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**IDAPA 02
TITLE 06
CHAPTER 10**

02.06.10 - RULES GOVERNING THE PALE CYST NEMATODE (*GLOBODERA PALLIDA*)

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-2013, Idaho Code. (10-1-09)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.10, “Rules Governing the Pale Cyst Nematode (*Globodera pallida*).” (10-1-09)T

02. Scope. The purpose and goal of this rule is to prevent the spread of Pale Cyst Nematode (*Globodera pallida*) throughout Idaho and the United States. (10-1-09)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (10-1-09)T

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeals before the Idaho State Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (10-1-09)T

004. INCORPORATION BY REFERENCE.

Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.10 incorporates by reference: (10-1-09)T

01. 7 CFR Part 301 SubPart - Pale Cyst Nematode. Sections 301.86 through 301.86-9 as published under Docket No. APHIS-2006-0143 in the Federal Register Volume 72, No. 176, Wednesday, September 12, 2007, and as amended under Docket No. APHIS-2006-0143 published in the Federal Register Vol. 74, No. 81, Wednesday, April 29, 2009, and except as amended below in this rule. (10-1-09)T

02. USDA APHIS PPQ Treatment Manual Schedule T406-d, Revision 10, September 2006. (10-1-09)T

03. 7 CFR Part 305 - Phytosanitary Treatments, as revised September 12, 2007. (10-1-09)T

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

01. Street Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (10-1-09)T

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. (10-1-09)T

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P. O. Box 790, Boise, Idaho 83701-0790. (10-1-09)T

04. Telephone Number. The telephone number of the central office is (208) 332-8500. (10-1-09)T

05. Fax Number. The fax number of the central office is (208) 334-2283. (10-1-09)T

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records and are available for inspection and copying at the department. (10-1-09)T

007. -- 009. (RESERVED).

010. DEFINITIONS AND TERMS.

The Idaho State Department of Agriculture adopts the definitions set forth in Title 22, Chapter 20, Idaho Code. In addition, as used in this chapter: (10-1-09)T

- 01. Inspector.** Any employee of ISDA, APHIS, the U.S. Department of Agriculture, or other person authorized by the USDA APHIS Administrator or ISDA Director to perform the duties required under this rule. (10-1-09)T
- 02. Interstate.** From any state into or through any other state. (10-1-09)T
- 03. Intrastate.** Movement within the boundaries of the state of Idaho. (10-1-09)T

011. ABBREVIATIONS.

- 01. APHIS.** Animal and Plant Health Inspection Service. (10-1-09)T
- 02. ISDA.** Idaho State Department of Agriculture. (10-1-09)T
- 03. PCN.** Pale Cyst Nematode. (10-1-09)T
- 04. PPQ.** Plant Protection and Quarantine. (10-1-09)T
- 05. USDA.** United States Department of Agriculture. (10-1-09)T

012. INTRASTATE MOVEMENT.

No regulated articles may move within the state of Idaho without complying with the federal regulations, as incorporated by reference in Subsection 004.01 in this rule. (10-1-09)T

013. QUARANTINED AREAS.

Those areas of the State quarantined or regulated for PCN under 7 CFR Part 301 Sections 301.86-3 as published on the USDA APHIS PPQ internet website at http://www.aphis.usda.gov/plant_health/plant_pest_info/potato/pcn.shtml. (10-1-09)T

014. RESTRICTIONS.

- 01. Movement From a Non-Quarantined Area.** Movement of regulated articles from a non-quarantined area is subject to inspection by an inspector. Permits and certifications are not required. (10-1-09)T
- 02. Movement From a Quarantined Area.** Movement of regulated articles from a quarantined area is subject to the provision of Section 015 of this rule. (10-1-09)T
- 03. Other Restrictions.** No potatoes, tomatoes, eggplants, or any other known host crops may be planted in the infested fields. Soil must not be moved from the infested fields. Any equipment leaving the infested fields must be sanitized and certified using USDA APHIS approved protocols. (10-1-09)T
- 04. Seed Potatoes.** Seed potatoes may not be grown in a quarantined area. (10-1-09)T

015. CONDITIONS FOR INTRASTATE OR INTERSTATE MOVEMENT OF REGULATED ARTICLES.

Regulated articles may only be moved intrastate or interstate from a quarantined area by a person under a compliance agreement if accompanied by a certificate or limited permit issued by an inspector in accordance with 7 CFR Part 301 Sections 301.86-4 and 5 as incorporated by reference in Section 004 of this rule. (10-1-09)T

016. -- 019. (RESERVED).

020. INSPECTION, SAMPLING, AND TESTING.

In order to accomplish the purposes of this rule, an inspector may enter upon and inspect any public or private

premises, lands, means of conveyance, or article of any person within this State, for the purpose of inspecting, surveying, sampling, testing, treating, controlling, or destroying any soil, plant, or plant material thought to or found to contain or be infested with Pale Cyst Nematode. (10-1-09)T

021. -- 024. (RESERVED).

025. PENALTIES.

Any person violating any of the provisions of these rules will be subject to the penalty provisions of Title 22, Chapter 20, Idaho Code. (10-1-09)T

026. -- 999. (RESERVED).

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