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**IDAPA 02
TITLE 06
CHAPTER 18**

02.06.18 - RULES GOVERNING MINT ROOTSTOCK AND CLONE PRODUCTION

000. LEGAL AUTHORITY.

This chapter is adopted under the 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 "Rules Governing Mint Rootstock and Clone Production". (3-23-98)

02. Scope. This chapter has the following scope: These rules shall govern procedures for planting or sale of mint rootstock and clones. The official citation of this chapter is IDAPA 02.06.18.000 et seq. For example, this section's citation is IDAPA 02.06.18.001. (3-23-98)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (9-1-94)

003. ADMINISTRATIVE APPEAL.

Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. There is no provision for administrative appeals before the Department of Agriculture under this chapter. (3-23-98)

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 adoption of this rule will confer benefits to the mint industry by allowing certification of insect and disease-free mint rootstock by the Department. (5-3-03)

008. -- 009. (RESERVED).

010. DEFINITIONS.

The Department adopts the definitions set forth in Section 22-2005, Idaho Code. In addition, as used in this chapter: (5-3-03)

01. Certified Defined Generation. Certified defined generation of mint rootstock means its origin is in the restricted area and its history may be directly traced, not to exceed five (5) generations, to its source as healthy clones. (7-1-93)

02. Healthy Clones (HC). Those plants, which are cloned, having been cleansed, tested and

maintained in an approved greenhouse and under the supervision of the state of origin's agricultural regulatory authority. The origin of all clones shall be listed on all clone transfer permits. (5-3-03)

- 03. Nuclear Planting Stock (NPS).** Those rootstocks originating from healthy clones. (9-1-94)
- 04. Certified Defined Generation 1 (CDG-1).** Those rootstocks one (1) generation removed from nuclear planting stock, and fulfilling the requirements as herein provided. (9-1-94)
- 05. Certified Defined Generation 2 (CDG-2).** Those rootstocks one (1) generation removed from CDG-1 planting stock and fulfilling the requirements as herein provided. (9-1-94)
- 06. Certified Defined Generation 3 (CDG-3).** Those rootstocks one (1) generation removed from CDG-2 planting stock and fulfilling the requirements as herein provided. (9-1-94)
- 07. Certified Defined Generation 4 (CDG-4).** Those rootstocks one (1) generation removed from CDG-3 planting stock and fulfilling the requirements as herein provided. (9-1-94)
- 08. In-State Defined Generation.** In-state defined generation of mint rootstock means the roots have been grown in the commercial production area and their history may be directly traced, not to exceed five (5) generations, to their source as healthy clones. (3-23-98)
- 09. In-State Defined Generation 1 (SDG-1).** Those rootstocks one (1) generation removed from nuclear planting stock, and fulfilling the requirements as herein provided. (9-1-94)
- 10. In-State Defined Generation 2 (SDG-2).** Those rootstocks one (1) generation removed from SDG-1 or CDG-1 planting stock and fulfilling the requirements as herein provided. (9-1-94)
- 11. In-State Defined Generation 3 (SDG-3).** Those rootstocks one (1) generation removed from SDG-2 or CDG-2 planting stock and fulfilling the requirements as herein provided. (9-1-94)
- 12. In-State Defined Generation 4 (SDG-4).** Those rootstocks one (1) generation removed from SDG-3 or CDG-3 planting stock and fulfilling the requirements as herein provided. (9-1-94)
- 13. Field.** A parcel of land submitted to the department for inspection of the mint being grown thereon, and physically separated by a minimum of five (5) feet of bare ground, or irrigation ditch, or road, or other physically discernible barrier separating it from an adjacent parcel of land planted with mint. (3-23-98)

011. (RESERVED).

