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**IDAPA 02
TITLE 06
Chapter 37**

**02.06.37 - RULES CREATING THE CARIBOU COUNTY AND THAT PORTION OF
FRANKLIN COUNTY INCLUDED IN SCHOOL DISTRICT
NO. 148 SEED POTATO CROP MANAGEMENT AREA**

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 22, Chapter 10, and Title 22, Chapter 5, Idaho Code. (3-23-98)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is "Rules Creating the Caribou County and that Portion of Franklin County Included in School District No. 148 Seed Potato Crop Management Area". (3-23-98)

02. Scope. This chapter has the following scope: These rules shall govern procedures for planting, transporting and storing of potatoes, identification, inspection of bedding plants and treatment of cull and volunteer potatoes in Caribou and that Portion of Franklin County included in School District No. 148 Seed Potato Crop Management Area. (3-23-98)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-23-98)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeals before the Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (3-23-98)

004. DEFINITIONS.

The Idaho Department of Agriculture adopts the definitions set forth in Sections 22-501 and 22-1002, Idaho Code. (3-23-98)

005. FINDINGS.

The adoption of this rule will confer benefits to the seed potato industry. The establishment of a crop management area was requested by the growers in Caribou and a portion of Franklin counties pursuant to Section 22-1003, Idaho Code. The proposed rule is necessary to prevent the introduction of pests and diseases of significance in the crop management area. (3-23-98)

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records available for inspection and copying at the department. (3-23-98)

007. -- 009. (RESERVED).

010. MANAGEMENT AREA.

The management area includes the following: (3-23-98)

01. Caribou County. All of Caribou County, Idaho. (3-23-98)

02. Franklin County. That portion of Franklin County, Idaho, included in School District number 148. (3-23-98)

011. -- 049. (RESERVED).

050. REGULATED ARTICLES.

01. Irish Potato. All plants and plant parts of the Irish potato, *Solanum tuberosum*. (3-23-98)

02. Green Peach Aphid Hosts. All plants which are hosts to the green peach aphid, *Myzus persicae*, including but not limited to peach and apricot trees and bedding plants. (3-23-98)

03. Any Host. Any host which may spread or assist in the spread of any of the diseases or pests of concern. (3-23-98)

051. -- 099. (RESERVED).

100. DISEASES AND PESTS OF CONCERN.

01. Leaf Roll. Net necrosis or leaf roll. (3-23-98)
02. Ring Rot. Ring rot, *Corynebacterium sepedonicum*. (3-23-98)
03. Columbia Root Knot Nematode. Columbia root knot nematode, *Meloidogyne chitwoodii*. (3-23-98)
04. Green Peach Aphid. Green peach aphid, *Myzus persicae*, a vector of the leaf roll virus. (3-23-98)
05. Northern Root Knot Nematode. Northern root knot nematode, *Meloidogyne hapla*. (3-23-98)
06. Corky Ring Spot. Corky ring spot, a disease caused by tobacco rattle virus. (3-23-98)
07. Powdery Scab. Powdery scab, *Spongospora subterranea* (Wallr.) Lagerh. f. sp. subterranea. (3-23-98)
08. Stubby Root Nematode. Stubby root nematode, *Paratrichodorus pachydermus*, *Paratrichodorus christiei*, *Trichodorus primitivus*. (3-23-98)
09. Potato Late Blight. Potato late blight, a disease caused by *Phytophthora infestans*. (3-23-98)

101. -- 149. (RESERVED).

150. PLANTING OF POTATOES.

01. Management Area. No person shall plant any potatoes in the management area except those which have met standards for recertification of the Idaho Crop Improvement Association (hereinafter referred to as ICIA) or equivalent agency of another state or political jurisdiction in accordance with Section 22-503, Idaho Code. (3-23-98)
02. Certification. All plantings of potatoes except those in home gardens which are fifteen one hundredths (.15) acre or less shall be entered for certification with ICIA. (3-23-98)
03. Home Garden Inspection. Potatoes planted shall be subject to inspection by the Department, and proper control measures shall be taken if necessary. (3-23-98)

151. -- 199. (RESERVED).

