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**IDAPA 02
TITLE 06
Chapter 31**

**02.06.31 - IDAHO DEPARTMENT OF AGRICULTURE FORAGE
AND STRAW CERTIFICATION RULES**

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-101(3), and 22-2403, Idaho Code. (7-1-94)

001. TITLE AND SCOPE.

The title of this chapter is the Idaho Department of Agriculture Forage and Straw Rules. This chapter has the following scope: these rules shall govern the certification of noxious weed free forage and straw to allow for the transportation and sale of forage and straw into and through states where regulations and restrictions are placed on such commodities. The official citation of this chapter is IDAPA 02.06.31.000 et seq. For example, the citation for this section is IDAPA 02.06.31.001. (7-1-94)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (7-1-94)

003. ADMINISTRATIVE APPEALS.

There is no provision for administrative appeals before the Department of Agriculture under this chapter. (7-1-94)

004. 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. "Bale" means a mechanically compressed package of forage or straw bound by string or wire. (7-1-94)
02. "Bale certification inspection" means inspection of forage which has been baled prior to inspection. (7-1-94)
03. "Certificate of inspection" means a document on a form prescribed by the director, indicating that, based on a reasonable and prudent inspection, the commodity inspected is free from noxious weeds. (7-1-94)
04. "Certification inspector" means the state weed coordinator and any department-trained county weed superintendent or other individual who has been accredited by the department in the forage and straw certification program. (7-1-94)
05. "Department" means the Idaho Department of Agriculture. (7-1-94)
06. "Field" means the land on which the crop to be inspected is grown. (7-1-94)
07. "Field certification inspection" means inspection in the field of origin prior to cutting or harvesting. (7-1-94)
08. "Forage" means alfalfa hay, grain hay, grass hay, and combinations of alfalfa, grain, or grass hay; the term "forage" includes forage pellets and forage cubes. (7-1-94)
09. "Official sample" means a sample taken by a certified inspector. (7-1-94)
10. "State noxious weed free" means free of any weed designated by the director as noxious as defined in Section 22-2402(9), Idaho Code. (7-1-94)
11. "Regional noxious weed free" means free of any weed designated as noxious by the departments of agriculture, or other designated government entities, including but not limited to the following states: Colorado, Idaho, Montana, Utah, and Wyoming. (7-1-94)

12. "Straw" means the dried stalks or stems remaining after grain is harvested. (7-1-94)

005. -- 009. (RESERVED).

010. VOLUNTARY FORAGE AND STRAW CERTIFICATION PROGRAM.

01. Purpose. The purpose of the program is to provide a voluntary certification program to designate inspected crops of forage and straw as being free from noxious weeds. The program will be managed by the department and implemented through the county weed superintendents. The program will allow for the transportation and sale of forage and straw into and through states where regulations and restrictions are placed on such commodities. The program will help to reduce the exportation, importation, growth and spread of noxious weeds. (7-1-94)

02. Certifying Authority. Certificates of inspection may be issued by certification inspectors. (7-1-94)

03. Certification Training and Program. (7-1-94)

a. The state weed coordinator will provide training to the county weed superintendents and accreditation for certification inspectors. Certification inspectors must be re-accredited annually. (7-1-94)

b. A county weed superintendent shall: (7-1-94)

i. Coordinate all forage and straw inspections within the county; (7-1-94)

ii. Select, train, and supervise persons who serve as certification inspectors; (7-1-94)

iii. Issue certificates of inspection, transit certificates, transit load tags, and bale tags to qualifying participants; (7-1-94)

iv. Maintain a record of inspections performed and certificates and tags issued; (7-1-94)

v. Provide the department with a copy of certificates of inspections issued in the county; and (7-1-94)

vi. Provide the department with a current list of certified inspectors in the county. (7-1-94)

c. With the approval of the county weed superintendent, a certification inspector may perform inspections and issue certificates of inspection, transit certificates, transit load tags, and bale tags, in that county. (7-1-94)

d. In the event that a county does not participate in the program, the state weed coordinator may appoint certification inspectors to fulfill the duties listed above. (7-1-94)

