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**IDAPA 02
TITLE 06
CHAPTER 24**

02.06.24 - RULES GOVERNING THE JAPANESE BEETLE (*POPILLIA JAPONICA*)

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 02.06.24, "Rules Governing the Japanese Beetle (*Popillia japonica*)."

02. Scope. This chapter has the following scope: These rules set forth conditions under which certain nursery stock and sod originating from Japanese beetle infested areas may be allowed to enter into Idaho. (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. FINDINGS.

The adoption of this rule serves to prevent the introduction in the insect known as the Japanese beetle. This beetle is known to not be established in the state. This insect is known to have in excess of four hundred (400) host plants including sod and turf. The establishment of this pest within the state will be a detriment to the production, marketability, and export of numerous ornamental and field crops. (5-3-03)

008. -- 009. (RESERVED).

010. DEFINITIONS.

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

011. (RESERVED).

012. REGULATED PEST.

Japanese beetle (*Popillia japonica*). (5-3-03)

013. -- 049. (RESERVED).

050. AREAS UNDER QUARANTINE.

01. States. The entire states of Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. (7-1-93)

02. Canada. In Canada: (7-1-93)

a. In the Province of Ontario: Lincoln, Welland and Wentworth. (7-1-93)

b. In the Province of Quebec: Missiquoi and St. Jean. (7-1-93)

03. Other Areas. Any areas not mentioned above and subsequently found to be infested. (7-1-93)

051. -- 099. (RESERVED).

100. ARTICLES AND COMMODITIES UNDER QUARANTINE.

01. Possible Hosts and Carriers. The following are hereby declared to be hosts and possible carriers of the Japanese beetle: (7-1-93)

a. Soil, humus, compost, and manure (except when commercially packaged); (7-1-93)

b. All plants with roots (except bareroot plants free from soil); (7-1-93)

c. Grass sod; (7-1-93)

d. Plant crowns or roots for propagation (except when free from soil); (7-1-93)

e. Bulbs, corms, tubers, and rhizomes of ornamental plants (except when free from soil); (7-1-93)

f. Any other plant, plant part, article, or means of conveyance when it is determined by the Director of the Idaho Department of Agriculture or authorized agent to present a hazard of spreading live Japanese beetle due to infestation or exposure to infestation by Japanese beetle. (7-1-93)

02. Soil. For the purposes of this quarantine, soil is defined as all growing media in which the plants are actually rooted. Packing material other than soil, added to bareroot plants after harvesting would not normally pose a pest risk. Packing material would be covered under (Subsection 100.01.f.), at the inspector's discretion. (7-1-93)

03. Free from Soil. For the purposes of this quarantine, free from soil is defined as soil in amounts that could not contain concealed Japanese beetle larvae or pupae. (7-1-93)

101. -- 149. (RESERVED).

150. RESTRICTIONS.

All articles and commodities under quarantine are prohibited entry into Idaho from an area under quarantine with the following exceptions: (7-1-93)

01. Certificate of Treatment. All of the articles and commodities covered are approved for entry into Idaho when accompanied by a certificate issued by an authorized state agricultural official at origin stating that the article or shipment was treated for Japanese beetle or grown in accordance with methods and procedures approved and prescribed by the Director of the Idaho Department of Agriculture. A Certificate of Treatment shall include the date of treatment. Shipment of the articles or commodities shall not take place sooner than ten (10) days after the date of treatment, but no later than thirty (30) days after treatment. (7-1-93)

02. Certificate of Origin. Commercial plant shipments with soil may be shipped from an area under quarantine into Idaho provided such shipments are accompanied by a certificate issued by an authorized state agricultural official at origin. Such certificates shall be issued only if the shipment confirms fully with either Subsections 150.02.a., 150.02.b., or 150.02.c. of these rules: (7-1-93)

a. The greenhouse in which the plants were produced was tightly constructed so that adult Japanese beetles would not gain entry, the plants and greenhouses were inspected and found to be free from all stages of Japanese beetle, and the plants and soil were protected from subsequent infestation while being stored, packed and shipped; or (7-1-93)

b. The plants were not produced in the regulated area, were transported into the regulated area in a closed conveyance or closed containers and at all times thereafter were protected from becoming infested with Japanese beetle; or (7-1-93)

c. States or portions of states listed in the area under quarantine may have counties that are not infested with Japanese beetle. Shipments of articles and commodities covered will be accepted from these noninfested counties if annual surveys are made in such counties and the results of such surveys are negative for Japanese beetle. A list of counties so approved will be maintained by the Director of the Idaho Department of Agriculture. Agricultural officials of other states may recommend a noninfested county be placed on the approved county list by writing for such approval and stating how the surveys were made giving the following information: (7-1-93)

i. Area surveyed. (7-1-93)

ii. How survey was carried out. (7-1-93)

iii. Personnel involved. (7-1-93)

iv. If county was previously infested, give date of last infestation. (7-1-93)

v. The recommendation for approval of such counties will be evaluated by the Bureau of Feeds and Plant Services, Division of Plant Industries, Idaho Department of Agriculture. (7-1-93)

03. Denial of Approval. If heavy infestations occur in neighboring counties, approval may be denied. To be maintained on the approved list, each county shall be reapproved every twelve (12) months. Shipments of articles and commodities under quarantine from noninfested counties will only be allowed entry into Idaho if the noninfested county has been placed on the approved list prior to the arrival of the shipment to Idaho. (7-1-93)

04. Privately Owned House Plants. Up to twenty-five (25) privately owned house plants grown indoors may be inspected and approved for entry by the Director of the Idaho Department of Agriculture or his authorized agent if found free from Japanese beetle. (7-1-93)

151. -- 199. (RESERVED).

200. PENALTY.

01. 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)

02. Shipments. Any or all shipments or lots of quarantined articles or commodities listed in Section 100 above arriving in Idaho in violation of this quarantine shall immediately be sent out of the state, destroyed, or treated by a method and in a manner as directed by the Director. Treatment shall be performed at the expense of the owner, or owners, or their duly authorized agent. (5-3-03)

201. -- 999. (RESERVED).

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