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**IDAPA 02
TITLE 06
CHAPTER 06**

02.06.06 - RULES GOVERNING THE PLANTING OF BEANS, (*PHASEOLUS SPECIES*), IN IDAHO

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 22, Chapter 20, Idaho Code. (4-2-03)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.06, "Rules Governing the Planting of Beans, (*Phaseolus* Species), in Idaho." (4-2-03)

02. Scope. These rules will govern the planting of beans, (*Phaseolus* spp.), in Idaho. The official citation for this Chapter is IDAPA 02.06.06.000 et seq. For example, this section's citation is IDAPA 02.06.06.001. (4-2-03)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (4-2-03)

003. ADMINISTRATIVE APPEAL.

Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. (4-2-03)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (4-2-03)

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. (4-2-03)

02. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (4-2-03)

03. Street Address. The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (4-2-03)

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records available for inspection and copying at the Department and the State law library. (4-2-03)

007. FINDINGS.

The revision of IDAPA 02.06.06 will confer benefits to the bean industry. Anthracnose is a pest of beans which is not known to be established in Idaho bean production fields. The adoption of the new nomenclature for the regulated pests will clarify the identity of the bacterial pathogens of quarantine significance. (4-2-03)

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: (4-2-03)

01. Department. Idaho State Department of Agriculture. (4-2-03)

02. Department Approved Tag (Yellow Tag). A tag issued by the Department to seed lots produced west of the Continental Divide in the contiguous United States. The seed lot must be accompanied by a phytosanitary certificate issued by the regulatory agency of the state of origin, listing the diseases the crop was inspected for, that must include the regulated pests as defined in Section 012 of these rules and be based on growing season and

windrow inspections. Seed lots must pass laboratory testing done by the Department on samples drawn in Idaho by the Department. (4-2-03)

03. Department In-State Planting Tag (Green Tag). A tag issued by the Department to seed lots in compliance with growing season and windrow inspections in Idaho. (4-2-03)

04. Detailed Varietal Planting Plan. A plan that shows the variety name, seed lot number, In-state planting tag number (State Number) if applicable, pounds planted, acres planted, origin of seed, and the results of laboratory testing. (4-2-03)

05. Director. Director of the Idaho State Department of Agriculture or his duly authorized representative. (4-2-03)

06. Experimental Plots. Subdivisions of trial grounds used for the introduction of seed otherwise ineligible for planting in Idaho. (4-2-03)

07. Farmstead. All land farmed in common with the land upon which the trial ground is located. (4-2-03)

08. ICIA Tag. A tag issued by ICIA provided that the lot was field and windrow inspected by ICIA in accordance with these rules. (4-2-03)

09. In-State Planting Tag Number (State Number). A number assigned by the Department to each lot which has successfully passed the Department's field and windrow inspection requirements in which no regulated pests were found. (4-2-03)

10. Introduction Plots. Subdivisions of trial grounds used for the introduction or increase of bean seed. (4-2-03)

11. Oregon Department of Agriculture Inspection Tag. A tag issued to seed lots produced in Malheur County, Oregon which were inspected in the growing season and in the windrow by the Oregon Department of Agriculture for the regulated pests as defined in Section 012 of these rules. (4-2-03)

12. Rill Irrigation. A method of applying non-pressurized irrigation water to crops in a free flow manner by using a series of ditches, canals, siphon tubes, and gated pipe utilizing gravity as means of conveyance within the field. (4-2-03)

13. Seed Lot. A definite quantity of seed identified by a lot number, every portion or bag of which is uniform, within permitted tolerances, for factors that appear in the labeling. (4-2-03)

14. Sprinkler Irrigation. An overhead water delivery system used to disperse irrigation water to crops in a designated pattern utilizing a pump, a network series of pipes and delivering water under a controlled pressure in a predetermined quantity. (4-2-03)

15. Trial Grounds. Parcels of land located on one (1) farmstead set aside for the purpose of research testing or introduction of bean seed. (4-2-03)