012. REGULATED PESTS.

- 01. Diseases.** Verticillium wilt (*Verticillium dahliae* Kleb) a persistent soil-borne fungal disease of mint and any virulently pathogenic, persistent disease known to be detrimental to the production of mint rootstock in the restricted area and the commercial production area. (5-3-03)
- 02. Insects.** (3-3-93)
 - a.** Restricted area as defined in Subsection 100.02: Mint stem borer (*Pseudobaris nigrina*), insect pests of mint rootstocks and any persistent insect pest known to be detrimental to the production of mint rootstocks and without effective control options. (5-3-03)
 - b.** Commercial production area as defined in Subsection 100.01: Mint stem borer (*Pseudobaris nigrina*), insect pest of mint rootstocks and any persistent insect pest known to be detrimental to the production of mint rootstocks and without effective control options. (3-23-98)
- 03. Noxious Weeds.** (3-23-98)

a. In both the commercial production area and restricted area as defined in Subsections 100.01 and 100.02: those weeds declared noxious by authority of Title 22, Chapter 24, Idaho Code (Noxious Weed Law) and Rules. (5-3-03)

b. Growers shall be notified by the Department of existing noxious weed problems. If noxious weeds have not been effectively controlled as determined by the Department, prior to the second inspection, the field will be rejected for certification by the Department. (5-3-03)

013. -- 049. (RESERVED).

050. REGULATED PRODUCTS.

01. Mentha. Rootstocks of all species of the genus *Mentha*. (7-1-93)

02. Mentha Production Equipment. Machinery, tools, and equipment used in the production of *Mentha* species. (7-1-93)

051. -- 099. (RESERVED).

100. CONTROL AREAS.

To facilitate inspection and control, the land mass of the state of Idaho is divided into two (2) areas, currently defined as: (1-21-92)

01. Commercial Production Area. Ada, Canyon, Elmore, Gem, Gooding, Payette, Owyhee, and Washington Counties. (3-23-98)

02. Restricted Area. That land mass of the state of Idaho not included in the commercial production area. (3-23-98)

a. Certified defined generation mint shall not be grown when the specific location is within five (5) miles of uncertified mint unless there are adequate physical and cultural barriers. (3-23-98)

101. -- 149. (RESERVED).

150. REQUIREMENTS FOR MINT ROOTSTOCK TO BE PLANTED IN IDAHO.

01. Restricted Area as Defined in Subsection 100.02. (9-1-94)

a. Healthy clones shall be accompanied by a phytosanitary certificate issued by a regulatory agency of the state of origin with zero (0) tolerance for regulated disease(s), insect(s) and noxious weed(s); or (3-23-98)

b. Certified rootstock from the restricted area shall be accompanied by a certified defined generation transfer permit with the parent rootstock number and with zero (0) tolerance for stem borer, or insect(s) without effective control options (i.e. stem borer), regulated disease(s) and noxious weed(s). (3-23-98)

02. Commercial Production Area. As defined in Subsection 100.01, has no restrictions except for those wishing to participate in the inspection program. Those wishing to participate shall adhere to the following rules: (3-23-98)

a. Healthy clones shall be accompanied by a phytosanitary certificate, issued by a regulatory agent of the state of origin with zero (0) tolerance for regulated disease(s), insect(s) and noxious weeds; or (3-23-98)

b. Certified rootstock from the restricted area shall be accompanied by a certified defined generation transfer permit with the parent rootstock number, level of mint root borer infestation and zero (0) tolerance for stem borer, or, insect(s) without effective control options (i.e., stem borer) regulated disease(s) and weed(s); or (3-23-98)

c. In-state defined generation rootstock from the commercial production area shall be accompanied

by a transfer permit with the parent rootstock number, level of mint root borer infestation and zero (0) tolerance for stem borer, regulated disease(s) and weed(s). (3-23-98)

151. -- 199. (RESERVED).

200. INSPECTION PROCEDURES.

01. Inspection Requests. All requests for inspection shall be made prior to May 1 of each year on forms provided by the Department. (3-23-98)

a. Incomplete applications for inspection will not be accepted. (3-9-93)

b. No application for field inspection will be accepted after June 1 of each year except in the case of healthy clones. (3-23-98)

02. First Field Inspection. Mint fields submitted for inspection shall be inspected during active growth in early June through mid-July by the Idaho Department of Agriculture inspector. The inspection protocol is as follows: (3-23-98)

a. Inspectors shall walk the entire field at thirty (30) row intervals. Inspector shall walk fields with less than thirty (30) rows at fifteen (15) row intervals. (3-9-93)

b. The inspector shall wear rubber boots which are sanitized between each field. A ten percent (10%) solution of sodium hypochlorite shall be used to sanitize boots. (3-9-93)

c. The site of any sample taken for a Verticillium wilt determination shall be marked. (3-23-98)

