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**IDAPA 02
TITLE 06
Chapter 06**

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000. LEGAL AUTHORITY.

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

001. TITLE AND SCOPE.

The title of this chapter is "Idaho Department Of Agriculture Rules Concerning Bacterial Diseases of Beans, Phaseolus Species, Under the Division of Plant Industries, Bureau of Feeds and Plant Services". This chapter has the following scope: these rules shall govern bacterial diseases of beans. The official citation for this Chapter is IDAPA 02.06.06.000 et. seq. For example, this section's citation is IDAPA 02.06.06.001. (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 appeal before the Department of Agriculture under this chapter. (9-1-94)

004. -- 009. (RESERVED).

010. DISEASES.

Certain bacterial diseases of beans, specifically: Halo Blight, caused by *Pseudomonas syringae* pv. *phaseolicola* (Burkholder 1926) Young, Dye & Wilkie 1978, (synonym *P. phaseolicola* {Burkholder 1926} Dawson 1943); common blight caused by *Xanthomonas campestris* pv. *phaseoli* (Smith 1897) Dye 1978, (synonyms *X. phaseoli* (Smith 1897) Dawson 1939, *X. phaseoli* var. *fuscans* {Burkholder 1930} Starr and Burkholder 1942); brown spot, caused by *Pseudomonas syringae* pv. *syringae*, van Hall 1902, (synonym *P. syringae*, van Hall 1902) only strains virulent to *Phaseolus* sp.; bacterial wilt, caused by *Corynebacterium flaccumfaciens* (Hedges 1922) Dawson 1942; or any variations or new strains of these bacteria, which are recognized as virulent to and seedborne in *Phaseolus* spp., and are a potential threat to seed production, all of which are hereafter referred to as bacterial diseases of beans. (7-1-93)

011. -- 049. (RESERVED).

050. REGULATED PRODUCTS.

All seed and/or growing plants of *Phaseolus* species, from whatever source, being grown or planted within the state of Idaho. (7-1-93)

051. -- 099. (RESERVED).

100. AUTHORITY TO ENTER AND INSPECT.

When the term "Director" is used in this rule, it refers to the Director of the Idaho Department of Agriculture or his designated agents who are authorized to enter and inspect any and all bean fields in the state of Idaho. (7-1-93)

101. -- 149. (RESERVED).

150. INSPECTION PROCEDURES.

01. Application. Every grower, contract seed company, or handler of bean seed for planting within the state shall request, in writing, the Idaho Department of Agriculture to make required inspections for compliance with these rules on or before July 1 of each year. Inspection applications may be accepted until September 1 for substitute acreages in the original request; however, requests for additional and/or replacement acreages will be accepted subject to the Department's ability to perform the added inspections and at a cost to be determined by the Director. When any of the bacterial diseases specified in these rules are detected, information regarding location, acreage involved, and disease symptoms will be released. (7-1-93)

02. Inspection. Growing season inspections of all beanfields intended for replanting within the state shall be made as many times as the Director deems necessary; however, bean seed grown under rill irrigation shall be inspected at least once during the growing season and bean seed grown under sprinkler irrigation shall be inspected at least twice during the growing season. (7-1-93)

03. Windrow Inspection. All bean seed for replanting within the state shall be inspected in the windrow, in addition to the growing season inspection, according to procedures determined by the Director, who may, during threshing time emergencies authorize qualified personnel to perform windrow inspections under the supervision of the Department. (7-1-93)

04. Inspection And Tags. Idaho Crop Improvement Association inspections and tags shall meet the requirements for in-state planting if field and windrow inspected. (7-1-93)

151. -- 199. (RESERVED).

