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**IDAPA 02
TITLE 06
Chapter 23**

02.06.23 - INTERIOR APPLE MAGGOT QUARANTINE RULES

000. -- 008. (RESERVED).

009. QUARANTINE PEST.

Apple maggot (*Rhagoletis pomonella*) means a dipterous insect belonging to the family Tephritidae which in the larval stage lives within fruit of its host plants with potential for causing extensive damage to fruit of certain crops. (9-12-90)

010. DEFINITIONS.

01. Director. The Director of the Idaho Department of Agriculture or a duly authorized representative. (9-12-90)

02. Interior Quarantine. Means a quarantine within the state of Idaho established against the movement of designated plant pests, life stages, their hosts, and possible carriers from areas identified by the Idaho State Department of Agriculture. (9-12-90)

03. Commercial Orchard. An orchard in which fruit is grown for commercial purposes and with the use of approved and accepted integrated pest management programs pursuant to statutes, guidelines or rules approved by the agricultural extension service or regulatory officials of the state of origin. (9-12-90)

04. Commercial Fruit. Fruit that is: (9-12-90)

- a. Grown in a commercial orchard and commercially packed and labeled; (9-12-90)
- b. Fruit grown in a commercial orchard and destined to a commercial processing plant or packing plant. (9-12-90)

05. Threatened With Infestation. Any life stage of apple maggot which has been found within one-half (1/2) mile of a production site including any portion of an orchard outside or beyond the one-half (1/2) mile boundary if any portion of the orchard is within the one-half (1/2) mile area. (9-12-90)

06. Control Area. The entire counties of Canyon, Owyhee and Payette; portions of the counties of Gem and Washington lying south of the quarantine areas of those counties outlined in Subsections 050.01 and 050.02. (9-12-90)

011. -- 049. (RESERVED).

050. QUARANTINE AREA.

The following areas are declared by the director to be under quarantine for apple maggot. The counties of Franklin, Oneida, Caribou, Ada, Boise and Gooding; and portions of Gem and Washington counties as outlined in Subsections 050.01 and 050.02. (9-12-90)

01. Gem County Quarantine Area. Those portions of Gem county lying northerly of a line described as follows. Commencing at the Northwest corner of Section 3, T.7N, R.2W; thence East along section lines to the Northwest corner of Section 6, T.7N, R.1W; thence South along section lines to the Southwest corner of Section 7; thence East along section lines to the Northeast corner of Section 15, T.7N, R.1W; thence South along section lines to the middle of the main channel of the Payette River; thence easterly along said river to the East line of the county. (9-12-90)

02. Washington County Quarantine Area. Those portions of Washington county lying northerly of a line described as follows. Commencing at the Snake River at the Southern boundary of T.12N, R.7W; thence East along section lines to the Southwest corner of Section 35, T.12N, R.5W; thence North along section lines to the

Northwest corner of Section 23, T.12N, R.5W; thence East along section lines to the Northwest corner of Section 21, T.12N, R.4W; thence South along section lines to the Southwest corner of Section 33, T.12N, R.4W; thence East along section lines to the Southwest corner of Section 31, T.12N, R.1E; thence East along section lines to the East line of the county. (9-12-90)

051. -- 099. (RESERVED).

100. APPLE MAGGOT HOSTS AND CARRIERS.

The following commodities shipped from all infested counties or portions of counties as listed in Section 050 are hereby placed under quarantine for apple maggot: All fresh fruit of apple (including crabapple), Hawthorn (both native and ornamental), Peach, Plum, Prune, and Apricot are prohibited entry into any other area not included in the quarantine area; except as provided in Section 150. (9-12-90)

101. -- 149. (RESERVED).