03. Second Field Inspection. Mint fields submitted for inspection shall be sampled in early to mid September for the presence of the mint root borer. The sampling protocol is as follows: (3-23-98)

a. Three (3) samples per five (5) acres will be collected. (3-23-98)

b. Sampling sites shall include areas of plant stress. (3-9-93)

c. In each sampling site one (1) square foot samples of mint roots and two (2) to three (3) inches of soil shall be selected. (3-9-93)

d. The mint roots and the soil in each sample shall be examined for evidence of regulated pests. (3-9-93)

e. The site of any sample taken will be appropriately marked. (3-23-98)

f. Fields found with Verticillium wilt during the second inspection will result in the entire field being disapproved by the Department and permanently ineligible for certification purposes, by the Department. (3-23-98)

g. Fields with stem borer or other insects without control options (i.e., stem borer), will be disapproved by the Department for certification but, if proven clean at a later date, could again be considered for certification. (3-23-98)

04. Notification of Infestation. The Idaho Department of Agriculture shall notify the grower immediately upon the completion of any test results for regulated pest(s). (3-23-98)

05. Issuance of Certified Defined Generation and In-State Defined Generation Transfer Permits. (9-1-94)

a. Restricted area as defined in Subsection 100.02: a certified defined generation transfer permit with the parent rootstock number will be issued for rootstock that meets the following requirements: (9-1-94)

- i. Roots shall be grown in restricted areas. (3-23-98)
- ii. Field submitted and inspected per Subsections 200.01 through 200.04. (3-23-98)
- iii. Zero (0) tolerance for regulated disease(s), insect(s) without effective control options (i.e., stem borer), and noxious weed(s). (3-23-98)
- iv. Levels of mint root borer infestation will be listed in the transfer permit. (3-23-98)

b. Commercial production area as defined in Subsection 100.01: an in-state defined generation transfer permit with the parent rootstock number and level of mint root borer infestation issued for rootstock that meets the following requirements: (3-23-98)

- i. Field submitted and inspected per Subsections 200.01 through 200.04. (3-23-98)
- ii. Zero (0) tolerance for regulated disease(s), insect(s) without effective control options (i.e., stem borer), and noxious weed(s). (3-23-98)
- iii. Levels of mint root borer infestation will be listed in the transfer permit. (3-23-98)

06. Exemptions -- Issuance of In-State Transfer Numbers. (9-1-94)

a. Restricted area as defined in Subsection 100.02: rootstock found to be infested with noxious weed(s), shall not be eligible for a certified defined generation transfer permit for the current year. The Department of Agriculture will issue an in-state transfer number to allow the grower to plant rootstock within their farm for the purpose of controlling the infestation. The field must be submitted for inspection per Subsections 200.01 through 200.04. If the rootstock is found to be free of the noxious weed(s), the rootstock will be eligible for a certified defined generation transfer permit with parent rootstock number. The eligible rootstock will be assigned a certified defined generation transfer permit with parent rootstock number corresponding to the next generation had it not been denied certification the previous year. Rootstock denied certification two consecutive years shall not be eligible for future certification. (3-23-98)

b. Commercial production area as defined in Subsection 100.01: rootstock found to be infested with a noxious weed(s) or insect(s) shall not be eligible for an in-state defined generation transfer permit for the current year. The Department of Agriculture will issue an in-state transfer number to allow the grower to plant the rootstock within their farm for the purpose of controlling the infestation. The field must be submitted for inspection per Subsections 200.01 through 200.04. If the rootstock is found to be free from the noxious weed(s) the rootstock will be eligible for an in-state defined generation transfer permit with parent rootstock number. The eligible rootstock will be assigned an in-state defined generation transfer permit corresponding to the next generation had it not been denied certification the previous year. Rootstock denied certification two consecutive years shall not be eligible for future certification. (3-23-98)

07. Laboratory Tests. In the event visual examination reveals evidence of a regulated pest, laboratory tests, if necessary to determine the causal organism, will be conducted by the Idaho Department of Agriculture laboratory on official samples in addition to the field inspection. In the case of a disagreement between the state Department of Agriculture and the interested party concerning the identity of the regulated pest in question, the state Department of Agriculture will submit an official sample to any lab of the University of Idaho, for a final determination. (3-23-98)

08. Transfer Permits and Resale. (3-9-93)

a. It shall be the responsibility of each grower producing mint rootstock originating within the state to obtain transfer permits from the Department prior to moving planting stocks for resale. (3-9-93)

b. Each time a transfer permit is issued, the Idaho Department of Agriculture will send a copy and/or notification to the office of the Idaho Mint Commission. (3-23-98)

201. MOVEMENT OF FARM EQUIPMENT.

Farm equipment, including but not limited to tillage equipment, planters and digging equipment moving from the infested area into the restricted area shall be clean and free of soil to the satisfaction of the Director or his designated agent. (9-1-94)

202. -- 209. (RESERVED).

