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**IDAPA 02
TITLE 06
CHAPTER 17**

02.06.17 – RULES GOVERNING THE DISPOSAL OF CULL ONIONS AND POTATOES

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 22, Chapters 1 and 20, Idaho Code. (3-30-01)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.17, “Rules Governing the Disposal of Cull Onions and Potatoes.” (5-3-03)

02. Scope. This chapter has the following scope: These rules cover the disposal of cull onions to prevent the spread of the onion maggot (*Delia antiqua*) and disposal of potatoes to prevent the spread of pests and diseases of potatoes. The official citation of this chapter is IDAPA 02.06.17.000 et seq. For example, this Section’s citation is IDAPA 02.06.17.001. (3-30-01)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-30-01)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeal before the Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (3-30-01)

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 7249, Boise, ID 83707. (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 IDAPA 02.06.17, “Rules Governing the Disposal of Cull Onions and Potatoes,” will confer benefits to the general public. The proper disposal of cull onions for the control of onion maggot is essential to the production of high quality onions at reasonable prices, while minimizing pesticide usage. Proper disposal of cull potatoes will reduce the spread or incidence of potato pests and diseases and help to minimize pesticide usage. The proper disposal of cull onions and potatoes will reduce odors and address public complaints. (5-3-03)

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: (5-3-03)

01. Cull Onions. Shall refer to those onions that are not marketable or useable for consumption or are generally considered waste, and shall include the residue left in the field from the production of onion seed as well as

commercial onions. (5-3-03)

02. Cull Potatoes. Shall refer to those potatoes that are not marketable or useable for consumption or as seed potatoes and shall include the residue left in the field from commercial or seed potato production, or as a result of spoilage while in storage. (5-3-03)

011. -- 049. (RESERVED)

050. REGULATED AREA.

01. Onions. Ada, Canyon, Gem, Payette, Owyhee, and Washington Counties, state of Idaho. (3-30-01)

02. Potatoes. The entire state of Idaho. (3-30-01)

051. -- 059. (RESERVED)

060. REGULATED PRODUCTS.

01. Cull Onions. All cull onions produced as a result of market conditions, the grading process, or as a result of breakdown in storage or sorted out in the field during harvest and bulbs and waste left over from seed production. (4-11-06)

02. Cull Potatoes. All cull potatoes produced as a result of market conditions, the grading process, or as a result of breakdown in storage, or sorted out in the field during harvest and tubers and waste left over from potato seed production. (4-11-06)

061. -- 069. (RESERVED)

070. DISPOSITION OF CULL ONIONS.

All cull onions existing in the control area shall be disposed of by a method approved of in Section 071 of this rule, to prevent sprouting. Disposal of all existing cull onions and debris must be completed prior to March 15th, of each year; provided, however, that in the case of onions sorted on or after March 15th of each year, the cull onions resulting therefrom shall be disposed of within one (1) week after such sorting regardless of the disposal method. The Department shall only enforce the cull onion disposal portions of this rule from March 15th through July 1st of each year. (3-29-10)

071. DISPOSAL METHODS.

The intent of Section 071 of the rule is to control the spread of the onion maggot and related onion diseases. All disposal methods listed in Section 071 must be carried out to the extent that control of the regulated pest(s) is achieved in order to be in compliance with this rule. (4-11-06)

01. Disposal by Covering in Dumps or Pits. (7-1-93)

a. Cull onions disposed of by being dumped in pits shall be managed and covered as recommended by the University of Idaho Agricultural Extension Service. (3-30-01)

b. Covering shall be accomplished by March 15th of each year or as provided in Section 070 of this rule. (3-30-01)

02. Disposal by Feeding After March 15th of Each Year. (3-30-01)

a. Sheep or goats shall be fed no more than fifty-three (53) pounds of cull onions per individual animal per day. Cull onions shall be fed from either bunks or by spreading throughout the pasture or feedlot. Cull onions shall not be fed from piles. (3-30-01)

b. Cattle shall be fed a ration containing no more than twenty-five percent (25%) cull onions on a dry matter basis. (3-30-01)

c. Onion debris shall be completely removed from feeding areas and buried under twelve (12) inches or more of onion-free soil by March 15th of each year. (3-30-01)

d. In the case of residues of onion debris two (2) inches or less in depth, or onions tramped into the soil so that they cannot be removed, such areas shall be disked and plowed as deep as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil by March 15th of each year. (4-11-06)

e. Feeding areas and areas where onions are buried shall be treated in the manner set out in Section 071. (3-30-01)

f. Cattle and sheep being finished for market or dairy cattle shall not be fed forage or grains grown on feeding areas treated in the manner set forth in Section 071. (3-30-01)

03. Disposal by Composting. Cull onions being composted shall be covered by twelve (12) inches or more of onion-free soil or composting material until the onions have turned to compost. (3-30-01)

04. Disposal of Residue in Onion Producing Fields. (7-1-93)

a. Commercial onion fields where sort-out bulbs are left at harvest shall be disked and plowed as deep as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil by March 15th of each year. (4-11-06)

b. Following final seed harvest, seed bulbs shall be disked and plowed as deep as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil by March 15th of each year. (4-11-06)

05. Disposal by Chopping or Shredding. Cull onions that have been chopped or shredded to the point that they are incapable of sprouting, shall be disked and plowed as deep as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil by March 15th of each year. (4-11-06)

06. Disposal by Spreading. Cull Onions may be disposed of by being spread on agricultural fields destined to be planted to a crop other than onions provided the onions are disked and plowed as deep as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil. (4-11-06)

072. INCLEMENT WEATHER.

If inclement weather prevents disposal by the methods in Subsections 071.01 through 071.06, culls shall be treated with an EPA-labeled insecticide at prescribed intervals as recommended by the University of Idaho Agricultural Extension Service until proper disposal as prescribed in Subsections 071.01 through 071.06 can be carried out. (3-30-01)

073. (RESERVED)

074. NOTIFICATION REQUIRED.

Any person or entity delivering cull onions for disposal in the area regulated for cull onion disposal shall provide written notification to the recipient of those cull onions advising the recipient of this rule and the recipient's obligations for the disposal of the cull onions under this rule. If the recipient is not the property owner, written notification shall also be made to the owner of the property where the onions are to be disposed of. Failure to make such notification in writing is a violation of this rule. (4-11-06)

075. -- 089. (RESERVED)

090. DISPOSITION OF CULL POTATOES.

All cull potatoes existing west of the Raft River shall be rendered non-viable by April 15th of each year and all cull potatoes generated after April 15th shall be rendered non-viable on a daily basis until September 20th. All cull potatoes existing east of the Raft River shall be rendered non-viable by May 15th of each year and all cull potatoes generated after May 15th shall be rendered non-viable on a daily basis until September 20th. (3-30-01)

091. CULL POTATO DISPOSAL METHODS.

Cull potatoes shall be disposed of in a manner as to render them non-viable. Disposal methods shall be those as recommended by the University of Idaho Agricultural Extension Service. (3-30-01)

092. -- 099. (RESERVED)

100. AUTHORITY TO ENTER AND INSPECT.

The Director, Idaho State Department of Agriculture or his agents are authorized to enter and inspect all onion and potato cull dumps and disposal sites in the state of Idaho for the purpose of insuring compliance with this rule. (3-30-01)

101. -- 149. (RESERVED)

150. 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)

151. -- 999. (RESERVED)

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