16. True Identity of Seed Lot. True identity of seed lot is recorded using information provided by the applicant on the application for field inspection or on the detailed varietal planting plan and harvest records. The true identity of the seed lot is maintained by the Department after the applicant has finalized the harvest information and provided such to the Department. (4-2-03)

17. Windrow Inspection. An inspection procedure performed on a seed crop prior to harvest but after the crop has been cut and allowed for curing or drying out. (4-2-03)

011. ABBREVIATIONS.

- 01. ICIA.** Idaho Crop Improvement Association. (4-2-03)
- 02. ISDA.** Idaho State Department of Agriculture. (4-2-03)
- 012. REGULATED PESTS.**
- 01. Anthracnose.** Caused by (*Colletotrichum lindemuthianum*), (*Glomerella lindemuthiana*). (4-2-03)
- 02. Bacterial Wilt.** Caused by (*Curtobacterium flaccumfaciens pv. flaccumfaciens*), (*Corynebacterium flaccumfaciens*). (4-2-03)
- 03. Brown Spot.** Caused by (*Pseudomonas syringae pv. syringae*), (*P. syringae*). (4-2-03)
- 04. Common Blight.** Caused by (*Xanthomonas axonopodis pv. phaseoli*), (*X. phaseoli*), (*X. phaseoli var. fuscans*). (4-2-03)
- 05. Halo Blight.** Caused by (*Pseudomonas savastanoi pv. phaseolicola*), (*P. phaseolicola*). (4-2-03)
- 013. -- 049. (RESERVED).**
- 050. REGULATED ARTICLES.**
All seed and growing plants of (*Phaseolus*) species, from any source, being grown or planted within the state of Idaho. (4-2-03)
- 051. -- 099. (RESERVED).**
- 100. AUTHORITY TO ENTER AND INSPECT.**
The Department has the authority to conduct inspections -- entry on lands pursuant to Section 22-2007, Idaho Code. (4-2-03)
- 101. -- 149. (RESERVED).**
- 150. INSPECTION.**
All seeds harvested from bean fields in Idaho intended for replanting in Idaho shall be submitted to the Department or ICIA for growing season and windrow inspections. (4-2-03)
- 01. Application for Inspection.** (4-2-03)
- a.** Deadline for Submission. Received by the Department on or before July 1 of each year. (4-2-03)
- b.** Application Forms. Forms will be provided by the Department or may be company generated. Company generated application forms must be approved by the Department prior to submission. (4-2-03)
- c.** Additional or Substitute Acreage. Applications for additional or substitute acreage may be submitted until September 1 and will be accepted on a case by case basis and the cost of inspection to be determined by the Director. (4-2-03)
- 02. Active Growth Inspection.** Unless the Director, in his sole discretion, deems additional inspections are necessary, the bean seed for replanting will be inspected as follows: (4-2-03)
- a.** Fields under rill irrigation -- at least once. (4-2-03)
- b.** Fields under sprinkler irrigation -- at least twice. (4-2-03)
- 03. Windrow Inspection.** (4-2-03)
- a.** Number of inspections -- at least once. (4-2-03)

b. The Director may authorize qualified personnel to perform windrow inspections under the supervision of the Department. (4-2-03)

151. -- 199. (RESERVED).

200. REQUIREMENTS FOR PLANTING BEAN SEED IN IDAHO.

In order to be eligible for planting bean seed in Idaho: (4-2-03)

01. Idaho Grown Seed. Seeds planted must be from a lot that has an in-state planting tag number (state number) assigned by the Department based on growing season and windrow inspections and be tagged by the Department with a Department In-State Planting Tag (Green tag) or be tagged by the ICIA in accordance with these rules. (4-2-03)

02. Malheur County, Oregon Grown Seed. Bean seed produced in Malheur County, Oregon must be from a lot inspected in the growing season and in the windrow for the regulated pests as defined in Section 012 of these rules and tagged by the Oregon Department of Agriculture. The ICIA may inspect and issue tags for bean seed grown in Malheur County, Oregon provided that each field is inspected according to these rules and the Malheur County Bean Disease Control Area order. (3-29-10)

