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**IDAPA 02
TITLE 06
Chapter 17**

**02.06.17 - IDAHO STATE DEPARTMENT OF AGRICULTURE RULES CONCERNING
THE DISPOSAL OF CULL ONIONS AND POTATOES**

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 22, Chapters 1 and 20, Idaho Code. (3-30-01)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.17, "Idaho State Department of Agriculture Rules Concerning the Disposal of Cull Onions and Potatoes". (3-30-01)

02. Scope. This chapter has the following scope: These rules cover the disposal of cull onions to prevent the spread of the onion maggot (*Delia antiqua*) and disposal of potatoes to prevent the spread of pests and diseases of potatoes. The official citation of this chapter is IDAPA 02.06.17.000 et seq. For example, this Section's citation is IDAPA 02.06.17.001. (3-30-01)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-30-01)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeal before the Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (3-30-01)

004. DEFINITIONS.

01. Person. Shall include individuals, partnerships, associations, and corporations. (7-1-93)

02. Cull Onions. Shall refer to those onions that are not useable for human consumption or are generally considered waste, and shall include the residue left in the field from the production of onion seed as well as commercial onions. (7-1-93)

03. Cull Potatoes. Shall refer to those potatoes that are not useable or marketable for consumption or as seed potatoes and shall include the residue left in the field from commercial or seed potato production, or as a result of spoilage while in storage. (3-30-01)

005. FINDINGS.

The adoption of IDAPA 02.06.17, "Idaho Department of Agriculture Rules Concerning the Disposal of Cull Onions and Potatoes," will confer benefits to the general public. The proper disposal of cull onions for the control of onion maggot is essential to the production of high quality onions at reasonable prices, while minimizing pesticide usage. Proper disposal of cull potatoes will reduce the spread or incidence of potato pests and diseases and help to minimize pesticide usage. The proper disposal of cull onions and potatoes will reduce odors and address public complaints. The changes will also allow the department to assess a civil penalty against violators. (3-30-01)

006 -- 049. (RESERVED).

050. REGULATED AREA.

01. Onions. Ada, Canyon, Gem, Payette, Owyhee, and Washington Counties, state of Idaho. (3-30-01)

02. Potatoes. The entire state of Idaho. (3-30-01)

051. -- 059. (RESERVED).

060. REGULATED PRODUCTS.

01. Cull Onions. All cull onions produced as a result of the grading process, or as a result of breakdown in storage or sorted out in the field during harvest and bulbs and waste left over from seed production. (3-30-01)

02. Cull Potatoes. All cull potatoes produced as a result of the grading process, or as a result of breakdown in storage, or sorted out in the field during harvest and tubers and waste left over from potato seed production. (3-30-01)

061. -- 069. (RESERVED).

070. DISPOSITION OF CULL ONIONS.

All cull onions existing in the control area shall be disposed of by a method approved of in Section 071 of this rule, to prevent sprouting. Disposal must be completed prior to March 15th, of each year; provided; however, that in the case of onions sorted after such date, the cull onions resulting therefrom shall be disposed of within one (1) week after such sorting regardless of the disposal method. (3-30-01)

071. DISPOSAL METHODS.

01. Disposal By Covering In Dumps Or Pits. (7-1-93)

a. Cull onions disposed of by being dumped in pits shall be managed and covered as recommended by the University of Idaho Agricultural Extension Service. (3-30-01)

b. Covering shall be accomplished by March 15th of each year or as provided in Section 070 of this rule. (3-30-01)

02. Disposal By Feeding After March 15th Of Each Year. (3-30-01)

a. Sheep or goats shall be fed no more than fifty-three (53) pounds of cull onions per individual animal per day. Cull onions shall be fed from either bunks or by spreading throughout the pasture or feedlot. Cull onions shall not be fed from piles. (3-30-01)

b. Cattle shall be fed a ration containing no more than twenty-five percent (25%) cull onions on a dry matter basis. (3-30-01)

c. Onion debris shall be completely removed from feeding areas and buried under twelve (12) inches or more of onion-free soil by March 15th of each year. (3-30-01)

d. In the case of residues of onion debris two (2) inches or less in depth, or onions tramped into the soil so that they cannot be removed, such areas shall be disked and plowed to a depth of twelve (12) inches or more by March 15th of each year. (3-30-01)

e. Feeding areas and areas where onions are buried shall be treated in the manner set out in Section 071. (3-30-01)

f. Cattle and sheep being finished for market or dairy cattle shall not be fed forage or grains grown on feeding areas treated in the manner set forth in Section 071. (3-30-01)

