

## IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE

### Plants Division

#### 02.06.01 – Rules Governing the Production and Distribution of Seed

##### **Who does this rule apply to?**

*Growers of bluegrass or rapeseed, sellers and distributors of seed*

##### **What is the purpose of this rule?**

*This rule governs procedures for production, sale or distribution of seed in Idaho, including rapeseed and bluegrass. This rule also establishes seed service testing fees for purity, germination, tertrazolium and special tests. This rule includes certain requirements and restrictions to protect bluegrass and rapeseed crops from regulated pests and/or adulteration.*

*The three sub-chapters to this rule – Pure Seed, Rapeseed, and Bluegrass – were originally requested by stakeholders to ensure purity of crops planted and grown within Idaho. All were written through a negotiated rulemaking process. As we worked with stakeholders on renewal and consolidation of these rules, they communicated that these rules are still important to safeguarding their production. Idaho is a leader in seed production and protecting these seed crops from plant pests and disease is crucial to these high value crops.*

##### **What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statutes passed by the Idaho Legislature:*

Agriculture and Horticulture -

- [22-108\(2\), Idaho Code](#) – Authority and Duties of Director Concerning Rapeseed
- [22-418\(11\), Idaho Code](#) – Duties and Authority of Director Concerning Pure Seed Law
- [22-2004, Idaho Code](#) – Duties of the Department Regarding the Idaho Plant Pest Act
- [22-2006, Idaho Code](#) – Promulgation of Rules – Collection and Deposit of Fees and Penalties

##### **Who do I contact for more information on this rule?**

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## 02.06.01 – RULES GOVERNING THE PRODUCTION AND DISTRIBUTION OF SEED

### 000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-108(2), 22-418(4), 22-418(11), 22-2004 and 22-2006, Idaho Code. (7-1-21)T

### 001. TITLE AND SCOPE.

01. **Title.** The title of this chapter is “Rules Governing the Production and Distribution of Seed.” (7-1-21)T

02. **Scope.** These rules govern procedures for sale or distribution of seed in Idaho, including rapeseed and bluegrass. These rules will also establish seed service testing fees for purity, germination, tetrazolium and special tests. (7-1-21)T

### 002. -- 109. (RESERVED)

## SUBCHAPTER A – PURE SEED

### 110. DEFINITIONS.

In addition to the definitions set forth in Section 22-414, Idaho Code, the definition in Section 110 apply to the interpretation and enforcement of Subchapter A only: (7-1-21)T

01. **Condition.** “Condition” means drying, cleaning, scarifying and other operations that could change the purity or germination of the seed and require the seed lot to be retested to determine the label information. (7-1-21)T

### 111. (RESERVED)

### 112. METHODS OF SAMPLING -- GENERAL PROCEDURE.

01. **Sample.** In order to secure a representative sample, equal portions are taken from evenly distributed parts of the quantity of seed or screenings to be sampled with access to all parts of that quantity. When more than one (1) trierful of seed is drawn from a bag, different paths will be followed. When more than one (1) handful is taken from a bag, the handfuls will be taken from well-separated points. (7-1-21)T

02. **Free Flowing Seed.** For free-flowing seed in bags or bulk, a probe or trier is used. For small free-flowing seed in bags a probe or trier long enough to sample all portions of the bag is used. (7-1-21)T

03. **Non-Free Flowing Seed.** Non-free-flowing seed, such as certain grass seed, uncleaned seed or screenings difficult to sample with a probe or trier, is sampled by thrusting the hand into the bulk and withdrawing representative portions. The hand is inserted in an open position and the fingers are held closely together while the hand is being inserted and the portion withdrawn. (7-1-21)T

04. **Composite Samples.** Composite samples will be obtained to determine the quality of a lot of seed (i.e., percentages of pure seed, other crop seed, weed seed, inert matter and germination). Individual bag samples may be obtained to determine if the lot of seed is uniform. (7-1-21)T

a. To determine if there is an obvious lack of uniformity of seed from which a composite sample is being obtained, each portion will be examined and the portions then combined to form a composite sample or samples. (7-1-21)T

b. If the lot is found not to be uniform when obtaining a composite sample to determine its quality then additional individual bag samples are taken for the purpose of testing for uniformity. (7-1-21)T

c. Such individual bag samples may also be taken for the purpose of testing for uniformity even though a composite sample has not previously been obtained. The identity of each individual bag sample must be maintained. (7-1-21)T

05. **Bulk.** Bulk seed or screenings are sampled by inserting a long probe or thrusting the hand into the bulk, as circumstances require, in at least seven (7) uniformly distributed parts of the quantity being sampled. At least as many trierfuls or handfuls are taken as the minimum that would be required for the same quantity of seed or

screenings in bags of a size customarily used for such seed or screenings. (7-1-21)T

**06. Bags.** (7-1-21)T

**a.** For lots of six (6) bags or less, each bag will be sampled with a total of at least five (5) trierfuls taken. (7-1-21)T

**b.** For lots of more than six (6) bags, five (5) bags plus at least ten percent (10%) of the number of bags in the lots will be sampled. (Round off numbers with decimals to the nearest whole number, raising five tenths (.5) to the next whole number.) Regardless of the lot size it is not necessary that more than thirty (30) bags be sampled. (7-1-21)T

**c.** Samples are drawn from unopened bags except under circumstances where the identity of the seed has been preserved. (7-1-21)T

**07. Packets.** In sampling seed in packets, entire unopened packets are taken. (7-1-21)T

**08. Size of Sample.** (7-1-21)T

**a.** For composite sample to test for quality, the following are minimum weights for samples of seed to be submitted for analysis, test or examination (7-1-21)T

**i.** Two (2) ounces (approximately fifty five (55) grams) of grass seed not otherwise mentioned, white or alsike clover, or seeds not larger than these. (7-1-21)T

**ii.** Five (5) ounces (approximately one hundred fifty (150) grams) of red or crimson clover, alfalfa, lespedezas, ryegrasses, bromegrasses, millet, flax, rape, or seeds of similar size. (7-1-21)T

**iii.** One (1) pound of Sudangrass, sorghum, proso, hemp seed, or seeds of similar size. (7-1-21)T

**iv.** Two (2) pounds (approximately one thousand (1,000) grams) of cereals, vetches, or seeds of similar or larger size. (7-1-21)T