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

a. Application for certification inspection must be made on forms approved by the department; the application forms will be available from a county's designated representatives, and from the department. (7-1-94)

b. Applications for field certification inspections must be submitted to the county weed superintendent in the county in which the field is located no later than ten (10) working days prior to the beginning of harvest for each field and cutting to be certified. (7-1-94)

c. Applications for bale certification inspections must be submitted to the county weed superintendent in the county in which the bales are located no later than ten (10) working days prior to the date on which the producer would like the inspection to be performed. (7-1-94)

d. Applications for official sampling and certification of pelleted and cubed feeds must be submitted to the county weed superintendent in the county in which the commodity to be certified is located no later than ten

- (10) working days prior to the date on which the producer would like the inspection to be performed. (7-1-94)
- e. An applicant's signature on the application for certification is verification of the accuracy of the information submitted, and signifies the producer's intent to comply with the post-certification and distribution requirements. (7-1-94)
05. Field Inspection Procedures. (7-1-94)
- a. Forage or straw shall be inspected in the field of origin prior to the beginning of harvest for each field and cutting to be certified. (7-1-94)
- b. Each field inspected shall be identified by the name of the owner and the field number. The certification inspection can be performed on an entire field or a portion of a field, if the portion is plainly marked and identified. (7-1-94)
- c. Field inspections must take place prior to any operation that will limit the inspector's ability to properly certify the field. (7-1-94)
- d. When performing field certification inspections, the certification inspector will inspect the field in a manner which substantially complies with procedures established by the department. (7-1-94)
06. Bale Inspection Procedures. When performing bale certification inspections, the certification inspector will inspect the bales in a manner which substantially complies with procedures established by the department. When performing bale certification inspections, the certification inspector will:
- a. Inspect one (1) bale for each twenty-five (25) bales submitted. (7-1-94)
- b. Independently select random samples for inspection. (7-1-94)
07. Pelleted and Cubed Forage. Pelleted and cubed forage that has not been field inspected will be certified for weed seed viability based on the official testing results of tests performed by the Idaho State Seed Laboratory or other laboratories approved by the department. The pelleted or cubed forage shall be officially sampled. (7-1-94)
08. Certification Standards. After completing an inspection, an inspector shall complete a certificate of inspection. (7-1-94)
- a. If the field or commodity inspected contains no noxious weeds or parts thereof, the inspector shall issue a certificate of inspection for that harvest or cutting, which will be valid for one (1) or more of the following categories as requested in the inspection application: (7-1-94)
- i. State noxious weed free. (7-1-94)
- ii. Regional noxious weed free. (7-1-94)
- b. If the field or commodity inspected contains no noxious weeds, the inspector may also issue, upon request, any of the following documents: (7-1-94)
- i. Transit certificates. (7-1-94)
- ii. Transit load tags. (7-1-94)
- iii. Bale tags. (7-1-94)
- c. Certificates of inspection, transit certificates, transit load tags, and bale tags, will be on forms prescribed by the director and distributed to the counties. (7-1-94)

d. Certification forms, including transit certificates, transit load tags, and bale tags, will be available from a county's designated representatives. (7-1-94)

09. Reciprocity. Forage or straw certified under a reciprocal agreement between the department and another state, and identified according to the state's approved certification standards to be shipped into the state, shall be considered to meet the requirements of the Idaho program. (7-1-94)

10. Foreign Exports. Certification under these rules does not qualify a commodity for foreign export from the United States. Applications for certification for foreign export should be made directly to the Division of Plant Industries within the department. (7-1-94)

11. Voluntary Posting. After certification, a producer may post signs, or other forms of notification, on the certified commodity indicating that the commodity is free from noxious weeds. (7-1-94)

12. Post-Certification and Distribution Requirements. After a producer's commodity has been inspected and certified, the producer, distributor, or other responsible party. (7-1-94)

a. Take reasonable and prudent steps to protect the certified commodity from contamination; (7-1-94)

b. Take reasonable and prudent steps to keep the certified commodity separated from all uncertified commodity; (7-1-94)

c. Complete all tagging before the commodity leaves the stockyard, bin, or place of inspection, by attaching transit load tags or bale tags. (7-1-94)

d. Tag every unit, including each bale and each sack of cubed or pelleted forage, which is intended for individual sale; and (7-1-94)

e. Provide the shipper, trucker, or transporter with the appropriate number of transit certificates and transit load tags; (7-1-94)

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 inspected fields may be checked at any time by a certification inspector. Evidence that forage or straw is not from an inspected field or that any lot has not been protected from contamination shall be cause for cancellation of certification. (7-1-94)

011. -- 999. (RESERVED).