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**IDAPA 02  
TITLE 06  
CHAPTER 34**

**02.06.34 – RULES CONCERNING VIRUS-FREE CERTIFICATION OF NURSERY STOCK**

**000. LEGAL AUTHORITY.**

This chapter is adopted under the legal authority of Sections 22-103(22), 22-107, 22-702 and 22-2303(5), Idaho Code. (6-30-19)T

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is “Rules Concerning Virus-Free Certification of Nursery Stock.” (3-20-97)

**02. Scope.** These rules govern procedures for voluntary certification of virus-free nursery stock for export. (3-20-97)

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of these rules. (3-20-97)

**003. ADMINISTRATIVE APPEAL.**

There is no provision for administrative appeals before the Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (3-20-97)

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (6-30-19)T

**005. ADDRESS, OFFICE HOURS, TELEPHONE, FAX NUMBERS, WEB ADDRESS.**

The Idaho State Department of Agriculture central office is located at 2270 Old Penitentiary Road, Boise, ID 83712-8298. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is PO Box 7249, Boise, Idaho 83707. The phone number is (208) 332-8500 and the fax number is (208) 334-2170. The Department web address is <https://agri.idaho.gov/>. (6-30-19)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code and are public records. (6-30-19)T

**007. -- 009. (RESERVED)**

**010. DEFINITIONS.**

**01. Certification.** Verification that proper field sampling procedures were followed and that the indexing results as outlined in this rule are those determined by an approved laboratory designated to test for virus diseases under this rule. (3-20-97)

**02. Idaho Certified Nursery Seed.** Seed produced from registered seed trees or commercial seed having been tested and found to have a transmissible virus content that does not exceed five percent (5%). (3-20-97)

**03. Idaho Certified Nursery Stock.** Nursery-grown, true seedlings, clonal rootstocks originating from certified virus-free trees, and nursery-grown trees or seedlings propagated by using top-stock from certified virus-free trees and rootstock originating from certified virus-free trees except as herein provided for certain rootstocks. (3-20-97)

**04. Index.** To determine virus infection by means of inoculation from the plant to be tested to an indicator plant or by any other acceptable method as designated by the Director. (3-20-97)

**05. Indicator Plant.** Any herbaceous or woody plant used to index or determine virus infection. (3-20-97)

06. **Interstock.** Scionwood used for compatibility purposes to graft between a particular top-stock and rootstock. (3-20-97)
07. **Nursery Stock.** For purposes of this rule includes the plants and plant parts of the genera *Prunus*, *Malus*, *Pyrus*, *Chaenomeles* and *Cydonia*. (3-20-97)
08. **Off-Type.** Not true-to-name (phenotype) as registered under this rule. (3-20-97)
09. **Registered Tree.** A tree or clonal planting that has been inspected and tested in accordance with the provisions of this program and assigned a registration number by the Department. (3-20-97)
10. **Rootstock.** That part of a plant including the roots on which another variety of plant material may be grafted. (3-20-97)
11. **Scion-Block.** A planting of certified virus-free trees which serves as a source of scionwood for the propagation of “Idaho certified nursery stock.” (3-20-97)
12. **Scion (Scionwood).** A detached shoot or other portion of a plant consisting of one or more buds used in propagation by grafting. (3-20-97)
13. **Seed Block.** A planting of certified virus-free trees which serves as a source of seed for producing rootstock used in the propagation of “Idaho certified nursery stock.” (3-20-97)
14. **Stool Bed.** A clonal planting of self-rooted, certified virus-free trees for the specific purpose of producing vegetatively propagated rootstock used in the propagation of “Idaho certified nursery stock.” (3-20-97)
15. **Top-Stock.** Usually scionwood used for grafting onto interstock or rootstock, may include seed. (3-20-97)
16. **True Seedling.** A tree which has been grown from seed. (3-20-97)
17. **Virus-Infected.** The presence of a harmful virus(es) in a plant or plant part. (3-20-97)
18. **Virus-Like.** A disorder of genetic or non-transmissible origin and also includes mycoplasma-like organisms and rickettsia-like organisms. (3-20-97)

**011. – 049. (RESERVED)**

**050. REQUIREMENTS.**

01. **Participation.** Participation is open only to those nurseries registered under Title 22, Chapter 23, Idaho Code, and is voluntary. (3-20-97)
02. **Application.** Application forms for the establishment of new blocks will be provided by the Idaho Department of Agriculture. The applicant nurseryman shall furnish to the Department all information pertinent to the operation of this program, including a diagram of each block and shall give his consent to the Department to take plant parts (buds, leaves, roots, etc.) from any tree for testing purposes. (3-20-97)
03. **Registration.** Trees may be registered as rootstock, top-stock, or seedstock sources for the propagation of certified nursery stock when inspected, tested, and found to be true-to-name and discernibly free from known harmful virus and virus-like diseases by procedures outlined in this program. (3-20-97)
04. **Responsibility.** The applicant nurseryman is responsible, subject to the approval of the Director, for the selection of the location and the proper maintenance of registered plantings grown under the provisions of this rule. The applicant nurseryman is responsible for maintaining the identity of all nursery stock entered into this program in a manner approved by the Department. Any planting entered into this program shall be kept in a healthy

growing condition and free of plant pests. (3-20-97)