**b.** For individual bag samples to test for uniformity. (7-1-21)T

**i.** The size of any individual bag sample to determine uniformity in a lot of seed is not less than the quantities set out in the "Rules and Regulations, under the Federal Seed Act" (53 Statute 1275) (Subsection 201.46). (7-1-21)T

**ii.** If the sample drawn is larger than desired, it is thoroughly mixed before it is divided to the desired size. (7-1-21)T

**09. Forwarding and Receipt of Official Samples.** Before being forwarded for analysis test or examination, the containers of official samples shall be properly sealed and identified with the containers of official samples initialed and dated and the sample weighed by the person who breaks the seals. (7-1-21)T

**113. -- 119. (RESERVED)**

**120. GERMINATION STANDARDS FOR VEGETABLE SEEDS.**  
 Includes hard seed.

|           | Percent |
|-----------|---------|
| Artichoke | 60      |
| Asparagus | 70      |

|          | Percent |
|----------|---------|
| Eggplant | 60      |
| Endive   | 70      |

|                               | Percent |
|-------------------------------|---------|
| Asparagusbean                 | 75      |
| Bean, garden                  | 70      |
| Bean, lima                    | 70      |
| Bean, runner                  | 75      |
| Beet                          | 65      |
| Broadbean                     | 75      |
| Broccoli                      | 75      |
| Brussels sprouts              | 70      |
| Burdock, great                | 60      |
| Cabbage                       | 75      |
| Cabbage, tronchuda            | 75      |
| Cantaloupe<br>(See muskmelon) |         |
| Cardoon                       | 60      |
| Carrot                        | 55      |
| Cauliflower                   | 75      |
| Celeriac                      | 55      |
| Celery                        | 55      |
| Chard, Swiss                  | 65      |
| Chicory                       | 65      |
| Chinese Cabbage               | 75      |
| Chives                        | 50      |
| Citron                        | 65      |
| Collards                      | 80      |
| Corn, sweet                   | 75      |
| Cornsalad                     | 70      |
| Cowpea                        | 75      |
| Cress, garden                 | 75      |
| Cress, upland                 | 60      |
| Cress, water                  | 40      |
| Cucumber                      | 80      |
| Dandelion                     | 60      |

|                      | Percent |
|----------------------|---------|
| Kale                 | 75      |
| Kale, Chinese        | 75      |
| Kohlrabi             | 75      |
| Leek                 | 60      |
| Lettuce              | 80      |
| Muskmelon            | 75      |
| Mustard, India       | 75      |
| Mustard, spinach     | 75      |
| Okra                 | 50      |
| Onion                | 70      |
| Onion, Welsh         | 70      |
| Pak-choi             | 75      |
| Parsley              | 60      |
| Parsnip              | 60      |
| Pea                  | 80      |
| Pepper               | 55      |
| Pumpkin              | 75      |
| Radish               | 75      |
| Rhubarb              | 60      |
| Rutabaga             | 75      |
| Salsify              | 75      |
| Sorrel               | 65      |
| Soybean              | 75      |
| Spinach              | 60      |
| Spinach, New Zealand | 40      |
| Squash               | 75      |
| Tomato               | 75      |
| Tomato, husk         | 50      |
| Turnip               | 80      |
| Watermelon           | 70      |

(7-1-21)T

121. -- 129. (RESERVED)

**130. GERMINATION STANDARDS FOR FLOWER SEEDS.**

The kinds of flower seeds listed below are those for which standard testing procedures have been prescribed by the Association of Official Seed Analysts (AOSA) and that are required by the labeling provisions of Section 22-415, Idaho Code. The percentage listed opposite each kind is the germination standard for that kind. For the kinds marked with an asterisk, the percentage is arrived at by totaling the percent germination and percent hard seed. (7-1-21)T

**01. Table 1.**

| Kind  | Percent |
|---|---------|
| Achillea (The Pearl) - <i>Achillea ptarmica</i>   | 50      |
| African Daisy - <i>Dimorphotheca aurantiaca</i>   | 55      |
| African Violet - <i>Saintpaulia</i> spp.  | 30      |
| Ageratum - <i>Ageratum mexicanum</i>  | 60      |
| Agrostemma (rose champion) - <i>Agrostemma coronaria</i>  | 65      |
| Alyssum -<br><i>Alyssum campactum</i> , <i>A. maritimum</i> , <i>A. procumbens</i> , <i>A. saxatile</i>     | 60      |
| Amaranthus - <i>Amaranthus</i> spp.   | 65      |
| Anagalis (pimpernel) -<br><i>Anagalis arvensis</i> , <i>Anagalis coerulea</i> , <i>Anagalis grandiflora</i> | 60      |
| Anemone - <i>Anemone coronaria</i> , <i>A. pulsatilla</i>   | 55      |
| Angel's Trumpet - <i>Datura arborea</i>   | 60      |
| Arabis - <i>Arabis alpina</i>   | 60      |
| Arctotis (African lilac daisy) - <i>Arctotis grandis</i>  | 45      |
| Armeria - <i>Armeria formosa</i>  | 55      |
| Asparagus, fern - <i>Asparagus plumosus</i>   | 50      |
| Asparagus, sprenger - <i>Asparagus sprengeri</i>  | 55      |
| Aster, China -<br><i>Callistephus chinensis</i> ; except Pompon, Powderpuff,<br>and Princess types          | 55      |
| Aster, China -<br><i>Callistephus chinensis</i> ; Pompon, Powderpuff, and Princess types                    | 50      |
| Aubretia - <i>Aubretia deltoides</i>  | 45      |
| Baby Smilax - <i>Asparagus asparagoides</i>   | 25      |
| Balsam - <i>Impatiens balsamina</i>   | 70      |
| Begonia - <i>Begonia fibrous rooted</i>   | 60      |
| Begonia - <i>Begonia tuberous rooted</i>  | 50      |
| Bells of Ireland - <i>Molucella laevis</i>  | 60      |
| Brachycome (swan river daisy) - <i>Brachycome iberidifolia</i>  | 60      |
| Browallia - <i>Browallia elata</i> and <i>B. speciosa</i>   | 65      |
| Buphthalmum (sunwheel) - <i>Buphthalmum salicifolium</i>  | 60      |