200. REQUIREMENTS FOR BEAN SEED FOR PLANTING IN IDAHO.

01. Containment. The seed from any bean field found or known to be contaminated with bacterial disease shall not be planted in Idaho. Bean seeds shipped east of the Continental Divide may not be returned to Idaho for planting. (7-1-93)

02. Idaho Grown Seed. (7-1-93)

a. Must have an in-state planting certificate number assigned by the Idaho Department of Agriculture. In-state planting certificate numbers will be assigned on the basis of growing season and windrow inspections. (7-1-93)

b. Must have Idaho Department of Agriculture inspected or Idaho Crop Improvement Association certification tags attached to each bag of seed, giving kind, variety and lot number. (7-1-93)

c. Pintos, Red Mexicans, Pinks, Great Northerns, Small Whites, Navy Beans, Black Turtles, and Lima beans must have been grown and inspected for one (1) generation in Idaho under rill irrigation prior to planting under sprinkler irrigation. These varieties may be planted for two (2) consecutive generations under sprinkler irrigation prior to another one (1) generation under rill irrigation. (7-1-93)

d. Cranberry types, Taylor hort. types, and Borlotto types of beans must have been grown and inspected for one (1) generation in Idaho under rill irrigation prior to planting under sprinkler irrigation. These types of beans may be planted for a maximum of two (2) consecutive generations under sprinkler irrigation prior to another one (1) generation under rill irrigation. Each lot being grown under sprinkler irrigation must be officially sampled and serology tested prior to replanting under sprinkler irrigation. Any lot grown under sprinkler irrigation for two (2) consecutive generations must be serology tested prior to replanting and must be planted under rill irrigation for one (1) generation. (7-1-96)

e. All other beans except as provided for by Subsections 200.02.c. and 200.02.d. above must have been grown and inspected for two (2) consecutive preceding generations in Idaho under rill irrigation prior to planting under sprinkler irrigation. These beans may then be planted for one (1) generation under sprinkler irrigation followed by another two (2) consecutive generations under rill irrigation. (7-1-96)

f. Failure to maintain the true identity of any seed lot intended for seed purposes shall automatically disqualify that lot for future planting in Idaho. (7-1-93)

03. Imported Bean Seed Grown West of the Continental Divide in the Contiguous United States. (7-1-93)

a. Imported bean seed may not be planted under sprinkler irrigation. (7-1-93)

b. Imported bean seed must have an approved phytosanitary certificate or official field inspection certificate from the state of origin, based on growing season and windrow inspections. This seed may be planted provided each and every field planted in Idaho is submitted for inspection. (7-1-93)

c. All imported bean seed must successfully pass laboratory tests conducted by the Idaho Department of Agriculture from samples officially drawn in the state of Idaho by Department of Agriculture inspectors. (7-1-93)

d. All imported bean seed must have Idaho Department of Agriculture approved tags giving kind, variety and lot number. (7-1-93)

e. Bean seed produced in Malheur County, Oregon, which is protected by similar regulations and inspected and tagged by the Oregon Department of Agriculture shall be deemed in full compliance with these rules and such seed shall qualify for planting in Idaho under the provisions of Subsection 200.02, Idaho Grown Seed. (7-1-93)

04. Requirement. Bean seed which does not meet the requirements of Subsection 200.02 or 200.03, shall be planted in Idaho only on approved trial grounds and must meet the requirements of Section 250. (7-1-93)

05. Findings. The amendment to IDAPA 02.06.06.200.02 will confer benefits to the seed bean companies. Without this amendment, it will be hard for seed bean companies to contract enough acreage to meet the market demand for seeds of Cranberry, Taylor hort. and Borlotto types of beans. The number of fields under rill irrigation is decreasing because farmers are changing to sprinkler irrigation to conserve water. (7-1-96)

201. -- 249. (RESERVED).

250. TRIAL GROUNDS.

Trial grounds are parcels of land located on one farmstead set aside for the purpose of research testing and/or introduction of bean seed. Farmstead is defined as all land farmed in common with the land upon which the trial ground is located. (7-1-93)

01. General Trial Ground Requirements. (7-1-93)

a. Shall be jointly supervised by technically trained personnel, approved by the Director, and the Idaho Department of Agriculture. (7-1-93)

b. The land shall be owned or leased. If leased, a copy of the lease shall accompany the application. (7-1-93)

c. Applications for trial ground shall be submitted to the Director for approval prior to May 20 of any year and must contain: (7-1-93)

i. Name of supervisor in charge. (7-1-93)

ii. Location and size of trial ground. (7-1-93)

iii. Detailed varietal planting plan. If the original planting plan is changed, the Director must be notified by the trial ground supervisor. (7-1-93)

d. More than one trial ground may be approved for any company/individual provided a separate application is submitted and each and every trial ground meets the requirements of this Section. (7-1-93)

e. Imported bean seed may not be planted under sprinkler irrigation. (7-1-93)

