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**IDAPA 02
TITLE 06
CHAPTER 31**

**02.06.31 - IDAHO DEPARTMENT OF AGRICULTURE NOXIOUS WEED FREE
FORAGE AND STRAW CERTIFICATION RULES**

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-101(3), 22-2403, 22-2411, 22-2412, and 22-2413, Idaho Code. (3-10-00)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is the “Idaho Department of Agriculture Noxious Weed Free Forage and Straw Certification Rules”. (3-10-00)

02. Scope. This chapter has the following scope: these rules shall govern the inspection and certification of noxious weed free forage and straw to allow for the transportation and sale of forage and straw into and through states where regulations and restrictions are placed on such commodities. The official citation of this chapter is IDAPA 02.06.31.000 et seq. For example, the citation for this section is IDAPA 02.06.31.001. (3-10-00)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (7-1-94)

003. ADMINISTRATIVE APPEALS.

There is no provision for administrative appeals before the Department of Agriculture under this chapter. (7-1-94)

004. DEFINITIONS.

The definitions found in Section 22-2402, Idaho Code, apply to this chapter. In addition, as used in this chapter: (7-1-94)

01. Agent. Means any instrumentality or entity authorized by the director of the department, and acting on behalf of the department, to administer the provisions of this rule. Any designated agent shall act in an official capacity for the department and under the supervision of the director of the department. The principal purpose of the agent is to establish, conduct, and maintain a uniform and reasonable system of inspection and certification of forage and straw crops to determine if such crops are noxious weed free. (3-10-00)

02. Approved Inspector. Means an individual who has been accredited by the department or by the department’s agent in the noxious weed free forage and straw certification program. (3-10-00)

03. Bale. Means a mechanically compressed package of forage or straw bound by string or wire. (7-1-94)

04. Bale Certification Inspection. Means inspection of forage or straw which has been baled prior to inspection. (3-10-00)

05. Bale Tag. Means a tag or label which is attached to the string or wire of a bale of certified forage or straw, and identifies the bale as being certified noxious weed free. (3-10-00)

06. Certificate of Inspection. Means a record of inspection issued by an approved inspector that states the results of a field or commodity inspection. The certificate shall document that the inspected field or commodity is state noxious weed free, regional noxious weed free, or that the field or commodity contains noxious weeds. (3-10-00)

07. Certification. Means the process whereby an approved inspector conducts field or commodity inspections to determine that the field or commodity is noxious weed free. (3-10-00)

08. Department. Means the Idaho Department of Agriculture. (7-1-94)

09. Field. Means the land on which a forage or straw crop is grown and is not divided by streams, public roads, other crops, or other barriers. (3-10-00)

10. Field Certification Inspection. Means an on-site inspection of forage or straw in the field, and areas adjacent to the field, for the presence of noxious weeds. The inspection shall be conducted prior to cutting or harvesting. (3-10-00)

11. Forage. Means alfalfa, grain, and grass hay, and/or combinations of alfalfa, grain, or grass hay; the term "forage" includes forage cubes. (3-10-00)

12. Forage Cubes. Means forage that is mechanically compacted into wafers or cubes. (3-10-00)

13. Noxious Weed Free. Means no noxious weeds were found during inspection procedures. (3-10-00)

14. Official Sample. Means a sample taken by an approved inspector. (3-10-00)

15. State Noxious Weed Free. Means forage and straw inspected for weeds designated by the director as noxious as defined in Section 22-2402(9), Idaho Code, and determined to be free of such weeds. (3-10-00)

16. Regional Noxious Weed Free. Means forage and straw inspected for, and determined to be free of, weeds designated as noxious by states participating in a regional noxious weed free forage and straw certification program, including but not limited to the following: Colorado, Idaho, Montana, Utah, and Wyoming. (3-10-00)

17. Straw. Means the dried stalks or stems remaining after grain is harvested. (7-1-94)

18. Transit Certificate. Means a document completed by an approved inspector to authorize the movement of noxious weed free certified forage or straw into or through areas which require noxious weed free forage and straw certification. The transit certificate must be in the possession of the transporter. If individual bales are tagged with an approved bale tag, a transit certificate is not required. (3-10-00)

005. FINDINGS.

The amendments are in compliance with House Bill No. 244 of the 1999 Legislature and confer a benefit by deleting obsolete provisions relative to the certification of forage pellets, deleting the requirement for transit load tags, clarifying rules relative to the certification of baled and cubed forage or straw, clarifying existing language, and establishing a schedule of fees that may be charged by the certifying agent. (3-10-00)

006. PUBLIC RECORDS.

The records associated with this chapter are subject to Title 9, Chapter 3, Idaho Code. (3-10-00)

007. -- 009. (RESERVED).

010. VOLUNTARY NOXIOUS WEED FREE FORAGE AND STRAW CERTIFICATION PROGRAM.

01. Purpose. The noxious weed free forage and straw certification program is a voluntary program, the purpose of which is to provide a means for the inspection and certification of forage and straw as noxious weed free. The program will be managed by the department and may be implemented through an agent of the department. The program will allow for the transportation and sale of forage and straw into and through states which place regulations and restrictions on such commodities. The program is intended to reduce the exportation, importation, growth, and spread of noxious weeds. (3-10-00)

02. Certifying Authority. The department or its agent is the certifying authority. The certifying authority shall appoint, as needed, approved inspectors throughout the state, who may issue certificates of inspection. (3-10-00)

03. Certification Training. The department shall determine minimum training and accreditation

standards for approved inspectors. Training will be provided by the department or its agent. Approved inspectors must be re-accredited annually. (3-10-00)

