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**IDAPA 02
TITLE 06
CHAPTER 05**

02.06.05 - RULES GOVERNING DISEASES OF HOPS (*Humulus lupulus*)

000. LEGAL AUTHORITY.

This chapter is adopted under legal authority of Title 22, Chapters 7 and 20, Idaho Code. (5-3-03)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.05, “Rules Governing Diseases of Hops (*Humulus lupulus*)”. (5-3-03)

02. Scope. This chapter has the following scope: Establishes definitions, regulated pests, regulated products, control areas, procedures for the certification of propagative material to be shipped into Idaho, and inspection procedures for propagative material produced in Idaho. Requires farm machinery to be clean of plant debris and soil, and fields to be posted. Sets forth consequences if a regulated pest is found and penalties for violations. Sets a fee schedule for inspections and makes allowances for exemptions from the rule. The official citation of this chapter is IDAPA 02.06.05 et seq. For example, the citation for this Section is IDAPA 02.06.05.001. (3-19-99)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-19-99)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeal before the Idaho State Department of Agriculture under this chapter. Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. (3-19-99)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (5-3-03)

005. OFFICE - OFFICE HOURS - MAILING ADDRESS AND STREET ADDRESS.

01. Office Hours. Office hours are 8 a.m. to 5 p.m. Mountain Time, Monday through Friday, except holidays designated by the State of Idaho. (5-3-03)

02. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (5-3-03)

03. Street Address. The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (5-3-03)

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records available for inspection and copying at the Department and the State Law Library. (5-3-03)

007. FINDINGS.

The revision of IDAPA 02.06.05, “Rules Governing Diseases of Hops (*Humulus lupulus*),” will confer benefits to the Idaho hop industry. Powdery mildew of hops is not known to be in Idaho. The addition of powdery mildew to the list of regulated pests is necessary to prevent the introduction of powdery mildew contaminated hop propagating materials into Idaho. The revision of this rule will comply with the quarantine rules of Oregon for the shipment of hop propagating materials from Idaho to Oregon. In order to prevent the introduction of powdery mildew contaminated hop propagating materials into Idaho, the Department finds it necessary to make this revision effective immediately. (5-3-03)

008. -- 009. (RESERVED).

010. DEFINITIONS.

The Idaho State Department of Agriculture adopts the definitions set forth in Section 22-2005, Idaho Code. (5-3-03)

011. (RESERVED).

012. REGULATED PESTS.

01. Verticillium Wilt. Verticillium wilt (*Verticillium albo-atrum* Reinke and Berth.) a persistent soil borne fungus disease of hops and any species or strains of the genus *Verticillium* virulently pathogenic to hops. (3-19-99)

02. Powdery Mildew. Powdery mildew caused by all developmental stages and biotypes of the fungus *Sphaerotheca macularis* (*S. humuli*). (3-19-99)

013. -- 049. (RESERVED).

050. REGULATED PRODUCTS.

01. Rootstocks. For example, rhizomes, strap cuttings, or greenwood cuttings of all species of the genus *Humulus*. (8-1-80)

02. Machinery. Machinery, vehicles, tools, equipment, trellis poles, wire, anchor irons, and any other appurtenances used in the culture and/or production of hops. (8-1-80)

051. -- 099. (RESERVED).

100. CONTROL AREA.

Except as stated in Subsection 350.03 of this rule, the control area is Bonner and Kootenai Counties, State of Idaho. (2-21-03)T

101. -- 149. (RESERVED).

150. ELIGIBLE ROOTSTOCKS.

01. Eligibility. Only rootstocks eligible for phytosanitary certification may be imported into the control area or transported as planting stock within the area. Eligibility will be established by meeting the following requirements: (8-1-80)

a. Imported rootstocks. (8-1-80)

i. A desired clone must be grown under observation at a state or federal hop research facility in Idaho, Washington, Colorado, or Oregon for two (2) consecutive years or growing seasons with no evidence of Verticillium wilt or powdery mildew. (3-19-99)

ii. Only rooted aerial stem cuttings or apical meristems derived from clones having undergone the two (2) year observation period may be imported into the control area. (8-1-80)

iii. Colonies derived from eligible clones may serve as sources of eligible rootstocks but only after two (2) consecutive growing seasons in a commercial yard or nursery within the control area. (8-1-80)

iv. Eligible clonal stocks must be accompanied by a phytosanitary certificate when imported into the control area. A copy of the certificate must be filed with the Idaho State Department of Agriculture, Division of Plant Industries, at least ten (10) days prior to shipment. The certificate must affirm freedom from Verticillium wilt and powdery mildew and compliance with Subsections 150.01.a.i. through 150.01.a.iii. (3-19-99)