**05. Filing Date.** Application for inspection and testing of new or existing blocks of registered scion, seed, and stool-bed trees and for inspection of nursery stock for certification shall be filed by June 1 of each year with the Idaho Department of Agriculture. (3-20-97)

**06. Nematode Sampling.** The ground being submitted for planting with virus-free stock as outlined in this rule shall be officially sampled, using established procedures acceptable to the Director, tested, and found free of virus transmitting nematodes prior to planting of any stock. Subsequent sampling for the presence of nematodes after planting may be carried out at the discretion of the Director, to ensure that a nematode-free status is maintained. (3-20-97)

**07. Grafting.** There shall be no budding, grafting, or top-working of registered trees in any scion-block, seed-block, or stool-block. (3-20-97)

**08. Inspection.** Maintenance of virus-free integrity of all plants entered into this program shall be by inspection and spot-testing at a minimum of every three (3) years or as stated elsewhere in this rule. (3-20-97)

**09. Diseased Plants.** Immediately following notice from the Director or his agent, any plant found to be infected by a virus or virus-like disease or if off-type, the plant(s) shall be removed and destroyed. Any ground found to be infested with virus transmitting nematodes must be fumigated with a fumigant registered and approved by the Idaho Department of Agriculture prior to planting, at the grower's expense. (3-20-97)

**051. -- 099. (RESERVED)**

**100. SCION-BLOCKS.**

**01. Location.** A scion-block shall be located not less than one hundred (100) feet away from any non-registered cultivated plant of the Rosaceae family. The ground in a scion-block and for a distance of twenty (20) feet surrounding it shall be kept either clean-cultivated or in an approved, properly controlled ground cover. Registered scion-block trees shall be planted and maintained in a manner and at sufficient distance so that branches of different varieties do not overlap. Care shall be taken in the use of pollenizing insects and pollen application to prevent the transmission and spread of virus diseases through the use of infected pollen or its application. Registered scion-block trees shall not be used for propagation purposes until trueness-to-name or variety has been established. Each tree shall bear a permanent registration number. The ground in the scion-block shall be sampled, using established procedures acceptable to the Director, and be tested and found free of virus transmitting nematodes prior to planting of any stock. (3-20-97)

**02. Acceptability.** The rootstock and top-stock sources of the scion-block trees shall have originated from foundation trees established under this program or from virus-tested trees originating through the USDA-ARS Inter-Regional Project No. 2 (IR-2) or other approved programs. If the tree is scion-rooted, its source shall have met the requirements stated in this subsection. Only registered trees shall be permitted in the scion-block. (3-20-97)

**101. -- 149. (RESERVED)**

**150. SEED-BLOCKS.**

**01. Location.** A Prunus seed-block shall be located not less than three hundred (300) feet from any non-registered flowering plant of the Prunus species. The ground in a seed-block and for a distance of twenty (20) feet surrounding it shall be kept clean-cultivated or in an approved, controlled ground cover. Care shall be taken in the use of pollenizing insects and pollen application to prevent the transmission and spread of virus diseases through the use of infected pollen or its application. Each tree shall bear a permanent registration number. (3-20-97)

**02. Acceptability.** The rootstock and top-stock sources of the seed-tree shall have originated from foundation trees established under this program or from virus-tested trees originating through the USDA-ARS Inter-Regional Project No. 2 (IR-2) or other approved program. If the tree is scion-rooted, its source shall have met the requirements stated in this subsection. Only registered trees shall be permitted in the seed-block. (3-20-97)

**151. -- 199. (RESERVED)**

**200. STOOL-BEDS.**

**01. Location.** A stool-bed shall be located not less than fifty (50) feet from any non-registered cultivated plant of the Rosaceae family. The following exception will apply: Non-registered stool-beds may be located not less than ten (10) feet from registered stool-bed plantings. The ground in a stool-bed and for a distance of ten (10) feet surrounding it shall be kept clean-cultivated. (3-20-97)

**02. Acceptability.** Existing stool-beds that index clean on the commonly used virus indicators will qualify as Registered Stool-Beds. New stool-beds (those planted after the effective date of this rule) shall have originated from foundation stock established under this program or from virus-tested plants originating through the USDA-ARS Inter-Regional No. 2 (IR-2) or other approved program. If the tree is scion-rooted, its source shall have met the requirements stated in this subsection. Only registered trees shall be permitted in the stool-beds. (3-20-97)

**201. -- 249. (RESERVED)**

**250. NURSERY STOCK.**

**01. Rootstocks.** All nursery stock being grown for certification, shall be on rootstock from registered trees except for stone fruit trees grown on peach seedlings and pome fruit trees grown on apple and pear seedlings. These seedling rootstocks, when grown from commercial seed, will be acceptable if seed transmissible virus content does not exceed five percent (5%). Clonal rootstock used in the production of Idaho Certified Nursery Stock must originate from Registered Stool-Beds. (3-20-97)