03. Imported Seed Grown West of the Continental Divide in the Contiguous United States. Imported bean seed grown west of the Continental Divide in the contiguous United States must: (4-2-03)

a. Be accompanied by a phytosanitary certificate issued by the regulatory agency of the state of origin, listing the diseases for which the crop was inspected, that must include the regulated pests as defined in Section 012 of these rules, and stating that the crop was field and windrow inspected; (4-2-03)

b. Seed lot shall successfully pass laboratory tests conducted by the Department from samples officially drawn in the state of Idaho by the Department; (4-2-03)

c. Must bear a Department approved tag (yellow); (4-2-03)

d. Shall not be planted under sprinkler irrigation; and (4-2-03)

e. Each field planted in Idaho must be submitted for field and windrow inspections. (4-2-03)

04. Imported Seed Grown East of the Continental Divide in the Contiguous United States or of Foreign Origin. Imported bean seed grown east of the Continental Divide in the Contiguous United States or of foreign origin to be planted in Idaho shall be planted only on an approved trial ground as outlined in Section 250. (4-2-03)

05. Idaho Grown Seeds Shipped East of the Continental Divide in the Contiguous United States or to a Foreign Country and Returned. Bean seeds shipped east of the Continental Divide in the contiguous United States or to a foreign country may be returned to Idaho but upon return shall be planted on an approved trial ground as outlined in Section 250. (4-2-03)

06. Contaminated Seeds. The seeds from any bean field found or known to be contaminated with a regulated pest, as defined in Section 012 of these rules, shall not be planted in Idaho. (4-2-03)

07. True Identity of Seed Lots. Failure to maintain the true identity of any seed lot intended for seed purposes will automatically disqualify that lot for future planting in Idaho. (4-2-03)

08. Tags. Bean seeds planted in Idaho shall be from an approved lot bearing an approved tag on each bag or container, stating the kind, variety, and lot number. The following is a list of approved planting tags in Idaho: (4-2-03)

a. Department in-state planting tag (green tag); (4-2-03)

- b. Department approved tag (yellow tag); (4-2-03)
- c. ICIA tag, provided the lot was field and windrow inspected by ICIA in accordance to these rules; or (4-2-03)
- d. Oregon Department of Agriculture inspection tag. (4-2-03)
- 09. Irrigation.** (4-2-03)
- beans:
 - a. Pintos, Red Mexicans, Pinks, Great Northerns, Small Whites, Navy Beans, Black Turtles, and Lima (4-2-03)
 - i. First generation of seed grown in Idaho must be grown and inspected under rill irrigation. (4-2-03)
 - ii. Thereafter, the seed may be grown and inspected for two (2) consecutive generations in Idaho under sprinkler irrigation. (4-2-03)
 - iii. Seed grown under sprinkler irrigation for two (2) consecutive generations shall then be grown and inspected for one (1) generation in Idaho under rill irrigation. (4-2-03)
- b. All other beans: (3-29-10)
 - i. First generation of seed grown in Idaho must be grown and inspected under rill irrigation. (4-2-03)
 - ii. Thereafter, the seed may be grown and inspected for one (1) generation in Idaho under sprinkler irrigation. (4-2-03)
 - iii. Any time seed has been grown and inspected for one (1) generation in Idaho under sprinkler irrigation and prior to planting the seed under sprinkler irrigation or rill irrigation in Idaho, the seed must be sampled and laboratory tested by the Department in Idaho and found negative for the regulated pests. (3-29-10)
 - iv. Following a second consecutive planting of the seed under sprinkler irrigation in Idaho, the seed must be sampled and laboratory tested by the Department in Idaho and found negative for the regulated pests. (3-29-10)
 - v. After meeting the requirements of Subsections 200.09.b.i. through 200.09.b.iv., the seed must be grown and inspected for one (1) generation in Idaho under rill irrigation. (4-2-03)
- 201. -- 249. (RESERVED).**
- 250. TRIAL GROUNDS.**
- 01. General Trial Ground Requirements.** (4-2-03)
 - a. A written request for trial ground must be submitted to the Director for approval prior to May 20 of the year the bean seed will be planted and must contain: (4-2-03)
 - i. Name of person in charge. (4-2-03)
 - ii. Geographic location and size of trial ground. (4-2-03)
 - iii. Detailed varietal planting plan. If the original planting plan is changed, the person in charge of the trial ground must notify the Director. (4-2-03)
 - b. Must be jointly supervised by the Department and personnel approved by the Director. (4-2-03)