02. Trial Ground Subdivisions. (7-1-93)

a. Experimental plots. (7-1-93)

- i. Defined - Experimental plots are subdivisions of trial grounds used for the introduction of imported seed otherwise ineligible for planting in Idaho. (7-1-93)
- ii. A maximum of one (1) pound of bean seed per variety may be planted in an experimental plot without serology testing. (7-1-93)
- b. Introduction plots. (7-1-93)
- i. Defined - Introduction plots are subdivisions of trial grounds used for the introduction and/or increase of bean seed. Imported bean seed to be planted in introduction plots shall have successfully passed laboratory tests conducted by the Idaho Department of Agriculture from official drawn samples. (7-1-93)
- ii. Introduction plots are limited to a maximum of two (2) acres per variety for any given year. (7-1-93)
- 03. Trial Round Restrictions and Inspection Procedures. (7-1-93)
- a. Any machinery used in production of bean seed on trial grounds shall be disinfested to the satisfaction of the Director prior to movement to other bean fields. (7-1-93)
- b. There will be a minimum of four (4) growing seasons and one (1) windrow inspection. Fees and charges will be as specified in Section 550. (7-1-93)
- c. If bacterial disease is found on a trial ground either by field inspection or subsequent laboratory seed testing, none of the bean seed produced on that farmstead as defined in Section 250 may be released for general planting but must undergo one (1) additional year of trial ground growing to assure that contamination did not occur. Seed to be replanted must be laboratory tested prior to replanting and is again limited to a maximum of two (2) acres. (7-1-93)

251. -- 299. (RESERVED).

300. SPECIAL SITUATIONS.

The Director may grant specific exemptions for research purposes for the planting of beans which do not meet the requirements of Sections 200 or 250. Seed not meeting the requirements of Sections 200 or 250 may be planted only in counties where commercial beans or bean seed are not produced. (7-1-93)

301. -- 349. (RESERVED).

350. REPORTING INFECTED FIELDS.

01. Time. Any field infected with the bacterial diseases listed in Section 010 must be reported within seventy-two (72) hours after discovery to the local County Agent or the Department of Agriculture. (7-1-93)

02. Aid. The Director invites the aid of all interested parties in the prompt reporting of suspected infected fields in order that timely investigation may be made. (7-1-93)

351. -- 399. (RESERVED).

400. DISPOSITION OF DISEASED SEED AND INFECTED FIELDS.

01. Destroying. Any bean fields within the boundaries of the state which show contamination of bacterial disease as per Subsection 400.02 shall be destroyed in part or in total as may be required to eliminate the disease, by or at the expense of the grower and/or landlord. The Director or his agent shall notify the grower and/or his landlord of the method and extent of the destruction and safeguards against disease spread in order for the parties to comply. Fields contaminated with brown spot, *Pseudomonas syringae* pv. *syringae*, van Hall 1902, are exempt from destruction. This exemption will be reviewed annually. (7-1-93)

02. Detection. The presence of a regulated bacterial disease on growing plants or plants in the windrow will be based on the observance of symptoms of a regulated disease and, when necessary, laboratory confirmation. To establish the identity of the pathogen, or its virulence to *Phaseolus* sp., laboratory and/or greenhouse tests will be conducted by the Idaho Department of Agriculture. (7-1-93)

a. In the case of disagreement concerning the identity or virulence to *Phaseolus* sp. of the bacterial isolate obtained from the field in question between the State Department of Agriculture plant pathologist and a plant pathologist representing the commercial company or other interested party, the State Department of Agriculture will submit cultures isolated from the field in question to a plant pathologist appointed by the Dean of the College of Agriculture, University of Idaho. The conditions under which the sample is handled will be stipulated in a Memorandum of Understanding between the Idaho Department of Agriculture and the College of Agriculture, University of Idaho. All parties to the dispute will accept the University results, provided they were obtained under the conditions specified in the Memorandum of Understanding. (7-1-93)

b. Until laboratory tests of the suspected pathogen as specified in Subsection 400.02.a. are completed, the planting in question shall be placed under quarantine for a period of thirty (30) days subject to review or extension as determined by the Director. Entry to the quarantined area to be restricted to the grower or his agents, Department of Agriculture officials, University of Idaho plant pathologists, and/or persons authorized in writing by the Director. Persons granted entry to the quarantined area will be required to take all necessary sanitary precautions as prescribed by the Director to safeguard against the possible spread of the suspected regulated disease. (7-1-93)