150. REGULATED PRODUCTS.

Apple Maggot Quarantine Restrictions. (9-12-90)

01. Certification Required. Commodities described in this quarantine that are produced in or shipped from the area under quarantine are prohibited movement within the state of Idaho unless a certificate issued by the Director or his designated agent accompanies the shipment evidencing compliance with Subsections 150.03, 150.04, 150.05, or 150.07. No certificate is required for commodities meeting the requirements of Subsections 150.02 or 150.06. (9-12-90)

02. Reshipments In Original Containers. Commodities in original unopened containers, each bearing labels or other identifying marks evidencing origin outside the area under quarantine, may be reshipped to the control area from any point within the area under quarantine. (9-12-90)

03. Repacked Commodities. Each lot or shipment of commodities certified by an authorized agricultural official to have been grown outside the area under quarantine and which has had continued identity maintained while within the area under quarantine, may be repacked and shipped by common carrier from any point within the area under quarantine to the control area. The certificate shall contain the following information: (9-12-90)

- a. The county in which the commodities were grown. (9-12-90)
- b. The point of repacking and reshipment. (9-12-90)
- c. The amount and kind of commodities comprising the lot or shipment. (9-12-90)
- d. The names and addresses of the shipper and consignee. (9-12-90)

04. Apples Exposed To Controlled Atmosphere (CA) Storage. Apples exposed for a continuous period of ninety (90) days, during which period the temperature within the storage room has been maintained at thirty-eight (38) degrees Fahrenheit or less, may be admitted into the control area PROVIDED, that the storage room or building is approved by the Director of Agriculture as a controlled atmosphere facility, and each lot or shipment of such apples to the control area is accompanied by a certificate, as provided in Subsection 150.01. (9-12-90)

05. Shipments From Cold Storage. Commodities described in Section 100 which are held in cold storage for a continuous period of forty (40) days or more, during which period the temperature within the storage room is maintained at thirty-two (32) degrees Fahrenheit or less, may be admitted into the control area PROVIDED, that each lot or shipment is accompanied by a certificate, as stated in Subsection 150.01 evidencing compliance with the minimum temperature requirements. (9-12-90)

06. Solid Frozen Fruits Exempt. No restrictions are placed on the movement of fruits which upon arrival are frozen solid and which are under refrigeration to assure their solid frozen state. (9-12-90)

07. Regulatory And Control Measures. Regulatory and control measures may be prescribed by the

Director within designated areas to prevent or minimize the possible movement of apple maggot from commercial orchards. The following action shall be taken when it has been determined that commercial fruit of Apple (including crabapple), Hawthorn (both native and ornamental), Plum, Prune, Peach and Apricot may be infested with or threatened with infestation by apple maggot. All fresh fruit of Apple (including crabapple) and Hawthorn (both native and ornamental), Plum, Prune, Peach and Apricot (except graded culls - see Subsection 150.07.b.iii.) shall be sampled by an authorized Department of Agriculture inspector, following accepted industry procedures for sampling and inspection for presence of apple maggot. (9-12-90)

a. If found to be free from apple maggot, a certificate as provided for in Subsection 150.01. shall be issued. (9-12-90)

b. If found to be infested with apple maggot, one (1) or more of the following procedures shall be prescribed before fresh fruit of apple (including crabapple) and Hawthorn (both native and ornamental) are moved from designated or quarantined areas. (9-12-90)

i. Fresh fruit to be exposed to controlled atmosphere (CA) storage as provided in Subsection 150.04. (9-12-90)

ii. Fresh fruit to be exposed to cold storage as provided in Subsection 150.05. (9-12-90)

iii. Graded culls shall be subject to Subsections 150.07.b.i. or 150.07.b.ii. (9-12-90)

08. Infested Or Damaged Commodities. All commodities as described in Section 100 known, or found to be infested with, or damaged by apple maggot shall not be sold, held for sale, or offered for sale, except as provided for in Subsections 150.04 and 150.05. (9-12-90)

151. -- 199. (RESERVED).

200. SPECIAL PERMITS.

The Director may issue special permits admitting commodities covered in this quarantine not otherwise eligible for entry from the area under quarantine, subject to conditions and provisions which the Director may prescribe to prevent introduction, escape or spread of the quarantined pests. (9-12-90)

201. -- 249. (RESERVED).

250. PENALTY PROVISION.

The Director of Agriculture and duly authorized representatives are empowered to carry out all the provisions of these rules. Any person, firm, corporation or other organization who shall violate or fail to comply with these rules shall be deemed 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. All civil offenses shall be heard in the Magistrate Division of the District Court. (9-12-90)

251. -- 999. (RESERVED).

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