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**IDAPA 02
TITLE 02
Chapter 02**

**02.02.02 - DEPARTMENT OF AGRICULTURE
CONTROLLED ATMOSPHERE STORAGE RULES**

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-702, 22-802, and 22-803 Idaho Code. (11-25-94)

001. TITLE AND SCOPE.

The title of this chapter is "Department of Agriculture Controlled Atmosphere Storage Rules". This chapter has the following scope: to govern the registration and control of apples and prescribe the maximum amount of oxygen that may be retained in a sealed controlled atmosphere. (11-25-94)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (11-25-94)

003. ADMINISTRATIVE APPEAL.

Section 22-705, Idaho Code references appeals from classifications. Other hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (11-25-94)

004. DEFINITIONS.

The Idaho Department of Agriculture adopts the following definitions: (11-25-94)

01. Lot. A "lot" of apples means any group of containers of apples from one (1) grower or orchard and of one (1) variety and which is set apart or is separate from any other group or groups by some evidence such as a lot number or similar mark of identification. (7-1-93)

02. "Packer" or "Repacker". A person other than an owner or operator of a controlled atmosphere storage plant who removes apples from the containers in which they were treated and places them into other containers or replaces them into the original containers. (7-1-93)

005. -- 010. (RESERVED).

011. APPLES, CONTROLLED ATMOSPHERE.

01. Registration. Any person who owns or operates a controlled atmosphere room or storage building for apples in Idaho, and any person who engages in this State in the business of packing or repacking apples so treated in this State or any other state and who intends to, or does, represent such apples as having been exposed to "controlled atmosphere" storage, shall register with the Director on a form prescribed by the Director. (7-1-93)

02. Registration Period. The registration period for owners or operators of controlled atmosphere rooms or storage buildings in this State shall commence on September 1 and end on August 31 of each year, and for packers or repackers of apples which have been held in a controlled atmosphere room or storage building in this State or in any other state, the registration period shall extend for a period not to exceed one (1) year. Owners or operators of such rooms or storage buildings shall register on or before September 1 of each year. (7-1-93)

03. Interstate Registration. Any person who owns or operates a controlled atmosphere room or storage building located outside of Idaho or who engages at a place outside of this State in the business of packing or repacking apples which have been held in controlled atmosphere storage and who intends to, or does, market in the state of Idaho, apples so treated and represented as having been exposed to "controlled atmosphere" storage, shall register with the Director in the same manner as required of any person within the State unless such person has registered with the proper authorities in the state of origin and has been assigned a comparable registration number or CA identification under authority of laws or rules of such state which at least conform to the provisions of these rules. (7-1-93)

04. Written Agreement. The Director shall assign each approved registrant a registration number preceded by the letters CA. The Director shall require from each applicant for registration, an agreement in writing in

the form required by the Director that the apples so treated or packed or repacked by said applicant will be or have been kept in a room or storage building with not more than five percent (5%) oxygen for a minimum of not less than forty-five (45) days for Gala and Jonagold varieties and not less than ninety (90) days for other apples, and that the oxygen level in such room or storage building will be or has been reduced to five percent (5%) within twenty (20) days after the date of sealing of the storage room, and including any other pertinent facts as may be required by the Director to assure that the apples in question have been so treated. (11-25-94)

05. Refusal Upon Violation. The Director may refuse to approve an application for registration and refuse to issue a registration number if the applicant previously has violated any of the provisions of these rules, or has failed or refused to furnish the information or evidence required by these rules. (7-1-93)

06. Required Air Components Determinations. Each owner or operator of a controlled atmosphere room or storage building in this state shall make the required air components determinations as to the percentage of carbon dioxide and oxygen and temperature at least once each day and shall maintain a record in the form as required by the Director of Agriculture, including the name and address of the owner or operator, room number or numbers, room capacity, lot identification, quantity in each lot, date of sealing, date of opening; a daily record of date and time of test, percentage of carbon dioxide, percentage of oxygen and the temperature. (7-1-93)

07. Written Reports. Each owner or operator of a controlled atmosphere room or storage building in this state shall submit to the Idaho Director of Agriculture, within ten (10) days after the date of sealing, a written report pertaining to each room showing the owner's room number, or numbers, date of sealing, and variety and quantity of apples contained therein. (7-1-93)

08. Maintaining Identity. The identity of all apples represented as having been exposed to "controlled atmosphere" storage shall be maintained from the original room or storage building where they were treated through the various channels of trade to the retailer. (7-1-93)

09. Investigations. Enforcing officers may investigate and examine records and invoices relating to any transactions in order to determine the identity of apples represented as having been exposed to controlled atmosphere storage and in this connection shall give consideration to the presence of CA storage registration numbers on invoices submitted in transactions by the owners or operators and a combination of both the CA storage and packer or repacker's CA registration number on invoices submitted in transactions by said packer or repacker. (7-1-93)

012. -- 099. (RESERVED).

100. APPLES REPRESENTED AS HAVING BEEN EXPOSED TO "CONTROLLED ATMOSPHERE" STORAGE.

01. Registration Number--Owner/Operator. Each container and consumer package of such apples moved into the channels of trade by the owner or operator of a controlled atmosphere room or storage building located in Idaho or by any other person, shall be marked with said owner or operator's assigned registration number. (7-1-93)

02. Registration Number--Packer/Repacker. Each container and consumer package of such apples received from an owner or operator of a controlled atmosphere room or storage building located either in Idaho or in another state and which are packed or repacked by another person in this state, shall be marked with the said packer or repacker's assigned registration number. (7-1-93)

03. Controlled Atmosphere (CA) Identification. Each container and consumer package of such apples moved into the channels of trade in Idaho by the owner or operator of a controlled atmosphere room or storage building located outside of Idaho or by any other person or by a packer or repacker of such apples engaged in such business outside of Idaho shall be marked with the proper registration number or CA identification. Such registration number or CA identification shall be the registration number assigned by the Director to such owner or operator of a CA plant or to such packer or repacker as the case may be or a comparable registration number of identification assigned under authority of laws or regulations of another state which at least conform to the provisions of Subsection 011.04 above. (11-25-94)

04. Labeling Requirements. The registration number or other identification required to be marked on containers shall be in letters or figures at least one-half (1/2) inch in height, and all such markings shall be clear and conspicuous and in a place readily visible to the purchaser, and shall meet the rule requirements of Section 22-801 and 802, Idaho Code. (7-1-93)

05. Inspection and Certification. All apples sold as Controlled Atmosphere apples must be inspected and certified as to grade and condition and be marked with a state lot number in addition to the CA number. (7-1-93)

06. Conditions and Standards. At the time of shipment all apples shipped and marked with a CA number shall meet the U.S. condition and maturity standards for Export. (7-1-93)

07. Reinspection. Apples not shipped within a period of two (2) weeks after inspection and certification must be reinspected. (7-1-93)

08. Failure to Meet Requirements. Failure to meet any one of the requirements noted above will prohibit such apples from being sold as CA storage apples or the containers marked as such. (7-1-93)

101. -- 999. (RESERVED).