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**IDAPA 02
TITLE 06
CHAPTER 20**

02.06.20 - RULES GOVERNING GRAPE PLANTING STOCK

000. LEGAL AUTHORITY.

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

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.20, “Rules Governing Grape Planting Stock”. (5-3-03)

02. Scope. This chapter has the following scope: These rules are to prevent the introduction of certain grape plant pests and plant diseases into the state of Idaho. To declare that a quarantine be established at the boundaries of the state of Idaho. To define the area under quarantine, regulated commodities, regulations governing shipments, disposition of commodities in violation of quarantine, authority to enter, inspect, and control and penalties. The official citation for this chapter is IDAPA 02.06.20.000 et seq. For example, this section’s citation is IDAPA 02.06.20.001. (5-3-03)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (5-3-03)

003. ADMINISTRATIVE APPEAL.

Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. (5-3-03)

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. -- 009. (RESERVED).

010. DEFINITIONS.

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

011. -- 049. (RESERVED).

050. AREA UNDER QUARANTINE.

All areas outside of the territorial borders of the state of Idaho. (2-21-72)

051. -- 099. (RESERVED).

100. REGULATED COMMODITIES.

Plants and all parts thereof (except fruits) of grape (*Vitis* species). (2-21-72)

101. -- 149. (RESERVED).

150. RULES GOVERNING SHIPMENTS.

01. Admittance Into Idaho. Plants and parts thereof of grapes will be admitted into the state of Idaho provided the following provisions are complied with. (2-21-72)

a. European or wine grape (*Vitis vinifera*) plants or parts thereof will be admitted when accompanied by phytosanitary certificate, issued by a legal certifying agency of the state of origin, certifying the regulated commodities to be free from known virus diseases and plant pests detrimental to grapes. Phytosanitary certificates are to reach the office of the Division of Plant Industries, Boise, Idaho, ten (10) days prior to shipment. (2-21-72)

b. All other grape (*Vitis* species) and all hybrid grape plants or parts thereof will be admitted when evidence is given that the regulated commodities were treated, heat or fumigation, for plant pests detrimental to grapes. Type of treatment must meet with the approval of the Director of the Idaho Department of Agriculture. (2-21-72)

c. All rooted grape plants (not rooted in sterile media) of (*Vitis vinifera* and/or *Vitis* species) will be admitted when evidence is given that the regulated commodities were treated, heat or fumigation, for plant pests detrimental to grapes, and which type of treatment must meet with the approval of the Director of the Idaho Department of Agriculture. (2-21-72)

02. Marking Contents and Treatment. All shipments of grape plants or parts thereof shall be marked with the contents and treatment applied on the outside of the package or container. (2-21-72)

03. Shipment Inspection Provisions. Any and all shipments of commodities under the foregoing provisions must be held by the person who ordered such grape plants or parts thereof. Such person shall immediately notify the Department at the time the grape plants or parts thereof are received. The person shipping or moving the grape plants or parts thereof into Idaho shall immediately notify the Department at the time of shipment. The grape plants or parts thereof shall be held as required by this Subsection until they have been inspected and passed by the Director of the Idaho Department of Agriculture, his deputy, or by a state plant quarantine officer. (2-21-72)

151. -- 199. (RESERVED).

200. DISPOSITION OF COMMODITIES IN VIOLATION OF QUARANTINE.

Any commodity set forth in Section 150 of this quarantine, or any grape plants or parts thereof, not meeting the requirements of this quarantine shall immediately be sent out of the state of Idaho or destroyed at the option and expense of the owner or owners, his or their responsible agents and under the direction of the Director of the Idaho Department of Agriculture or his deputies. (2-21-72)

201. -- 249. (RESERVED).

250. AUTHORITY TO ENTER, INSPECT, AND CONTROL.

01. Entry and Inspection. The Director is authorized to enter and inspect any or all grape plantings in the state of Idaho. (5-3-03)

02. Control and Destruction of Infected Plants. Whenever the Director finds that there is imminent peril that virus diseases or plant pests will spread from infected grape plantings to and contaminate other uninfected grape plantings because of refusal, failure, or neglect to control the already infected grape plantings, he may at once give notice in writing to control or destroy in part or total the infected grape plantings under the provisions of Title 22, Chapter 20, Idaho Code, and he may thereafter, if necessary, proceed to destroy such infected grape plantings under the terms and provisions of Title 22, Chapter 20, Idaho Code. (5-3-03)

251. -- 299. (RESERVED).

300. PENALTY.

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

301. -- 999. (RESERVED).

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