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**IDAPA 02
TITLE 01
CHAPTER 05**

02.01.05 - RULES GOVERNING CERTIFICATES OF FREE SALE

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-112, Idaho Code. (3-29-10)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.01.05, "Rules Governing Certificates of Free Sale." (3-29-10)

02. Scope. These rules govern the issuing of certificates of free sale and establish applicant procedures for obtaining Certificates of Free Sale. The official citation of this chapter is IDAPA 02.01.05, et seq. (3-29-10)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-29-10)

003. ADMINISTRATIVE APPEALS.

Persons are entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (3-29-10)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (3-29-10)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- TELEPHONE AND FAX NUMBERS.

01. Office. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (3-29-10)

02. 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. (3-29-10)

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (3-29-10)

04. Telephone Number. The telephone number for the Market Development Division at the central office is (208) 332-8530. (3-29-10)

05. Fax Number. The fax number for the Market Development Division at the central office is (208) 334-2879. (3-29-10)

006. IDAHO PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. (3-29-10)

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. Applicant. Any person applying for certification under these rules. (3-29-10)

02. Certificate of Free Sale. A certificate issued by the Department for products grown or processed in Idaho to certify that the products are distributed generally throughout the state of Idaho and the United States and are in accordance with Idaho health laws and sanitary regulations. (3-29-10)

03. Department. The Idaho State Department of Agriculture. (3-29-10)

04. Director. The director of the Idaho State Department of Agriculture or the director's designee. (3-29-10)

011. -- 099. (RESERVED).

100. APPLICATION FOR CERTIFICATION - PROCEDURES.

01. Application. Application must be made in writing (which includes electronic mail) and must include, but will not be limited to, the following information: (3-29-10)

a. Company name; (3-29-10)

b. Physical address of packing or processing facility; and (3-29-10)

c. List of products to be certified. (3-29-10)

02. Application Forms. No application form(s) are necessary. (3-29-10)

03. Multiple Certificates. Multiple certificates may be requested at one time. (3-29-10)

101. -- 109. (RESERVED).

110. APPLICANT REQUIREMENTS.

01. Applicant Health Inspection. The Department may request a copy of an applicants' most recent state, federal or third-party health inspection, if applicable. Such inspection records will be kept on file for one (1) year. (3-29-10)

02. Applicant Licenses or Registrations. If the applicant is regulated by the Department, the applicant must meet all state laws and Department regulations. (3-29-10)

111. -- 119. (RESERVED).

120. SPECIAL REQUESTS.

01. Customized Certificates. The applicant may request customized text for the certificate of free sale in order to meet the import requirements of a specific country. The Department will make every effort to comply with the request. (3-29-10)

02. Additional Charges. There will be no additional charges for special requests. (3-29-10)

121. -- 299. (RESERVED).

300. FEES AND CHARGES.

01. Certification Fees. The Director will establish certification fees annually under this chapter. Fees will not exceed fifty dollars (\$50) each. Fees will be set by July 1 of each year. (3-29-10)

02. Notary Charges. Notary certification will be provided for each certificate at no additional charge. (3-29-10)

03. Shipping and Delivery Charges. There will be no fees for mailing costs unless the applicant requests express mailing. (3-29-10)

04. Express Mailing. The applicant will be responsible for express mailing charges. The applicant may

provide an account number for the carrier, pre-paid air bill or be invoiced for the actual costs. (3-29-10)

05. Payment. The applicant will be sent and invoice for fees and charges and will be responsible for payment within thirty (30) days. The Department will not issue a certificate of free sale to any company with an outstanding account balance. (3-29-10)

301. -- 999. (RESERVED).

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