| Kind   | Percent |
|--|---------|
| Calceolaria - Calceolaria spp.   | 60      |
| Calendula - Calendula officinalis  | 65      |
| California Poppy - Eschscholtzia californica                               | 60      |
| Calliopsis - Coreopsis bicolor, C. drummondii, C. elegans                  | 65      |
| Campanula:   |         |
| Canterbury Bells - Campanula medium  | 60      |
| Cup and Saucer Bellflower - Campanula medium calycanthemum                 | 60      |
| Carpathian Bellflower - Campanula carpatica                                | 50      |
| Peach Bellflower - Campanula persicifolia                                  | 50      |
| Candytuft, Annual - Iberis amara, I. umbellata                             | 65      |
| Candytuft, Perennial - Iberis gibraltarica, I. sempervirens                | 55      |
| *Castor Bean - Ricinus communis  | 60      |
| Cathedral Bells - Cobaea scandens  | 65      |
| Celosia - Celosia argentea   | 65      |
| Centaurea:   |         |
| Basket Flower - Centaurea americana,                                       |         |
| Cornflower - C. cyanus,  |         |
| Dusty Miller - C. candidissima,  | 60      |
| Royal Centaurea - C. imperialis,   |         |
| Sweet Sultan - C. moschata,  |         |
| Velvet Centaurea - C. gymnocarpa   |         |
| Cerastium (snow-in-summer) - Cerastium biebersteini and C. tomentosum      | 65      |
| Chinese Forget-me-not - Cynoglossum amabile                                | 55      |
| Chrysanthemum, Annual - Chrysanthemum carinatum, C. coronarium, C. segetum | 40      |
| Cineraria - Senecio cruentus   | 60      |
| Clarkia - Clarkia elegans  | 65      |
| Cleome - Cleome gigantea   | 65      |
| Coleus - Coleus blumei   | 65      |
| Columbine - Aquilegia spp.   | 50      |
| Coral Bells - Heuchera sanguinea   | 55      |
| Coreopsis, Perennial - Coreopsis lanceolata                                | 40      |
| Corn, ornamental - Zea mays  | 75      |
| Cosmos:  |         |
| Sensation, Mammoth and Crested types - Cosmos bipinnatus;                  | 65      |
| Klondyke type - C. sulphureus  |         |
| Crossandra - (Crossandra infundibuliformis)                                | 50      |
| Dahlia - Dahlia spp.   | 55      |

| Kind  | Percent                          |
|---|----------------------------------|
| Daylily - <i>Hemerocallis</i> spp.  | 45                               |
| Delphinium, Perennial:<br>Belladonna and <i>Bellamosum</i> types;<br>Cardinal Larkspur - <i>Delphinium cardinale</i> ;<br>Chinensis types; Pacific Giant, Gold Medal<br>and other hybrids of <i>D. elatum</i>   | 55                               |
| Dianthus:<br>Carnation - <i>Dianthus caryophyllus</i><br>China Pinks - <i>Dianthus chinensis</i> , <i>heddewigi</i> , <i>heddensis</i><br>Grass Pinks - <i>Dianthus plumarius</i><br>Maiden Pinks - <i>Dianthus deltoides</i><br>Sweet William - <i>Dianthus barbatus</i><br>Sweet Wivelsfield - <i>Dianthus allwoodi</i> | 60<br>70<br>60<br>60<br>70<br>60 |
| Didiscus - (blue lace flower) - <i>Didiscus coerulea</i>  | 65                               |
| Doronicum (leopard's bane) - <i>Doronicum caucasicum</i>  | 60                               |
| Dracaena - <i>Dracaena indivisa</i>   | 55                               |
| Dragon Tree - <i>Dracaena draco</i>   | 40                               |
| English Daisy - <i>Bellis perennis</i>  | 55                               |
| Flax -<br>Golden flax ( <i>Linum flavum</i> );<br>Flowering flax <i>L. grandiflorum</i> ;<br>Perennial flax, <i>L. perenne</i>  | 60                               |
| Flowering Maple - <i>Abutilon</i> spp.  | 35                               |
| Foxglove - <i>Digitalis</i> spp.  | 60                               |
| Gaillardia, Annual -<br><i>Gaillardia pulchella</i> ; <i>G. picta</i> ;<br>Perennial - <i>G. grandiflora</i>  | 45                               |
| Gerbera (transvaal daisy) - <i>Gerbera jamesoni</i>   | 60                               |
| Geum - <i>Geum</i> spp.   | 55                               |
| Gilia - <i>Gilia</i> spp.   | 65                               |
| Gloriosa daisy (rudbeckia) - <i>Echinacea purpurea</i> and <i>Rudbeckia hirta</i>   | 60                               |
| Gloxinia - ( <i>Sinningia speciosa</i> )  | 40                               |
| Godetia - <i>Godetia amoena</i> , <i>G. grandiflora</i>   | 65                               |
| Gourds:<br>Yellow Flowered - <i>Cucurbita pepo</i> ;<br>White Flowered - <i>Lagenaria sisceraria</i> ;<br>Dishcloth - <i>Luffa cylindrica</i>   | 70                               |
| Gypsophila:<br>Annual Baby's Breath - <i>Gypsophila elegans</i> ;<br>Perennial Baby's Breath - <i>G. paniculata</i> , <i>G. pacifica</i> , <i>G. repens</i>   | 70                               |
| Helenium - <i>Helenium autumnale</i>  | 40                               |