200. BEDDING PLANTS.

01. Aphid Inspection. All bedding plants shall be subject to inspection by the Director for aphids. If aphids are found, the plants shall be treated by a method approved by the Director. Such methods may include destruction of the infested plants. (3-23-98)
02. Treatment For Infestation. Bedding plants in transit to the management area shall be subject to inspection for aphids and if found infested, treated in a manner approved by the Director before delivery to the management area. (3-23-98)

03. Treatment of Property. The Director may order treatment of property on which there are bedding plants or cut floral arrangements where he determines such treatment is necessary to control aphids. (3-23-98)

201. -- 249. (RESERVED).

250. STORAGE OF INFECTED POTATOES.

01. Diseases or Pests of Concern. When a disease or pest of concern is found in a field of potatoes within the management area by ICIA inspectors, ICIA and the grower shall notify the Department. Prior to harvest, the owner shall notify the Department of his intent for storage, sale or disposal of the potatoes. If the potatoes are stored, the owner shall notify the Department of the intended disposition prior to removal from storage and the destination of the potatoes and tare shall be approved by the Department. All potatoes coming under this subsection shall be removed from the management area no later than March 1 of the year following harvest. (3-23-98)

02. Notification to the Department. When a disease or pest of concern is first detected in a lot of potatoes in storage within the management area, the ICIA and the Federal/State Inspection Service shall notify the Department before any portion of the lot is removed and the Department must approve the method of disposition of the portion to be removed. (3-23-98)

251. -- 299. (RESERVED).

300. CULL AND VOLUNTEER POTATOES.

01. Plant Growth. All plant growth on cull potato piles shall be controlled by an EPA and state approved chemical or mechanical measure including, but not limited to, burial with a minimum of eighteen (18) inches of soil, field spreading no more than two (2) potato layers and composting. (3-23-98)

02. Destroying Volunteer Potatoes. It shall be the responsibility of each landowner or manager within the management area to destroy all cull piles and volunteer potatoes growing on summer fallow, set-aside and non-cultivated areas of his property. In the event that the landowner or manager fails to destroy such plants, the Director may order them destroyed at the expense of the landowner. (3-23-98)

301. -- 349. (RESERVED).

350. TRANSPORTATION OF POTATOES.

01. Responsibilities. It shall be the responsibility of the growers of rejected lots to keep contaminated trucks and equipment, infested vegetable matter and foliage from contaminating public roadways, neighboring fields and cellars. (3-23-98)

02. In Transit. Potatoes in transit through the management area shall be only in covered and sealed vehicles. Potatoes in transit through the management area shall not be unloaded in the management area. (3-23-98)

03. Introduction of Pests. Introduction into the management area of any of the pests or diseases listed in Section 100 by a contaminated vehicle or any other means shall constitute a violation of this rule. (3-23-98)

04. Inspection. Before any lot of potatoes can be brought into the management area, the lot shall have been inspected, certified, and tagged by ICIA, the Federal-State Inspection Service or a recognized equivalent agency of another state or territory in accordance with Section 22-503, Idaho Code. (3-23-98)

05. Failure to Pass Inspection. Potatoes which have not passed a state field certification shall not be brought to any facility in the management area which was placed in operation after promulgation of these rules, for storage, grading, packing or any other purpose except retail food sale. (3-23-98)

351. -- 399. (RESERVED).

400. VIOLATIONS.

Any person who violates any provision of this rule or who interferes with the carrying out of the provisions of this rule shall be guilty of a civil offense, and may be liable for treble the damages sustained and all costs of the suit including a reasonable attorney's fee. In addition, a civil fine of not more than three thousand dollars (\$3,000) may be imposed per incident of violation, as provided in Idaho Code, Section 22-1006. (3-23-98)

401. -- 449. (RESERVED).

450. EXEMPTIONS.

Potatoes for human and animal consumption, grown outside the Caribou County and that Portion of Franklin County included in School District No. 148 Seed Potato Crop Management Area shall be treated with a sprout inhibitor before being offered for sale within the Caribou County and that Portion of Franklin County included in School District No. 148 Seed Potato Crop Management Area. (3-23-98)

451. -- 999. (RESERVED).