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**IDAPA 02
TITLE 06
CHAPTER 11**

02.06.11 - RULES GOVERNING EUROPEAN CORN BORER (*OSTRINIA NUBILALIS*)

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 02.06.11, “Rules Governing European Corn Borer (*Ostrinia nubilalis*).” (5-3-03)

02. Scope. This chapter has the following scope: These rules are to prevent the introduction of European corn borer into Idaho. The official citation for this chapter is IDAPA 02.06.11.000 et seq. For example, this section’s citation is IDAPA 02.06.11.001. (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 establishment of the European corn borer would have a detrimental effect on the production, marketability, and export of corn for seed or consumption. The adoption of these rules will help prevent the establishment of the insect in Idaho. This insect is known to not exist in the state. (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.

European corn borer (*Ostrinia nubilalis*). (5-3-03)

013. -- 049. (RESERVED)

050. AREA AND ARTICLES UNDER QUARANTINE.

01. Infested Area. (7-1-93)

a. Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. (7-1-93)

b. In Florida, the counties of Calhoun, Escambia, Gadsden, Hamilton, Holmes, Jackson, Jefferson, Madison, Okaloosa, and Santa Rosa. (7-1-93)

c. In Louisiana, the parishes of Bossier, Caddo, Concordia, East Carroll, Franklin, Madison, Morehouse, Natchitoches, Ouachita, Red River, Richland, Tensas, and West Carroll. (7-1-93)

d. In Texas, the counties of Bowie, Carson, Castro, Dallam, Deaf Smith, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, and Sherman. (7-1-93)

02. Noninfested Area. All parishes, counties, states, districts, and territories of the United States not named in the infested area shall be known as the non-infested area. (7-1-93)

03. Articles and Commodities Covered. (7-1-93)

a. Corn, broomcorn, sorghum, and sudan grass plants and all parts thereof (including shelled grain and stalks, ears, cobs, and all other parts, fragments, or debris of said plants); (7-1-93)

b. Beans in the pod and pepper fruits; (7-1-93)

c. Plants of aster, chrysanthemum, geranium, hollyhock, dahlia, and gladiolus. (7-1-93)

051. -- 099. (RESERVED)

100. RESTRICTIONS AND EXEMPTIONS.

01. Restrictions. (7-1-93)

a. Articles and commodities covered are prohibited entry into Idaho from the infested area unless accompanied by a certificate, issued by an authorized representative of the origin state Department of Agriculture, as provided in Subsections 100.01.a.i. and 100.01.a.ii.: (7-1-93)

i. Shelled grain certificate of treatment stating that the grain has passed through a one-half (1/2) inch or smaller size mesh screen. (7-1-93)

ii. Shelled grain not screened as in Subsection 100.01.a.i. or other articles and commodities certificate of processing and inspection specifying that all of the commodities and articles in the lot or shipment were processed and inspected in conformity with a method and in a manner prescribed by the Director, or his agent, hereinafter referred to as "Director." Such methods are obtainable on request from the Department. (7-1-93)

iii. Articles and commodities covered originating in the parishes of Louisiana and the counties of Florida and Texas which are not infested with European corn borer may enter Idaho if accompanied by a certificate of origin issued by an authorized representative of the origin state Department of Agriculture specifying that no portion of the articles or commodities in the lot or shipment was grown in an area where the European corn borer is known to occur. Origin certification is not required for entry into Idaho of articles and commodities covered which originated in states, districts, and territories in the noninfested area. (7-1-93)

b. All certificates must be dated and set forth the kind and quantity of articles or commodities constituting the lot or shipment covered thereby, the initials and number of the railway car or license number of the truck, and the names and addresses of the shipper and consignee. (7-1-93)

02. Exemptions. Certification requirements are waived on the following articles and commodities covered, with the stipulation that such articles and commodities are subject to inspection by the Director and must be free of plant portions or fragments capable of harboring European corn borer. (7-1-93)

a. Shelled popcorn, seed for planting or clean sacked grain for human consumption. (7-1-93)

b. Beans in the pod or pepper fruits in lots or shipments of ten (10) pounds or less. (7-1-93)

c. Seedling plants or divisions without stems of the previous year's growth of aster, chrysanthemum or hollyhock. (7-1-93)

d. Dahlia tubers without stems. (7-1-93)

e. Gladiolus corms without stems. (7-1-93)

f. Very pungent types of pepper fruits. (7-1-93)

g. Articles and commodities covered when they have been processed or manufactured in a manner that in the judgement of the Director eliminates all danger of carrying European corn borer. (7-1-93)

h. The Director may, upon application, issue a permit to a recognized research agency to import specified quantities of the quarantined articles listed in Subsection 050.03 for experimental purposes. (7-1-93)

101. -- 149. (RESERVED)

150. VIOLATIONS.

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. Incoming Shipments. (7-1-93)

a. Any or all shipments of lots of the quarantined articles enumerated in Subsection 050.03 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 prescribed by the Director at the option and expense of the owner or owners, his or their responsible agents. (7-1-93)

b. If any lot or shipment certified by the state of origin as prescribed in Subsection 100.01 shall be found to contain materials capable of harboring an infestation, the Director may review the program of the state of origin to determine if it meets the requirements of these rules. (7-1-93)

151. -- 199. (RESERVED)

200. ENFORCEMENT POWERS.

The Director of the Idaho Department of Agriculture is empowered to carry out all provisions of these rules. (7-1-93)

201. -- 999. (RESERVED)

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