| Kind   | Percent |
|--|---------|
| Helichrysum - Helichrysum monstrosum   | 60      |
| Heliopsis - Heliopsis scabra   | 55      |
| Heliotrope - Heliotropium spp.   | 35      |
| Helipterum (Acroclinium) - Helipterum roseum   | 60      |
| Hesperis (sweet rocket) - Hesperis matronalis  | 65      |
| *Hollyhock - Althea rosea  | 65      |
| Hunnemania (Mexican tulip poppy) - Hunnemania fumariaefolia  | 60      |
| *Hyacinth bean - Dolichos lablab   | 70      |
| Impatiens - Impatiens holstii, I. sultani  | 55      |
| *Ipomea - Cypress Vine - Ipomea quamoclit;<br>Moonflower - I. noctiflora;<br>Morning Glories, Cardinal Climber, Hearts<br>and Honey Vine - Ipomea spp. | 75      |
| Jerusalem cross (maltese cross) - Lychnis chalcedonica   | 70      |
| Job's Tears - Coix lacrymajobi   | 70      |
| Kochia - Kochia childsi  | 55      |
| Larkspur, Annual - Delphinium ajacis   | 60      |
| Lantana - Lantana camara, L. hybrida   | 35      |
| Lilium (regal lily) - Lilium regale  | 50      |
| Linaria - Linaria spp.   | 65      |
| Lobelia, Annual - Lobelia erinus   | 65      |
| Lunaria, Annual - Lunaria annua  | 65      |
| *Lupine - Lupinus spp.   | 65      |
| Marigold - Tagetes spp.  | 65      |
| Marvel of Peru - Mirabilis jalapa  | 60      |
| Matricaria (feverfew) - Matricaria spp.  | 60      |
| Mignonette - Reseda odorata  | 55      |
| Myosotis - Myosotis alpestris, M. oblongata, M. palustris  | 50      |
| Nasturtium - Tropaeolum spp.   | 60      |
| Nemesia - Nemesia spp.   | 65      |
| Nemophila - Nemophila insignis   | 70      |
| Nemophila, spotted - Nemophila maculata  | 60      |
| Nicotiana - Nicotiana affinis, N. sanderae, N. sylvestris  | 65      |
| Nierembergia - Nierembergia spp.   | 55      |
| Nigella - Nigella damascena  | 55      |

| Kind  | Percent |
|---|---------|
| Pansy - <i>Viola tricolor</i>   | 60      |
| Penstemon - <i>Penstemon barbatus</i> , <i>P. grandiflorus</i> ,<br><i>P. laevigatus</i> , <i>P. pubescens</i>  | 60      |
| Petunia - <i>Petunia</i> spp.   | 45      |
| Phacelia - <i>Phacelia campanularia</i> , <i>P. minor</i> , <i>P. tanacetifolia</i>   | 65      |
| Phlox, Annual - <i>Phlox drummondii</i> all types and varieties   | 55      |
| Physalis - <i>Physalis</i> spp.   | 60      |
| Platycodon (balloon flower) - <i>Platycodon grandiflorum</i>  | 60      |
| Plumbago, cape - <i>Plumbago capensis</i>   | 50      |
| Ponytail - <i>Beaucarnea recurvata</i>  | 40      |
| Poppy:<br>Shirley Poppy - <i>Papaver rhoeas</i> ;<br>Iceland Poppy - <i>P. nudicaule</i> ;<br>Oriental Poppy - <i>P. orientale</i> ;<br>Tulip Poppy - <i>P. glaucum</i> | 60      |
| Portulace - <i>Portulaca grandiflora</i>  | 55      |
| Primula (Primrose) - <i>Primula</i> spp.  | 50      |
| Pyrethrum (painted daisy) - <i>Pyrethrum coccineum</i>  | 60      |
| Salpiglossis - <i>Salpiglossis gloxinaeflora</i> , <i>S. sinuata</i>  | 60      |
| Salvia:<br>Scarlet Sage - <i>Salvia splendens</i> ;<br>Mealycup Sage (blue bedder) - <i>Salvia farinacea</i>  | 50      |
| Saponaria - <i>Saponaria ocymoides</i> , <i>S. vaccaria</i>   | 60      |
| Scabiosa, Annual - <i>Scabiosa atropurpurea</i>   | 50      |
| Scabiosa, Perennial - <i>Scabiosa caucasica</i>   | 40      |
| Schizanthus - <i>Schizanthus</i> spp.   | 60      |
| *Sensitive plant (mimosa) - <i>Mimosa pudica</i>  | 65      |
| Shasta Daisy - <i>Chrysanthemum maximum</i> , <i>C. leucanthemum</i>  | 65      |
| Silk Oak - <i>Grevillea robusta</i>   | 25      |
| Snapdragon - <i>Antirrhinum</i> spp.  | 55      |
| Solanum - <i>Solanum</i> spp.   | 60      |
| Statice - <i>Statice sinuata</i> , <i>S. suworonii</i> (flower heads)   | 50      |
| Stocks:<br>Common - <i>Mathiola incana</i> ;<br>Evening Scented - <i>Mathiola bicornis</i>  | 65      |
| Sunflower - <i>Helianthus</i> spp.  | 70      |
| Sunrose - <i>Helianthemum</i> spp.  | 30      |

| Kind  | Percent |
|---|---------|
| *Sweet Pea, Annual and Perennial other than dwarf bush -<br>Lathyrus odoratus, L. latifolius  | 75      |
| *Sweet Pea, dwarf bush - Lathyrus odoratus  | 65      |
| Tahoka daisy - Machaeanthera tanacetifolia  | 60      |
| Thunbergia - Thunbergia alata   | 60      |
| Torch Flower - Tithonia speciosa  | 70      |
| Torenia (wishbone flower) - Torenia fournieri   | 70      |
| Tritoma Kniphofia spp.  | 65      |
| Verbena, Annual - Verbena hybrida   | 35      |
| Vinca - Vinca rosea   | 60      |
| Viola - Viola cornuta   | 55      |
| Virginian stocks - Malcolmia maritima   | 65      |
| Wallflower - Cheiranthus allioni  | 65      |
| Yucca (Adam's needle) - Yucca filamentosa   | 50      |
| Zinnia (except Linearis and Creeping) -<br>Zinnia angustifolia, Z. elegans, Z. grandiflora, Z. gracillima,<br>Z. haegeana, Z. multiflora, Z. pumila | 65      |
| Zinnia, Linearis and Creeping - Zinnia linearis, Sanvitalia procumbens  | 50      |
| All other kinds   | 50      |

(7-1-21)T

**02. Below Standard.** A mixture of kinds of flower seeds will be considered to be below standard if the germination of any kind or combination of kinds constituting twenty-five percent (25%) or more of the mixture by number is below standard for the kind or kinds involved. (7-1-21)T

**131. -- 139. (RESERVED)**

**140. GERMINATION STANDARDS FOR SEED IN HERMETICALLY SEALED CONTAINERS.**

The period of validity of germination tests is extended to the following period for seed packaged in hermetically sealed containers under conditions and label requirements set forth in Subchapter A. (7-1-21)T

**01. Germination Tests.** The germination test for agricultural and vegetable seed shall have been completed within the following period, exclusive of the calendar month in which the test was completed, immediately prior to shipment, delivery, transportation or sales: (7-1-21)T