c. The land must be owned or leased by the applicant. If leased, a copy of the lease must accompany the application. (4-2-03)

d. More than one (1) trial ground may be approved provided that a separate application is submitted and each trial ground meets the requirements of Section 250. (4-2-03)

02. Trial Ground Subdivisions. (4-2-03)

a. Experimental Plots. A maximum of one (1) pound of bean seed per variety may be planted in an experimental plot without laboratory testing. (4-2-03)

b. Introduction Plots. Introduction plots are limited to a maximum of two (2) acres per variety for any given year and each seed lot to be planted in an introduction plot must successfully pass laboratory tests conducted by the Department from samples officially drawn in the state of Idaho by the Department. (4-2-03)

03. Trial Ground Restrictions and Inspection Procedures. (4-2-03)

a. Any machinery used in production of bean seed on trial grounds must be disinfected, to the satisfaction of the Director, prior to movement to other bean fields. (4-2-03)

b. Approved trial grounds shall not be planted under sprinkler irrigation. (4-2-03)

c. During each growing season there will be a minimum of four (4) active growth inspections and one (1) windrow inspection. (4-2-03)

04. Detection of Regulated Pest. If a regulated pest is found by field inspection, windrow inspection or subsequent laboratory seed testing, the infested seed must be destroyed. None of the remaining bean seed produced on that farmstead may be released for general planting in Idaho. The remaining seeds must be sampled and laboratory tested by the Department. If the laboratory test is negative for the regulated pests, then the seeds must be planted on an approved trial ground for one (1) additional year and are limited to a maximum of two (2) acres. (4-2-03)

251. -- 299. (RESERVED).

300. SPECIAL SITUATIONS.

The Director may grant specific exemptions for research purposes for the planting of beans that do not meet the requirements of Sections 200 or 250. Seed not meeting the requirements of Sections 200 or 250 must be planted only in counties where commercial beans or bean seed is not produced, as determined by the Director. (4-2-03)

301. -- 349. (RESERVED).

350. DETECTION, IDENTIFICATION, AND REPORTING OF REGULATED PESTS.

01. Reporting. Any person may report to the Department the detection of any of the regulated pests. (4-2-03)

02. Observation. Detection of regulated pests will be based on the observance of symptoms in the field. (4-2-03)

03. Disagreement. In case of disagreement concerning the identity of the regulated pest or the virulence of the pathogen to (*Phaseolus*) species, the Department will submit cultures of the suspected pathogen to a plant pathologist appointed by the Dean of the College of Agriculture, University of Idaho. The results and findings obtained by the approved pathologist are final. (4-2-03)

04. Release of Information. When the presence of a regulated pest is confirmed, information regarding the location and acres involved will be released upon request. (4-2-03)

351. -- 399. (RESERVED).

400. DISPOSITION OF DISEASED SEED AND INFECTED FIELDS.

01. Quarantine. Any field in which there is a disagreement concerning the identity of the regulated pest or the virulence of the pathogen to (Phaseolus) species will be placed under quarantine. Entry to the quarantined area will be restricted to the grower or his agents, Department officials, University of Idaho plant pathologists, and persons authorized in writing by the Director. Persons granted entry to the quarantined area will be required to take all necessary sanitary precautions prescribed by the Director. (4-2-03)

02. Destruction. Upon the confirmation of a regulated pest, any bean fields within the boundaries of the state shall be destroyed in part or in total, as required by the Director, to eliminate the pest at the expense of the grower and his landlord. The Director will notify the grower or his landlord of the method and extent of the destruction and safeguards against pest spread in order for the parties to comply. (4-2-03)

03. Threshing and Segregating. When the symptoms of a regulated pest are first detected during windrow inspection and laboratory confirmation is necessary, the Director may allow the beans to be threshed and segregated until laboratory results are obtained. (4-2-03)

401. -- 449. (RESERVED).

