsection 100.02. (9-1-94)
- a. Healthy clones shall be accompanied by a phytosanitary certificate issued by a regulatory agency of the state of origin with zero tolerance for regulated disease(s), insect(s) and weed(s); or (9-1-94)
- b. Certified rootstock from the restricted area shall be accompanied by a certified defined generation transfer permit with the parent rootstock number and with zero tolerance for regulated disease(s), insect(s) and weed(s). (9-1-94)
02. Infested Area. As Defined In Subsection 100.01. (9-1-94)
- a. Healthy clones shall be accompanied by a phytosanitary certificate, issued by a regulatory agent of the state of origin with zero tolerance for regulated disease(s), insect(s) and weeds; or (9-1-94)
- b. Certified rootstock from the restricted area shall be accompanied by a certified defined generation transfer permit with the parent rootstock number with zero tolerance for regulated disease(s) insect(s) and weed(s); or (9-1-94)
- c. Certified rootstock from the infested area shall be accompanied by an in-state defined generation a transfer permit with the parent rootstock number, level of mint root borer infestation and zero tolerance for regulated disease(s), insect(s) and weed(s). (9-1-94)

151. -- 199. (RESERVED).

200. INSPECTION PROCEDURES.

01. Inspection Requests. All mint growers producing mint rootstocks for sale are required to request Idaho Department of Agriculture inspection of their mint fields. All requests for inspection shall be made prior to May 1 of each year on forms provided by the Department. (3-9-93)
- a. Incomplete applications for inspection will not be accepted. (3-9-93)
- b. No application for field inspection will be accepted after June 1. (3-9-93)
02. First Field Inspection. Mint fields submitted for inspection shall be inspected during active growth in early June for spearmint and early to mid July for peppermint by the Idaho Department of Agriculture inspector. The inspection protocol is as follows: (3-9-93)
- a. Inspectors shall walk the entire field at thirty (30) row intervals. Inspector shall walk fields with less than thirty (30) rows at fifteen (15) row intervals. (3-9-93)
- 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)
03. Second Field Inspection. Mint fields submitted for inspection shall be sampled in early to mid September. The sampling protocol is as follows: (3-9-93)
- a. Number of sample sites and sample areas: (3-9-93)

Field Size (Acres)	Total Samples
0 - < 1	3
1 - < 2	6
2 - < 3	9
3 - < 5	12
5 - < 10	15
10 - 20	18
> 20 - < 30	21
> 30 - < 40	24
40 or more	27

(3-9-93)

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)

04. Inspection At Digging. Mint rootstocks shall be examined at digging time for the presence of regulated pests. A single truckload shall be examined for each field turned in for certification. The Idaho Department of Agriculture shall, after consultation with the grower, determine the area of the field from which the truckload to be inspected is dug. The Idaho Department of Agriculture inspector shall examine twenty (20) randomly picked samples from the predetermined truckload. A sample shall consist of a handful of dug roots. The mint roots and the soil in each sample shall be examined for evidence of regulated pests. (9-1-94)

05. Notification of Infestation. The Idaho Department of Agriculture shall notify the grower immediately upon the positive identification of regulated pest(s). (9-1-94)

06. 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. Field submitted and inspected per Subsection 200.01 through 04. (9-1-94)

ii. Zero tolerance for regulated disease(s), insect(s) and weed(s). (9-1-94)

b. Infested 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: (9-1-94)

i. Field submitted and inspected per Subsection 200.01 through 04. (9-1-94)

ii. Zero tolerance for regulated disease(s), insect(s) and weed(s). (9-1-94)

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 regulated 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 Section 201.01 through 04. If the rootstock is found to be free of the regulated 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. (9-1-94)

b. Infested area as defined in Subsection 100.01 - Rootstock found to be infested with a regulated 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 Subsection 201.01 through .04. If the rootstock is found to be free from the regulated weed(s) or insect(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. (9-1-94)

08. 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 the University of Idaho, Southwest Idaho Research and Extension Center, 29063 University of Idaho Lane, Parma, ID 83660, for a final determination. (3-9-93)

09. Transfer Permits and Resale. It shall be the responsibility of each grower producing mint rootstock originating within the state to obtain transfer permits from the Department prior to moving planting stocks for resale. (3-9-93)

201. (RESERVED).

202. 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 designated agent. (9-1-94)

203. -- 249. (RESERVED).

250. POSTING OF FIELDS.

01. Posting. All mint fields within the restricted area shall be posted to prevent entry of unauthorized personnel. (3-9-93)

02. Approval by Department. Signs and method of placement shall be of a type and manner approved by the Department with the advice of the Idaho Mint Commission. (3-9-93)

251. -- 299. (RESERVED).

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

01. Agent Authorization. The Idaho Director of Agriculture or his designated agents are authorized to enter and inspect any and all mint plantings within the state of Idaho. (7-1-93)

02. Submission For Inspection. Additionally, all mint planted in the restricted area Department of Agriculture for annual inspection. (7-1-93)

301. -- 349. (RESERVED)

350. PENALTIES AND ENFORCEMENT POWERS.

01. Agent Enforcement Power. All designated agents of the Idaho Department of Agriculture are empowered to carry out the provisions of these rules. (7-1-93)

02. Penalties. Any person violating the provisions of these rules may be subject to the penalty provisions of Title 22, Chapters 7, 19, and 20, Idaho Code. (7-1-93)

03. Destruction of Rootstock. Restricted area as defined in Subsection 100.02 - Any field of mint rootstock determined to be infected with the regulated disease(s) or infested with regulated insects shall be destroyed to eliminate the disease(s) and insects by or at the expense of the grower or landlord. The method of destruction shall include but not be limited to uprooting to expose and desiccate the rootstocks. (9-1-94)

351. -- 399. (RESERVED).

400. EXEMPTIONS.

01. Government Agencies. These rules do not apply to any governmental agency growing mint in experimental plots approved by the Director of the Idaho Department of Agriculture and under the supervision of qualified plant scientists. (3-9-93)

02. Private, Non-Commercial Home Use. These rules do not apply to species of the genus *Mentha* intended for private, non-commercial home use. However, species of the genus *Mentha* intended for private, non-commercial home use entering Idaho shall be accompanied by a phytosanitary certificate issued by the state of origin's department of agriculture certifying them free of pests and diseases listed under Section 010. (3-9-93)

401. -- 449. (RESERVED).

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. For in-state sale or movement of rootstock - Ten dollars (\$10) per certificate. (7-1-93)

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

a. Application for field inspection - Three dollars (\$3) per field. (7-1-93)

b. Field inspection, collection of samples and examination of samples shall be assessed at a rate of five dollars (\$5) per acre per inspection. (7-1-93)

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)

451. -- 999. (RESERVED).