- b.** Eligible rootstocks from within the control area. (8-1-80)
- i.** The owner of rootstocks may move existing eligible stocks from field to field within the control area. (3-19-99)
- ii.** Rootstocks sold, moved, or transferred within the control area to other than the owners land must be accompanied by a valid transfer permit issued by the Department. Rootstocks moved without a transfer permit will not be eligible for future sale or transfer. (8-1-80)

02. Inspection Procedures To Retain Eligibility. (8-1-80)

- a.** Existing plants within the control area will be inspected at least once every other year except those plantings intended for sale or transfer in which case they must have been inspected during the twelve (12) month period immediately prior to transfer. (8-1-80)
- b.** All new plantings of imported rootstocks will be inspected annually for the first two (2) consecutive years following initial planting and at least every twenty-four (24) months thereafter. (8-1-80)
- c.** It shall be the responsibility of the individual grower to notify the Department of movement of eligible stock into new fields, sales and/or purchase of rootstocks. The grower shall also initiate annual requests on or before July 1 for inspections to maintain eligibility. (3-19-99)

151. -- 199. (RESERVED).

200. MOVEMENT OF FARMING EQUIPMENT.

- 01. Clean And Free.** Farm equipment, including but not limited to tillage equipment, vehicles and hop yard appurtenances moving into the control area must be clean and free of soil and hop debris. (8-1-80)
- 02. Requirements.** Freedom from plant material and soil may be accomplished by washing, steam cleaning, and/or use of a disinfectant appropriately labeled for the purpose. (8-1-80)

201. -- 249. (RESERVED).

250. POSTING OF FIELDS.

- 01. Purpose.** All hop yards and nurseries within the control area shall be posted to prevent entry of unauthorized personnel and vehicles. (8-1-80)
- 02. Visibility.** Signs shall be visible from adjacent public roadways or points of access to hop yards. (8-1-80)

251. -- 299. (RESERVED).

300. PEST DETECTION.

- 01. Inspection.** If there is evidence of a regulated pest which is detected by visual inspection, the Department, in cooperation with the University of Idaho, Department of Plant, Soil and Entomological Sciences, will perform laboratory procedures sufficient to determine the causal organism. (3-19-99)
- 02. Consequences.** Positive identification of the presence of Verticillium wilt or powdery mildew virulently pathogenic to hops will result in loss of eligibility for sale or transfer for those rootstocks within the infected field and in addition a directive may be issued that the infested area be removed from hop production and the soil be disinfested. (3-19-99)

301. -- 349. (RESERVED).

350. EXEMPTIONS.

01. Agencies. This order does not apply to any governmental agency growing hops in experimental plots approved by the Director, Idaho State Department of Agriculture and under the supervision of qualified plant scientists. (3-19-99)

02. Quarantine Area. Such experimental plots shall serve as quarantine areas during the period that a clone is meeting the eligibility requirements for phytosanitary certification and be subject to Subsection 150.01.a. of this rule. (3-19-99)

03. Powdery Mildew Certification. All hop propagating materials to be shipped to all counties in Idaho shall be accompanied by a phytosanitary certificate issued by the state of origin's plant regulatory agency stating that the propagating material has been inspected and found apparently free from powdery mildew. The plant regulatory agency of the state of origin shall send a copy of the phytosanitary certificate to the Idaho State Department of Agriculture, Division of Plant Industries, 2270 Old Penitentiary Road, P.O. Box 790, Boise, Idaho 83701-0790, FAX (208) 334-2283. (3-19-99)

351. -- 399. (RESERVED).

400. AUTHORITY TO ENTER AND INSPECT.

The Director of the Idaho State Department of Agriculture or his designated agents are authorized to enter and inspect any and all hop plantings within the state of Idaho. (3-19-99)

401. -- 449. (RESERVED).

450. PENALTY.

Any person violating any of the provisions of these rules shall be subject to the penalty provisions of Title 22, Chapters 7 and 20, Idaho Code. (5-3-03)

451. -- 499. (RESERVED).

500. FEES AND CHARGES.

The fees and charges for inspection, certificates, and permits shall be as follows: (3-19-99)

01. Transfer Permits. For in-state sale of rootstocks: seven dollars and fifty cents (\$7.50) per certificate. (8-1-80)

02. Phytosanitary Certificates. For exporting purposes: ten dollars (\$10) per certificate. (8-1-80)

03. Field Inspection. (8-1-80)

a. Application for field inspection: three dollars (\$3) per field. (8-1-80)

b. Late penalty fees: twenty dollars (\$20) per application on all applications received after July 1 of each year and prior to July 15. (8-1-80)

c. Acreage inspection fee: three dollars (\$3) per acre or fraction thereof per field. (8-1-80)

04. Laboratory Fees. Fifty dollars (\$50) per sample. (8-1-80)

501. -- 999. (RESERVED).

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