**a.** In the case of agricultural or vegetable seeds shipped, delivered, transported or sold to a dealer for resale, eighteen (18) months; (7-1-21)T

**b.** In the case of agricultural or vegetable seeds for sale or sold at retail, thirty-six (36) months. (7-1-21)T

**02. Conditions of Packaging.** The following standards, requirements, conditions must be met before seed is considered to be hermetically sealed under the provisions of Subchapter A: (7-1-21)T

**a.** The seed was packaged within nine months after harvest. (7-1-21)T

b. The container used does not allow water vapor penetration through any wall, including the seals, greater than five hundredths (0.05) gram of water per twenty-four (24) hours per one hundred (100) square inches of surface at one hundred degrees F. (100F) with a relative humidity on one side of ninety percent (90%) and on the other of zero percent (0%). Water vapor penetration or WVP is measured by the standards of the U.S. Bureau of Standards as-gm. H<sub>2</sub>O/24 hr./100 sq. in./100 F/ 90% RHV. 0% RH. (7-1-21)T

03. **Moisture.** The seed in the container does not exceed the percentage of moisture, on a wet weight basis, as listed below: (7-1-21)T

a. **Table 1.**

| <b>Agricultural Seeds</b>    | <b>Percent</b> |
|------------------------------|----------------|
| Beet, field                  | 7.5            |
| Beet, sugar                  | 7.5            |
| Bluegrass, Kentucky          | 6.0            |
| Clover, crimson              | 8.0            |
| Fescue, red                  | 8.0            |
| Ryegrass, annual             | 8.0            |
| Ryegrass, perennial          | 8.0            |
| All other agricultural seeds | 6.0            |
| Mixtures of above            | 8.0            |

(7-1-21)T

b. **Table 2.**

| <b>Vegetable Seeds</b> | <b>Percent</b> |
|------------------------|----------------|
| Bean, garden           | 7.0            |
| Bean, lima             | 7.0            |
| Beet                   | 7.5            |
| Broccoli               | 5.0            |
| Brussels sprouts       | 5.0            |
| Cabbage                | 5.0            |
| Carrot                 | 7.0            |
| Cauliflower            | 5.0            |
| Celeriac               | 7.0            |
| Celery                 | 7.0            |
| Chard, Swiss           | 7.5            |
| Chinese cabbage        | 5.0            |
| Chives                 | 6.5            |
| Collards               | 5.0            |

| Vegetable Seeds           | Percent |
|---------------------------|---------|
| Corn, sweet               | 8.0     |
| Cucumber                  | 6.0     |
| Eggplant                  | 6.0     |
| Kale                      | 5.0     |
| Kohlrabi                  | 5.0     |
| Leek                      | 6.5     |
| Lettuce                   | 5.5     |
| Muskmelon                 | 6.0     |
| Mustard, India            | 5.0     |
| Onion                     | 6.5     |
| Onion, Welsh              | 6.5     |
| Parsley                   | 6.5     |
| Parsnip                   | 6.0     |
| Pea                       | 7.0     |
| Pepper                    | 4.5     |
| Pumpkin                   | 6.0     |
| Radish                    | 5.0     |
| Rutabaga                  | 5.0     |
| Spinach                   | 8.0     |
| Squash                    | 6.0     |
| Tomato                    | 5.5     |
| Turnip                    | 5.0     |
| Watermelon                | 6.5     |
| All other vegetable seeds | 6.0     |

(7-1-21)T

**04. Labeling.** The container is conspicuously labeled in not less than eight (8) point type to indicate that the container is hermetically sealed, that the seed has been preconditioned as to moisture content, and the calendar month and year in which the germination test was completed. (7-1-21)T

**05. Germination.** The percentage of germination of seed at the time of packaging was equal to or above the standards specified elsewhere in Subchapter A of these rules. (7-1-21)T

141. -- 149. (RESERVED)

150. NOXIOUS WEEDS.

01. Prohibited Noxious Weed Seeds -- Table 1.

| Common Name                | Scientific Name   |
|----------------------------|---|
| 1. Beancaper, Syrian       | 1. <i>Zygophyllum fabago</i> L.   |
| 2. Bindweed, Field         | 2. <i>Convolvulus arvensis</i> L.   |
| 3. Buffalobur              | 3. <i>Solanum rostratum</i> Dun.  |
| 4. Bursage, Skeleton leaf  | 4. <i>Ambrosia tomentosa</i> Nutt.  |
| 5. Camelthorn              | 5. <i>Alhagi camelorum</i> Fisch.   |
| 6. Carrot, Wild            | 6. <i>Daucus carota</i> L.  |
| 7. Cress, Hoary            | 7. <i>Cardaria draba</i> (L.) Desv.   |
| 8. Crupina, Common         | 8. <i>Crupina vulgaris</i> Cass.  |
| 9. Fieldcress, Austrian    | 9. <i>Rorippa austriaca</i> (Crantz) Bess.  |
| 10. Goatgrass              | 10. <i>Aegilops cylindrica</i> Host   |
| 11. Groundcherry, Smooth   | 11. <i>Physalis subglabrata</i> Mackenz. & Bush   |
| 12. Henbane, Black         | 12. <i>Hyoscyamus niger</i> L.  |
| 13. Johnsongrass           | 13. <i>Sorghum halepense</i> L.   |
| 14. Knapweed, Diffuse      | 14. <i>Centaurea diffusa</i> Lam.   |
| 15. Knapweed, Russian      | 15. <i>Centaurea repens</i> L.  |
| 16. Knapweed, Spotted      | 16. <i>Centaurea maculosa</i> Lam.  |
| 17. Lythrum, Purple        | 17. <i>Lythrum salicaria</i> L.   |
| 18. Nightshade, Silverleaf | 18. <i>Solanum elaeagnifolium</i> Cav.  |
| 19. Pepperweed, Perennial  | 19. <i>Lepidium latifolium</i> L.   |
| 20. Poison-Hemlock         | 20. <i>Conium maculatum</i> L.  |
| 21. Puncturevine           | 21. <i>Tribulus terrestris</i> L.   |
| 22. Quackgrass             | 22. <i>Elytrigia repens</i> ; <i>Agropyron repens</i> (L.) Beauv.                       |
| 23. Ragwort, Tansy         | 23. <i>Senecio jacobaea</i> L.  |
| 24. Skeletonweed, Rush     | 24. <i>Chondrilla juncea</i> L.   |
| 25. Sowthistle, Perennial  | 25. <i>Sonchus arvensis</i> L.  |
| 26. Spurge, Leafy          | 26. <i>Euphorbia esula</i> L.   |
| 27. St. Johnswort, Common  | 27. <i>Hypericum perforatum</i> L.  |
| 28. Starthistle, Yellow    | 28. <i>Centaurea solstitialis</i> L.  |
| 29. Swainsonpea            | 29. <i>Sphaerophys salsula</i> (Pall.) DC;<br><i>Swainsona salsula</i> (Pallas) Taubert |
| 30. Thistle, Canada        | 30. <i>Cirsium arvense</i> (L.) Scop.   |
| 31. Thistle, Musk          | 31. <i>Carduus nutans</i> L.  |
| 32. Thistle, Scotch        | 32. <i>Onopordum acanthium</i> L.   |