03. Director Oversight. When the symptoms of a regulated disease are first detected during windrow inspection and laboratory confirmation is necessary, the Director may allow the beans to be threshed and segregated as specified by the Director until laboratory results are obtained. (7-1-93)

04. Identity Test. The true identity of a regulated pathogen when found in or on seed will be based on serological and other appropriate laboratory and pathogenicity tests. (7-1-93)

401. -- 449. (RESERVED).

450. EXEMPTIONS.

Snap beans or Lima beans for processing or fresh consumption are exempt from destruction if the bacterial diseased portion of the field is destroyed or harvested within five (5) days after first detection and/or verification as per Subsection 400.02, and the crop residue is promptly and completely destroyed after harvest. (7-1-93)

451. -- 499. (RESERVED).

500. ENFORCEMENT OF POWERS.

01. Empowerment. The Director of the State Department of Agriculture or any designated agent of the Director is empowered to carry out the provisions of these Rules. (7-1-93)

02. Violation. Any person(s), firm(s), corporation(s), dealer(s), or shipper(s) violating any of the provisions of these Rules will be subject to the penalty provisions of Title 22, Chapter 19 and Chapter 20, Idaho Code. (7-1-93)

501. -- 549. (RESERVED).

550. FEES AND CHARGES.

The fees and charges for tags, serology testing, and inspections under these rules are: (9-1-94)

01. Tags. For in-state planting purposes: twelve cents (\$0.12) per hundredweight. (7-1-93)

02. Field Inspections. (9-1-94)

a. Application for field inspection: three dollars (\$3) each. (9-1-94)

b. Acreage inspection fee: during active plant growth, three dollars and fifty cents (\$3.50) per acre per inspection of seed from west of the Continental Divide; or seven dollars and fifty cents (\$7.50) per acre per inspection of seed from east of the Continental Divide or foreign countries. (9-1-94)

c. Windrow inspection fees: three dollars and fifty cents (\$3.50) per acre. Exception: When the company or applicant supplies its own employees and transportation to carry out the required inspections under Department supervision as provided by Subsection 150.03. The fee shall be pro-rated as follows: when one (1) employee is provided the windrow inspection fee shall be two dollars (\$2) per acre; two (2) employees the windrow inspection fee shall be one dollar and fifty cents (\$1.50) per acre; three (3) employees the windrow inspection fee shall be one dollar (\$1) per acre; four (4) or more employees there shall be no acreage inspection fee charges. Requests for windrow inspections after hours, on weekends or holidays will be charged at cost plus mileage. (9-1-94)

03. Bean Serology Testing. (9-1-94)

a. Official sample: twelve dollars (\$12) per sample. A sample shall consist of five pounds (5 lbs) of seed per ten thousand pounds (10,000 lbs) of seed in a seed lot. For seed lots of less than ten thousand pounds (10,000 lbs) but greater than one hundred fifty pounds (150 lbs) the sample size shall be five pounds (5 lbs). When a seed lot is less than one hundred fifty pounds (150 lbs) the sample size will be determined on a case by-case basis. (9-1-94)

b. Plant Pathological Laboratory Services: fees will be charged at current laboratory rates and are available upon request. (9-1-94)

c. Confirmation of the identity of the causal organism by the University of Idaho plant pathologists: the party requesting the confirmation shall be responsible for the payment of fees charged by the University for laboratory work. The confirmation shall be based solely on the official sample (or laboratory culture derived therefrom) as drawn by the Department for the initial determination. (9-1-94)

551. -- 999. (RESERVED).