**02. Location.** The isolation distances between certified and non-certified nursery stock shall be: (3-20-97)

**a.** Not less than fifty (50) feet from non-certified plants of the Rosaceae family; (3-20-97)

**b.** Not less than twenty (20) feet from other non-certified nursery stock; (3-20-97)

**c.** Program participants shall maintain a twenty (20) foot clean-cultivated area around all certified nursery stock beds. Nursery stock shall be designated as to rootstock, top-stock, and inter-stock sources. There shall be no re-budding or re-grafting of nursery raw stock unless such stock is re-worked with scions from the original registered scion-tree. (3-20-97)

**03. Identity Maintenance.** The maintenance of certified stock identity shall be a tagging program identifying trees produced from: (3-20-97)

**a.** Registered rootstock produced from registered seed or stool-beds; (3-20-97)

**b.** Registered scion source trees. The tracking system shall involve a numbering diagram system of each participant's nursery stock beds in the program. (3-20-97)

**04. Seed.** Certified seed shall have been produced on Registered Seed Trees or commercial seed having been tested and found to have a transmissible virus content that does not exceed five percent (5%). (3-20-97)

**05. Tagging.** An Idaho Certified Nursery Stock Tag shall designate trees produced from registered scion-source trees and which have been propagated on rootstocks produced from registered seed-source or stool-bed trees, or which are self-rooted. All nursery stock meeting the requirements of this program when sold shall have the variety, inter-stock, and rootstock designated where applicable as follows: variety/inter-stock/rootstock. (3-20-97)

**06. Acceptability.** All nursery stock meeting the requirements of this program shall be known as Idaho Certified Nursery Stock. (3-20-97)

251. -- 299. (RESERVED)

**300. BLOCK EXPANSION.**

Expansion within a scion or stool-bed will be allowed with no restriction regarding the number of generations, provided accepted tissue culture methods are employed. Only two (2) propagative steps will be allowed between “mother plants” and foundation trees for scion, seed, and stool-bed blocks. (3-20-97)

301. -- 349. (RESERVED)

**350. INSPECTION PROCEDURES.**

**01. Time of Inspection.** Inspections will be made at the discretion of the Department and at times when specific disease symptoms are most likely to be expressed. (3-20-97)

**02. Inspection of Nursery Stock for Certification.** At least one (1) visual inspection shall be made of nursery rootstock in a planting being grown for certification during the first growing season. At the request of the Department, any undesirable rootstock shall be rogued before propagation. At least two (2) visual inspections shall be made of nursery stock during the growing season following bud or graft placement. (3-20-97)

**03. Refusal of Certification.** The Department shall refuse certification if plants have been propagated from registered trees determined to be affected by a virus or virus-like disease or if other requirements of this program have not been met. (3-20-97)

351. -- 399. (RESERVED)

**400. TESTING PROCEDURES.**

Testing standards prescribed in this program shall conform to USDA-ARS Inter-Regional Project No. 2 (IR-2) standards or to any other acceptable and approved procedures developed and used for determining the presence of virus diseases in nursery stock. All testing results shall be made available directly to the Department by the approved agency or laboratory. (3-20-97)

401. -- 449. (RESERVED)

**450. TAGGING, IDENTITY, AND RECORDS.**

**01. Official Certification Tags.** The Department will authorize the use of official certification tags for identification of nursery stock or seed that meet the requirements of this program. These tags will be supplied at cost to all program cooperators by the Idaho Department of Agriculture. (3-20-97)

**02. Identity.** Any person selling Idaho Certified Nursery Stock is responsible for the identity of the stock bearing each tag and for such nursery stock meeting the requirements of this program. (3-20-97)

**03. Records.** Any person selling Idaho Certified Nursery Stock shall keep record on a form prescribed by the Director which shall include but not limited to the source of the stock, quantity, and disposition. (3-20-97)

451. -- 499. (RESERVED)

**500. FEES.**

**01. Application Fees.** A fee of fifty dollars (\$50) per application submitted plus ten cents (\$0.10) per tree being certified shall be submitted with each application. (3-20-97)

**02. Laboratory Fees.** Laboratory fees shall be those as established by a Department approved testing facility and will be paid directly to the facility. (3-20-97)

**03. Service Fees.** Fees for plant or soil sampling and inspection services provided by the Idaho Department of Agriculture shall be in accordance with the following schedule. (3-20-97)

- a. A fee of twenty-five dollars (\$25) per hour for inspection and travel time with a minimum charge of fifty dollars (\$50). (3-20-97)
  - b. Per diem costs shall be charged according to established state rates. (3-20-97)
  - c. The fees charged for tags shall be at cost plus an administrative fee of ten percent (10%) for each order. (3-20-97)
- 501. -- 999. (RESERVED)**

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