03. Disposal By Composting. Cull onions being composted shall be covered by twelve (12) inches or more of onion-free soil or composting material until the onions have turned to compost. (3-30-01)

04. Disposal Of Residue In Onion Producing Fields. (7-1-93)

a. Commercial onion fields where sort-out bulbs are left at harvest shall be disked and plowed to a depth of twelve (12) or more inches by March 15th of each year. (3-30-01)

b. Following final seed harvest, seed bulbs shall be disked and plowed to a depth of twelve (12) inches or more by March 15th of each year. (3-30-01)

05. Disposal By Chopping Or Shredding. Cull onions that have been chopped or shredded to the point that they are incapable of sprouting, shall be disked and plowed to a depth of twelve (12) inches or more by March 15th of each year. (3-30-01)

06. Disposal By Spreading. Cull Onions may be disposed of by being spread on agricultural fields destined to be planted to a crop other than onions provided the onions are disked and plowed to a depth of twelve (12) inches or more. (3-30-01)

072. INCLEMENT WEATHER.

If inclement weather prevents disposal by the methods in Subsections 071.01 through 071.06, culls shall be treated with an EPA-labeled insecticide at prescribed intervals as recommended by the University of Idaho Agricultural Extension Service until proper disposal as prescribed in Subsections 071.01 through 071.06 can be carried out. (3-30-01)

073. (RESERVED).

074. NOTIFICATION REQUIRED.

Any person delivering cull onions for disposal in the area regulated for cull onion disposal shall provide written notification to the recipient of those cull onions advising the recipient of the recipient's obligations for the disposal of the cull onions under this rule. (3-30-01)

075. -- 089. (RESERVED).

090. DISPOSITION OF CULL POTATOES.

All cull potatoes existing west of the Raft River shall be rendered non-viable by April 15th of each year and all cull potatoes generated after April 15th shall be rendered non-viable on a daily basis until September 20th. All cull potatoes existing east of the Raft River shall be rendered non-viable by May 15th of each year and all cull potatoes generated after May 15th shall be rendered non-viable on a daily basis until September 20th. (3-30-01)

091. CULL POTATO DISPOSAL METHODS.

Cull potatoes shall be disposed of in a manner as to render them non-viable. Disposal methods shall be those as recommended by the University of Idaho Agricultural Extension Service. (3-30-01)

092. -- 099. (RESERVED).

100. AUTHORITY TO ENTER AND INSPECT.

The Director, Idaho State Department of Agriculture or his agents are authorized to enter and inspect all onion and potato cull dumps and disposal sites in the state of Idaho for the purpose of insuring compliance with this rule. (3-30-01)

101. -- 149. (RESERVED).

150. VIOLATIONS.

01. Misdemeanor. Any person who violates any provision of these rules or who fails or refuses to comply with any requirements herein specified, or who wilfully interferes with the department, its agents or employees, in the execution, or on account of the execution of its or their duties under these rules, shall be deemed guilty of a misdemeanor. (3-30-01)

02. Civil Penalty. Any person who violates or fails to comply with any of the provisions of these rules may be assessed a civil penalty by the department or its duly authorized agent of not more than one thousand dollars (\$1,000) for each offense and shall be liable for reasonable attorney's fees. (3-30-01)

a. Assessment of a civil penalty may be made in conjunction with any other department administrative action. (3-30-01)

b. No civil penalty may be assessed unless the person charged was given notice and opportunity for a hearing pursuant to the Idaho administrative procedure act. (3-30-01)

c. If the department is unable to collect such penalty or if any person fails to pay all or a set portion of the civil penalty as determined by the department, it may recover such amount by action in the appropriate district court. (3-30-01)

d. Any person against whom the department has assessed a civil penalty under the provisions of this section may, within thirty (30) days of the final action by the agency making the assessment, appeal the assessment to the district court of the county in which the violation is alleged by the department to have occurred. (3-30-01)

e. Moneys collected for violations of these rules shall be remitted to the agricultural department inspection fund. (3-30-01)

03. Minor Violations. Nothing in these rules shall be construed as requiring the director to report minor violations for prosecution when he believes that the public interest will be best served by suitable warnings or other administrative action. (3-30-01)

151. -- 999. (RESERVED).

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