450. EXEMPTIONS.

01. Brown Spot. Fields contaminated with brown spot, (*Pseudomonas syringae* pv. *syringae*), are exempt from destruction. The Department will review this exemption as necessary. (4-2-03)

02. Beans for Processing or Fresh Consumption. Snap beans or lima beans for processing or fresh consumption are exempt from destruction if the diseased portion of the field is destroyed or harvested within five (5) days after first detection or verification as per Section 350 and Subsection 400.01 and the crop residue is promptly and completely destroyed after harvest, as required by the Director. (4-2-03)

451. -- 499. (RESERVED).

500. PENALTY.

Any person violating any of the provisions of these rules will be subject to the penalty provisions of Title 22, Chapter 20, Idaho Code. (4-2-03)

501. -- 549. (RESERVED).

550. FEES AND CHARGES.

The fees and charges for tags and inspections under these rules are: (4-2-03)

01. Tags. Green tags or Yellow tags for In-State Planting Purposes -- Eighteen cents (\$0.18) per hundred-weight. (3-16-04)

02. Applications. (4-2-03)

a. Application for Field Inspection -- Five dollars (\$5) each. (3-16-04)

b. Late Application for Field Inspection -- Ten dollars (\$10) each. (4-2-03)

03. Field Inspections. (4-2-03)

a. Active Growth Inspection Fees. (4-2-03)

i. Seed from west of the United States Continental Divide -- Three dollars and fifty cents (\$3.50) per acre, per inspection. (4-2-03)

- ii. Seed from east of the United States Continental Divide or a foreign country -- Ten dollars (\$10) per acre, per inspection. (3-16-04)
- b.** Windrow Inspection Fees -- Seed from west of the United States Continental Divide. (3-16-04)
 - i. Done by the Department -- Three dollars and fifty cents (\$3.50) per acre. (4-2-03)
 - ii. Seed company supplies one (1) employee and transportation -- Two dollars (\$2.00) per acre. (4-2-03)
 - iii. Seed company supplies two (2) employees and transportation -- One dollar and fifty cents (\$1.50) per acre. (4-2-03)
 - iv. Seed company supplies three (3) employees and transportation -- One dollar (\$1.00) per acre. (4-2-03)
 - v. Seed company supplies four (4) or more employees and transportation -- No charge. (4-2-03)
 - vi. Requests for windrow inspections after office hours, on weekends or holidays will be charged at cost plus mileage. (4-2-03)
- c.** Windrow Inspection Fees -- Seed from east of the United States Continental Divide or a foreign country - Ten dollars (\$10) per acre. (3-16-04)

04. Laboratory Seed Sampling. Official Sample -- twenty dollars (\$20) per sample. Sample size requirements for imported seed:

Lot size	Sample Size
<10 pounds	Negotiable
10 - 14 pounds	0.5 pounds
15 - 25 pounds	1.0 pounds
26 - 50 pounds	1.5 pounds
51 - 200 pounds	2.0 pounds
201 - 1,000 pounds	3.0 pounds
>1,000 pounds	5.0 pounds for every 10,000 pounds or portion thereof

(3-16-04)

05. Plant Pathological Laboratory Services. Fees will be charged at current laboratory rates and are available upon request. (4-2-03)

06. Confirmation Fees. The party disputing the Department's determination of the presence of a regulated pest per Subsection 350.03 will be responsible for the payment of fees charged by the University of Idaho. (3-16-04)

07. Special Project Fee. Special projects not covered by existing fee schedule may be billed at twenty-five dollars (\$25) per hour with a minimum twenty-five dollar (\$25) fee. Special projects, include but are not limited to, research, lot history verification, data entry, sales and purchases, transfer of lots into ISDA database, ISDA training of private company personnel or any other circumstance approved by the Director. (3-16-04)

551. -- 999. (RESERVED).

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