| Common Name             | Scientific Name   |
|-------------------------|---|
| 33. Toadflax, Dalmatian | 33. <i>Linaria genistifolia</i> spp. <i>dalmatica</i> (L.)<br>Maire & Petitmengin |
| 34. Toadflax, Yellow    | 34. <i>Linaria vulgaris</i> Mill.   |
| 35. Woad, Dyers         | 35. <i>Isatis tinctoria</i> L.  |

(7-1-21)T

02. Restricted Noxious Weed Seeds -- Table 2.

| Common Name                       | Scientific Name   |
|-----------------------------------|---|
| 1. Dodder                         | 1. <i>Cuscuta</i> spp.  |
| 2. Halogeton                      | 2. <i>Halogeton glomeratus</i> (Stephen ex Bieb.)<br>C.A. Mey                         |
| 3. Lettuce, Blue                  | 3. <i>Lactuca pulchella</i> (Pursch) DC.  |
| 4. Oats, Wild                     | 4. <i>Avena fatua</i> L.  |
| 5. Plantain, Buckhorn             | 5. <i>Plantago lanceolata</i> L.  |
| 6. Ragweed, Western and Perennial | 6. <i>Ambrosia psilostachya</i> DC., (T. & G.) Farw.                                  |
| 7. Rye, Medusahead                | 7. <i>Taeniatherum caput-medusae</i> (L.) Nevski;<br><i>Elymus caput-medusae</i> (L.) |
| 8. Sumpweed, Poverty              | 8. <i>Iva axillaris</i> Pursh   |

(7-1-21)T

03. Restricted Noxious Weed Tolerances.

(7-1-21)T

a. Seven (7) seeds in fifty (50) grams of *Agrotis* species, *Poa* species, Rhodes grass, Bermudagrass, timothy, celery, and other agricultural or vegetable seeds of similar size and weight, within this group. (7-1-21)T

b. Seven (7) seeds in each fifty (50) grams of Dallisgrass, ryegrass, fescue species, foxtail millets, alfalfa, red clover, sweetclover, lespedeza, bromegrass, Brassica species, carrot, onion, and other agricultural or vegetable seeds of similar size and weight or mixtures within this group, or mixtures of this group with those in group A. (7-1-21)T

c. Seven (7) seeds in fifty (50) grams of alsike clover, white clover, and other agricultural or vegetable seeds of similar size and weight or mixtures within this group, with those in group A or group B. (7-1-21)T

d. Eight (8) seeds in one hundred fifty (150) grams of Proso millet, Sudangrass, and seeds of similar size and weight, or mixtures of seed within this group. (7-1-21)T

e. Forty-five (45) seeds in each pound for all wheatgrass species. (7-1-21)T

f. Four (4) seeds in each five hundred (500) grams of wheat, oats, rye, barley, buckwheat, sorghums, vetches, field peas, and other seeds of a size and weight similar to or greater than those within this group, or any mixtures within this group. (7-1-21)T

g. Containing more than one percent (1%) by weight of weed seeds including restricted noxious weed seeds referred to in Section 22-414(18)(b), Idaho Code, provided, that three percent (3%) of cheat, chess, or downy brome will be allowed in grass seed in which these weeds are found. (7-1-21)T

**151. -- 159. (RESERVED)**

**160. LABEL REQUIREMENTS OF SEEDS FOR SPROUTING.**

The following information shall be indicated on all labels of seeds sold for sprouting in health food stores or other outlets: (7-1-21)T

- 01. Name.** Commonly accepted name of kind. (7-1-21)T
- 02. Lot.** Lot number. (7-1-21)T
- 03. Percentage.** Percentage by weight of the pure seed, crop seeds, inert matter, and weed seeds if required. (7-1-21)T
- 04. Germination Percentage.** Percentage of germination. (7-1-21)T
- 05. Date.** The calendar month and year the test was completed to determine such percentage. (7-1-21)T

**161. -- 169. (RESERVED)**

**170. VIABILITY BY TZ%.**

A TZ (tetrazolium) test may be used in lieu of germination for the following species with the label reading "viability by TZ%": Bitterbrush; Saltbush; Sagebrush; Indian Ricegrass; and Winterfat. (7-1-21)T

**171. -- 179. (RESERVED)**

**180. METHODS OF TESTING.**

All methods used in testing and analyzing seed subject to Subchapter A and the tolerances used in the enforcement of Subchapter A shall conform as nearly as practicable to the current "Rules for Testing Seed adopted by the Association of Official Seed Analysts" (AOSA) file at the Idaho Department of Agriculture, State Seed Lab located at 2240 Kellogg Lane, Boise, Idaho 83712. (7-1-21)T