210. GREENHOUSES.

Greenhouses shall be screened and tightly constructed to preclude the entry of any regulated insect or noxious weed as defined in Subsections 012.02 and 012.03 above. Planting media shall be sterilized prior to planting, and shall not be re-used for planting of any mint destined to be entered in the mint certification process as outlined in this rule. Greenhouses shall be disinfected annually with a ten percent (10%) sodium hypochlorite solution. Greenhouses shall be licensed as such under Chapter 23, Title 22, Idaho Code, Idaho Nursery Law. (5-3-03)

211. -- 249. (RESERVED).

250. POSTING OF FIELDS.

01. Posting. All mint fields within the restricted area shall be posted to prevent entry of unauthorized personnel. (3-9-93)

02. Approval by Department. Signs and method of placement shall be of a type and manner approved by the Department with the advice of the Idaho Mint Commission. (3-9-93)

251. -- 299. (RESERVED).

300. AUTHORITY TO ENTER, INSPECT, AND CONTROL REQUIREMENTS.

01. Agent Authorization. The Idaho Director of Agriculture or his designated agents are authorized to enter and inspect any and all mint plantings in the restricted area and any and all mint plantings that have been submitted for inspection. (3-23-98)

02. Submission for Inspection. Additionally, all mint planted in the restricted area shall be submitted to the Idaho Department of Agriculture for annual inspection. (3-23-98)

301. -- 349. (RESERVED).

350. PENALTY.

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

02. Destruction of Rootstock. Restricted area as defined in Subsection 100.02: any field of mint rootstock determined to be infected with a regulated pest including those without control options shall be destroyed to eliminate the regulated pest by or at the expense of the grower or landlord. Except if the county, or any portion thereof, as determined by the Department, in which a field of mint rootstock determined to be infected with the regulated disease(s) or infested with insects without control options is to be made part of the commercial production area, then destruction of the field shall not be required. The method of destruction shall include but not be limited to uprooting to expose and desiccate the rootstocks. All destruction shall have been completed by November 1st of each year. (5-3-03)

351. -- 399. (RESERVED).

400. EXEMPTIONS.

01. Government Agencies. These rules do not apply to any governmental agency growing mint in

experimental plots approved by the Director of the Idaho Department of Agriculture and under the supervision of qualified plant scientists. (3-9-93)

02. Private, Non-Commercial Home Use. These rules do not apply to species of the genus *Mentha* intended for private, non-commercial home use. However, species of the genus *Mentha* intended for private, non-commercial home use entering Idaho shall be accompanied by a phytosanitary certificate issued by the state of origin's department of agriculture certifying them free of pests and diseases listed under Section 010. (3-9-93)

401. -- 449. (RESERVED).

450. FEES AND CHARGES.

Under provisions of Title 22, Chapter 7, Idaho Code, the fees and charges for inspections, certificates, and permits under these rules shall be as follows: (7-1-93)

- 01. Transfer Certificates.** For in-state sale or movement of rootstock: ten dollars (\$10) per certificate. (7-1-93)
- 02. Field Inspections.** (7-1-93)
 - a.** Application for field inspection: three dollars (\$3) per field. (7-1-93)
 - b.** Field inspection, collection of samples and examination of samples shall be assessed at a rate of five dollars (\$5) per acre per inspection. (7-1-93)
 - c.** Travel costs and lodging shall be charged according to established state rates and policy. (7-1-93)
 - d.** Every effort shall be made to schedule field inspections to insure the most efficient use of travel time. Charges for travel time will be charged on a prorated basis when more than one (1) farm is inspected during a trip. (7-1-93)

451. -- 999. (RESERVED).

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