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**IDAPA 02
TITLE 06
CHAPTER 20**

02.06.20 - RULES GOVERNING GRAPE PLANTING STOCK

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 02.06.20, "Rules Governing Grape Planting Stock." (5-3-03)

02. Scope. This chapter has the following scope: These rules are to prevent the introduction of grape plant pests and plant diseases into the state of Idaho. To declare that a quarantine be established at the boundaries of the state of Idaho. To define the area regulated under the quarantine, regulated commodities, regulations governing shipments, disposition of commodities in violation of quarantine rules, authority to enter, inspect, and control and penalties. The official citation for this chapter is IDAPA 02.06.20.000 et seq. For example, this section's citation is IDAPA 02.06.20.001. (3-29-12)

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)

04. Shipment Notifications. Shipment notifications may be faxed to (208) 334-2283 or emailed to Nsy.Idaho@agri.idaho.gov. (3-29-12)

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. -- 009. (RESERVED)

010. DEFINITIONS.

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

011. -- 049. (RESERVED)

050. REGULATED AREAS.

All areas outside of the territorial borders of the state of Idaho. (2-21-72)

051. -- 099. (RESERVED)

100. REGULATED COMMODITIES.

Planting stock of grape (*Vitis* species) including live plants, hardwood cuttings, softwood cuttings, rootstocks, and any other parts of the grape plant, except fruit, capable of propagation (except fruit). (3-29-12)

101. REGULATED PESTS.

Regulated pests include, but are not limited to: (3-29-12)

- 01. Grapevine Fanleaf Virus;** (3-29-12)
- 02. Grapevine Leaf Roll - Associated Viruses;** (3-29-12)
- 03. Grapevine Corky Bark Disease.** Which include but may not be limited to: (3-29-12)
 - a.** Grapevine virus A; and (3-29-12)
 - b.** Grapevine virus B and synonym rugose wood complex; (3-29-12)
- 04. Grape Phylloxera. (*Daktulosphaira vitifoliae*);** (3-29-12)
- 05. Pierce's Disease.** As caused by the bacterium *Xylella fastidiosa*; (3-29-12)
- 06. Vine Mealybug. (*Planococcus ficus*); and** (3-29-12)
- 07. Glassy-Winged Sharpshooter. (*Homalodisca vitripennis*, formerly known as *H. coagulata*).** (3-29-12)

102. -- 149. (RESERVED)

150. RULES GOVERNING SHIPMENTS.

01. Admittance into Idaho. Each shipment of a regulated article from a regulated area must be accompanied by a certificate issued by the state or country of origin's plant protection organization, stating that the grape planting stock to be imported has been certified in accordance with the regulations of an official grapevine certification program of the state or country of origin's plant protection organization, that includes annual inspections at all certification levels and testing at the foundation level for regulated pests and: (3-29-12)

a. The grapevines, rootstock and/or softwood cuttings were grown in and shipped from an area known to be free from regulated pests; or (3-29-12)

b. For small shipments (five hundred (500) or less) of un-rooted softwood cuttings, were individually inspected by an authorized inspector and were found to be free from regulated pests; or (3-29-12)

c. The grapevines, rootstock or softwood cuttings were grown under a sterile soil-less media and treated with a soil or systemic insecticide and a hot water dip treatment, as outlined in Section 155 of this rule, proven to be effective against vine mealybug and any other pests that may be present on the roots; or (3-29-12)

d. The grapevines, rootstock, and/or softwood cuttings were subject to one (1) of the two (2) treatments outlined in Section 155 of this rule, or such additional methods as may be determined to be effective and are approved by the director and were stored in a manner after treatment that would prevent re-infestation. (3-29-12)

02. Marking Contents. All shipments of grape planting stock must be plainly marked with the contents on the outside of the package or container. (3-29-12)

03. Shipment Notification. Persons shipping or transporting grape planting stock into this state from areas under regulation shall notify the department by electronic mail, regular mail or fax prior to shipment at the address, electronic mail address or fax number set forth in Section 005 for specific notification information. The

notification must include the nature of the grape planting stock (such as live plants, hardwood cuttings, softwood cuttings, rootstocks, or other similar categories), the quantity in each shipment, the expected date of arrival, the name of the intended receiver and the destination. Notification shall also include an official certificate issued by the plant protection organization of the state of origin certifying that the grapevines meet the requirements of this chapter must accompany the grape planting stock into the state. All treatments and inspections must have been witnessed or performed by an official of the state of origin's plant protection organization. (3-29-12)

151. -- 154. (RESERVED)

155. ACCEPTABLE TREATMENTS.

01. Hot Water Treatment. Dormant, rooted grapevines or rootstock shall be washed to remove all soil or other propagative media. Dormant rooted plants or rootstock shall be immersed in a hot water bath for a period of not less than three (3) minutes, nor more than five (5) minutes, at a temperature of not less than one hundred twenty-five degrees Fahrenheit (125° F.) or fifty-two degrees Celsius (52° C.), nor more than one hundred thirty degrees Fahrenheit (130° F.) or fifty-five degrees Celsius (55° C.) at any time during immersion; or (3-29-12)

02. Methyl Bromide Fumigation. Grapevines, rootstock or softwood cuttings may be treated by methyl bromide fumigation. Fumigation shall be in an approved gastight fumigation chamber, equipped with a heating unit, a fan for dispersal of gas and clearing the chamber of gas after fumigation, and an interior thermometer readable from the outside. Fumigation shall be with a dosage of two (2) pounds (nine-hundred eight thousandths of a kilogram (0.908 kg.)) of methyl bromide per one thousand (1,000) cubic feet (twenty-eight (28) cubic meters) for a period of three (3) hours at a temperature of between sixty-five degrees Fahrenheit (65° F.) or eighteen point three degrees Celsius (18.3° C.) and seventy degrees Fahrenheit (70° F.) or twenty-one point one degrees Celsius (21.1° C.). The fan shall be operated for a period of ten (10) minutes after the injection of the gas. (3-29-12)

03. Other Methods. Upon written application to the Director, variations to the above mentioned acceptable treatments or additional treatment methods may be considered. (3-29-12)

156. -- 199. (RESERVED)

200. DISPOSITION OF COMMODITIES IN VIOLATION OF RULES.

Any commodity set forth in Section 150 of these rules, or any grape plants or parts thereof, not meeting the requirements of these rules shall immediately be sent out of the state of Idaho or destroyed at the option and expense of the owner or owners, his or their responsible agents and under the direction of the Director. (3-29-12)

201. -- 249. (RESERVED)

250. AUTHORITY TO ENTER, INSPECT, AND CONTROL.

01. Entry and Inspection. The Director is authorized to enter and inspect any or all grape plantings in the state of Idaho. (5-3-03)

02. Control and Destruction of Infected Plants. Whenever the Director finds that there is imminent peril that virus diseases or plant pests will spread from infected grape plantings to and contaminate other uninfected grape plantings because of refusal, failure, or neglect to control the already infected grape plantings, he may at once give notice in writing to control or destroy in part or total the infected grape plantings under the provisions of Title 22, Chapter 20, Idaho Code, and he may thereafter, if necessary, proceed to destroy such infected grape plantings under the terms and provisions of Title 22, Chapter 20, Idaho Code. (5-3-03)

251. -- 299. (RESERVED)

300. 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)

301. -- 999. (RESERVED)

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