**181. -- 189. (RESERVED)**

**190. SERVICE TESTING FEES -- PURITY, GERMINATION AND TETRAZOLIUM FEES.**

| <b>Purity, Germination, and Tetrazolium Fees</b> |                            |                                |                                  |
|--|----------------------------|--------------------------------|----------------------------------|
| <b>Kind of Seeds</b>                             | <b>Purity*<br/>\$/Unit</b> | <b>Germination<br/>\$/Unit</b> | <b>Tetrazolium**<br/>\$/Unit</b> |
| <b>AGRICULTURAL GRASS SEED</b>                   |                            |                                |                                  |
| Bluegrasses                                      | \$45                       | \$25                           | \$40                             |
| Bromegrasses                                     | \$38                       | \$24                           | \$40                             |
| Fescues  | \$35                       | \$22                           | \$40                             |
| Orchardgrass                                     | \$38                       | \$25                           | \$40                             |
| Ryegrasses                                       | \$38                       | \$23***                        | \$40                             |
| Timothy  | \$28                       | \$23                           | \$40                             |
| For all others the hourly rate will apply        |                            |                                |                                  |
|  |                            |                                |                                  |

| Purity, Germination, and Tetrazolium Fees              |                    |                        |                          |
|--|--------------------|------------------------|--------------------------|
| Kind of Seeds  | Purity*<br>\$/Unit | Germination<br>\$/Unit | Tetrazolium**<br>\$/Unit |
| <b>FIELD SEED</b>                                      |                    |                        |                          |
| Alfalfa, clovers and trefoils                          | \$20               | \$17                   | \$40                     |
| Cereals (Barley, Oats, Rice, Rye, Triticale and Wheat  | \$25               | \$17                   | \$40                     |
| Beans  | \$18               | \$16                   | \$40                     |
| Corn (all types)                                       | \$20               | \$17                   | \$40                     |
| Peas, and Lentils                                      | \$18               | \$17.50                | \$40                     |
| <b>For all others the hourly rate will apply</b>       |                    |                        |                          |
| <b>VEGETABLES, FLOWERS AND HERB SEED</b>               |                    |                        |                          |
| Brassica (Canola, Cauliflower, Broccoli, Radish, etc.) | \$40               | \$17                   | \$50                     |
| Beets and Swiss chard                                  | \$29               | \$32                   | \$40                     |
| Carrots, celery, dill and parsley                      | \$27               | \$20                   | \$40                     |
| Curcubits (Squash, melons, etc.)                       | \$25               | \$20                   | \$40                     |
| Flowers (Bachelors button, poppy, etc.)                | \$40               | \$25                   | \$50                     |
| Lettuce, tomato, and pepper                            | \$25               | \$20                   | \$40                     |
| Onion and Chives                                       | \$25               | \$20                   | \$40                     |
| <b>For all others the hourly rate will apply</b>       |                    |                        |                          |
| <b>TREE AND SHRUB SEED</b>                             |                    |                        |                          |
| Bitterbrush  | \$40               | \$30                   | \$50                     |
| Saltbush   | \$60               | \$30                   | \$50                     |
| Chokecherry and Woods' rose                            | \$25               | \$60                   | \$60                     |
| Serviceberry, cliff-rose and mahogany                  | \$30               | \$30                   | \$40                     |
| Trees (Firs, pines, spruces, etc.)                     | \$25               | \$30                   | \$40                     |
| <b>For all others the hourly rate will apply</b>       |                    |                        |                          |
| <b>RANGE AND NATIVE SEED</b>                           |                    |                        |                          |
| Bluestems and grammas                                  | Hourly Rate        | \$30                   | \$50                     |
| Globemallow and penstemons                             | \$40               | \$30                   | \$50                     |
| Kochia and forage Kochia                               | \$30               | \$30                   | \$40                     |
| Rushes and Sedges                                      | Hourly Rate        | \$30                   | \$50                     |
| Sagebrush and Rabbitbrush                              | Hourly Rate        | \$30                   | \$40                     |

| <b>Purity, Germination, and Tetrazolium Fees</b> |                            |                                |                                  |
|--|----------------------------|--------------------------------|----------------------------------|
| <b>Kind of Seeds</b>                             | <b>Purity*<br/>\$/Unit</b> | <b>Germination<br/>\$/Unit</b> | <b>Tetrazolium**<br/>\$/Unit</b> |
| Wheatgrasses, wildryes, and squirreltail         | \$40                       | \$25                           | \$40                             |
| Winterfat  | Hourly Rate                | \$30                           | Hourly Rate                      |
| For all others the hourly rate will apply        |                            |                                |                                  |

\* Samples with high levels of impurities (i.e. other crops, weeds, multiple florets, inert materials) requiring more than one (1) hour analyst time for purity testing will be charged the standard hourly rate of forty dollars (\$40) for each additional hour.

\*\* For all samples submitted for a TZ or Germination test requiring more than one (1) hour for cleaning and/or preparing will be charged at the standard hourly rate of forty dollars (\$40) for each additional hour.

\*\*\* With germination fluorescence testing thirty dollars (\$30).

(7-1-21)T

**191. SERVICE TESTING FEES -- SPECIAL TESTS.**

| <b>Special Testing Fees</b>   |   |
|---|---|
| <b>Test Procedures:</b>   | <b>Fees<br/>\$/Unit</b>   |
| All States Noxious  | \$25  |
| Canada:   |   |
| Purity  | \$13 - Added to purity fee  |
| Germination   | \$2.50 - Added to germination fee   |
| Certified Grains  | \$13 - Added to purity fee  |
| Cold Test   | \$23.50   |
| Crop & Weed Check   | \$24.50   |
| Dormancy Percentage   | \$10 - Minimum or Dormant %<br>found x germination fee  |
| E.C. Norms  | \$20  |
| Ergot Check   | \$13.50   |
| Noxious Weed Germination<br>(Compost/Mulch, etc.)                   | \$18  |
| Noxious Weed Purity<br>(Hay, Straw, etc.)                           | \$40  |
| Identification  | \$5 - Minimum or hourly if necessary  |
| Inventory Germinations<br>(For Carryover Seed Only, when requested) | 20% discount of listed germination fee; Available<br>only for the months of March through July. |
| ISTA:   |   |
| Purity  | \$13 - Added to purity fee  |
| Germination   | \$2.50 - Added to germination fee   |

| <b>Special Testing Fees</b>                          |                                       |
|--|---------------------------------------|
| <b>Test Procedures:</b>                              | <b>Fees \$/Unit</b>                   |
| Mixtures:  |                                       |
| Purity   | \$12.50 - Added per kind exceeding 5% |
| Germination  | \$12.50 - Added per kind exceeding 5% |
| Tetrazolium  | \$18 - Added per kind exceeding 5%    |
| Moisture Test  | \$14                                  |
| Round-Up-Ready Trait Test<br>(Alfalfa, Canola, Corn) | \$40                                  |
| Sand Germination                                     | \$25                                  |
| Seed Count   | \$13.50                               |
| Soil Exam  | \$13.50                               |
| Sod Quality:   |                                       |
| Bentgrass  | \$66                                  |
| Bermudagrass   | \$64                                  |
| Bluegrass  | \$64                                  |
| Soil Germination                                     | \$23.50                               |
| Species Exam   | \$24.50                               |
| Undesirable Grass Species                            | \$25.50                               |