04. Certification Program. (3-10-00)

a. The department or its agent shall: (3-10-00)

i. Coordinate forage and straw inspections within the state; (3-10-00)

ii. Select, train, and supervise persons who serve as approved inspectors; (3-10-00)

iii. Issue certificates of inspection, transit certificates, and bale tags to qualifying participants; (3-10-00)

iv. Maintain a record of inspections performed and certificates and tags issued; (7-1-94)

b. Under the direction of the department or its agent an approved inspector may perform inspections and issue certificates of inspection, transit certificates, and bale tags within the state. (3-10-00)

05. Application for Certification. (7-1-94)

a. Application for certification inspection shall be made on forms available from a the department or its agent and submitted to the department or its agent. (3-10-00)

b. Applications for bale certification inspections or for the official sampling and certification of cubed forage, in cases wherein forage or straw has not been field inspected prior to being baled or cubed, must be submitted to the department or its agent no later than ten (10) working days prior to the desired inspection date. (3-10-00)

c. An applicant's signature on the application for certification is verification of the accuracy of the information submitted, and signifies the applicant's intent to comply with the post-certification and distribution requirements. (3-10-00)

06. Field Inspection Procedures. (7-1-94)

a. Forage or straw shall be inspected in the field of origin prior to the beginning of harvest for each field and cutting to be certified. (7-1-94)

b. Each field inspected shall be identified by the name of the owner and a field name or number. The certification inspection may be performed on an entire field or a portion of a field, if the portion is plainly marked and identified prior to inspection. (3-10-00)

c. Field inspections must take place prior to any cultural operation that will limit the inspector's ability to properly inspect and certify the field. (3-10-00)

d. When performing field certification inspections, the approved inspector shall inspect the field in a manner which complies with procedures established by the department or its agent. (3-10-00)

07. Bale Inspection Procedures. When performing bale certification inspections, for forage or straw that was not field inspected, the approved inspector shall inspect the bales in a manner which complies with procedures established by the department or its agent. When performing bale certification inspections, the approved inspector shall: (3-10-00)

a. Inspect not less than one (1) bale for each twenty-five (25) bales for which certification is requested. (3-10-00)

b. Randomly select bales for inspection. (3-10-00)

08. Cubed Forage Inspection Procedures. Cubed forage that has not been field inspected may be certified under the following conditions: (3-10-00)

- a.** The cubed forage shall be officially sampled. (3-10-00)
- b.** A minimum official sample shall be taken of five (5) pounds up to one (1) ton, and five (5) pounds per ton thereafter. (3-10-00)
- c.** The official sample shall be sent to the Idaho State Seed Laboratory or other Association of Official Seed Analysts laboratories, as approved by the department or its agent. (3-10-00)
- d.** A germination test shall be performed on the official sample, and found to contain no viable noxious weed seeds. (3-10-00)

09. Certification Standards. After completing an inspection, the approved inspector shall complete a certificate of inspection. (3-10-00)

a. If the field or commodity inspected is certified as regional noxious weed free, the inspector shall issue a certificate of inspection for that harvest or cutting. If the field or commodity contains regional noxious weeds, but does not contain state noxious weeds, it may be certified as state noxious weed free, and such certification shall be noted on the certificate of inspection. (3-10-00)

b. If the field or commodity inspected is certified as noxious weed free, the inspector may also issue, upon request, any of the following documents: (3-10-00)

- i.** Transit certificates. (7-1-94)
- ii.** Bale tags. (7-1-94)
- c.** Certificates of inspection, transit certificates and bale tags shall be on forms prescribed by the department or its agent. (3-10-00)
- d.** Certificates of inspection, transit certificates, and bale tags will be available from the department or its agent. (3-10-00)

10. Copy of Inspections and a List of Approved Inspectors. Upon request, the agent shall provide the department with a copy of certificates of inspections issued and a current list of approved inspectors. (3-10-00)

11. Reciprocity. Forage or straw certified under a reciprocal agreement between the department and another state, and certified as regional noxious weed free according to the other state's approved certification standards, may be shipped into the state of Idaho and shall be considered to meet the requirements of the Idaho program. (3-10-00)

12. Exports. Certification under these rules does not qualify a commodity for export from the United States. Applications for certification for export should be made directly to the Division of Plant Industries within the department. (3-10-00)

13. Voluntary Posting. After certification, a producer may post signs, or other forms of notification, on the certified commodity indicating that the commodity is certified as noxious weed free. (3-10-00)

14. Post-Certification and Distribution Requirements. After a producer's commodity has been inspected and certified, the producer, distributor, or other responsible party shall: (3-10-00)

- a.** Take reasonable and prudent steps to protect the certified commodity from contamination; (7-1-94)
- b.** Keep the certified commodity separated from all uncertified commodity; (3-10-00)

c. Attach bale tags to each bale of certified forage or straw intended for sale as noxious weed free forage or straw; and (3-10-00)

d. Provide the shipper, trucker, or transporter with the appropriate number of transit certificates. (3-10-00)

15. Cancellation for Failure to Comply. Any person who provides false information on an application for inspection or who fails to comply with the post-certification and distribution requirements may, upon order of the director, be suspended for a period of up to two (2) years from participating in the forage and straw certification program. (7-1-94)

16. Enforcement and Cancellation. Harvested lots of forage or straw from certified fields may be checked at any time by a certification inspector. Evidence that forage or straw is not from an inspected field or that any lot has not been protected from contamination shall be cause for cancellation of certification. (3-10-00)

17. Certification Fees. A minimum of thirty dollars (\$30) per inspection shall be charged for up to ten (10) acres, and three dollars (\$3) per acre thereafter. The agent is authorized to assess a general fee of thirty dollars (\$30) per year to recover overhead costs. The agent may waive the general fee if the applicant has already been assessed a similar fee for other types of crop inspections. (3-10-00)

011. -- 999. (RESERVED).

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