(7-1-21)T

**192. SERVICE TESTING FEES -- MISCELLANEOUS FEES.**

| <b>Miscellaneous Fees</b>   |                            |
|---|----------------------------|
| <b>Type of Service:</b>   | <b>Fees \$/Unit</b>        |
| Administrative Charge per Test for Internet Access and Data Processing. | Not to exceed \$2 per test |
| Hourly Charge   | \$40                       |
| Reports:  |                            |
| Merge Records   | \$4                        |
| Rush Service  | \$25                       |

(7-1-21)T

**193. (RESERVED)**

**194. SEED DEALER'S LICENSE FEES.**

Seed dealers shall obtain a seed dealer's license for each location in Idaho before they can sell, offer for sale, expose for sale or deliver agricultural seeds in packages of eight (8) ounces or more or bulk under contract within the state of Idaho. Seed dealers pay only for the service or services they render according to the following fee schedule: (7-1-21)T

- 01. In-State Seed Dealer's License Fees:** (7-1-21)T
- a.** License to condition or clean agricultural seeds in Idaho - one-hundred dollars (\$100). (7-1-21)T
  - b.** License to label container or bulk agricultural seeds for sale in Idaho - fifty dollars (\$50). (7-1-21)T
  - c.** License to sell, offer for sale, expose for sale, or deliver agricultural seeds in packages of eight (8) ounces or more or in bulk under a contract in Idaho: (7-1-21)T
    - i.** For annual gross sales of five hundred dollars (\$500) or more, but less than one thousand dollars (\$1,000) - fifty dollars (\$50). (7-1-21)T
    - ii.** For annual gross sales of one thousand dollars (\$1,000) or more - one hundred dollars (\$100). (7-1-21)T
- 02. Out-of-State Seed Dealer's License Fee.** Three hundred fifty dollars (\$350). (7-1-21)T
- 03. Exemptions.** (7-1-21)T
- a.** Any person selling seed who has total annual gross seed sales not exceeding five hundred dollars (\$500) is exempt from Section 194. (7-1-21)T
  - b.** An in-state dealer or out-of-state dealer who sells, offers for sale, exposes for sale or delivers seed only in packages of less than eight (8) ounces is exempt from Section 194. (7-1-21)T
- 195. -- 209. (RESERVED)**

### **SUBCHAPTER B – RAPESEED**

**210. DEFINITIONS.**

The definitions in Section 210 apply to the interpretation and enforcement of Subchapter B only. (7-1-21)T

- 01. Producer.** Any person who is the owner, tenant, or operator of land who has an interest in and is entitled to receive all or any part of the proceeds from the sale of any commodity produced on that land. (7-1-21)T
- 02. Rapeseed.** Those species of *Brassica napus*, *Brassica rapa* (formerly *Brassica campestris*), and *Brassica juncea*. (7-1-21)T
- 03. Types.** Those species and varieties of rapeseed classified as follows: (7-1-21)T
- a. Edible:** (7-1-21)T
    - i.** Low Erucic Acid Rapeseed -- Low Glucosinolates (LEAR-LG), commonly called "canola," is the seed of the species *Brassica napus*, *Brassica juncea*, or *Brassica rapa*, the oil components of which seed contain less than two percent (2.0%) erucic acid and the seed meal will contain less than thirty (30) micromoles of any one (1) or any mixture of 3-butenyl glucosinolate, 4-pentenyl glucosinolate, 2-hydroxy - 3-butenyl glucosinolate, and 2-hydroxy - 4 pentenyl glucosinolate per gram ( $\mu\text{m/g}$ ) of air dry, oil free solid as determined by any approved method. (7-1-21)T
    - ii.** Low Erucic Acid Rapeseed -- High Glucosinolates (LEAR-HG) Rapeseed varieties shall contain less than two percent (2.0%) erucic acid in the oil of the rapeseed and more than thirty (30) micromoles per one (1) gram ( $\mu\text{m/g}$ ) glucosinolates in the rapeseed meal. (7-1-21)T
  - b. Industrial:** (7-1-21)T
    - i.** High Erucic Acid Rapeseed -- Low Glucosinolates (HEAR-LG) Rapeseed are rapeseed varieties used for production of industrial oil that shall contain erucic acid levels above forty percent (40%) in the oil of the

rapeseed and less than thirty (30) micromoles per one (1) gram ( $\mu\text{m/g}$ ) glucosinolates in the meal of the rapeseed. (7-1-21)T

ii. High Erucic Acid Rapeseed -- High Glucosinolates (HEAR-HG) Rapeseed are rapeseed varieties used for production of industrial oil that shall contain erucic acid levels above forty percent (40%) in the oil of the rapeseed and more than thirty (30) micromoles per one (1) gram ( $\mu\text{m/g}$ ) glucosinolates in the meal of the rapeseed. (7-1-21)T

**04. Volunteer Rapeseed.** A plant that arises from accidental or unintentional scattering of seed. (7-1-21)T

**05. Condiment Mustard.** Varieties of *Brassica juncea* produced for seed to be used for spice or condiment. (7-1-21)T

**06. Green Manure Rapeseed.** Varieties of rapeseed used as a cover crop to be plowed down prior to flowering and maturity. (7-1-21)T

**211. (RESERVED)**

**212. PRODUCTION DISTRICTS.**

**01. District I.** All land in Idaho not listed under District II in Subsection 212.02 of Subchapter B. (7-1-21)T

**02. District II.** All land within the boundaries of Ada, Canyon, Gem, Owyhee (north of Murphy) and Payette counties. (7-1-21)T

**213. -- 219. (RESERVED)**

**220. RESTRICTIONS.**

**01. District I.** Except as otherwise provided in Subchapter B, industrial and edible types of rapeseed may be planted in District I. (7-1-21)T

**02. District II.** Except as otherwise provided in Subchapter B, no rapeseed of either variety may be planted in District II. (7-1-21)T

**03. Restrictions:** (7-1-21)T

**a.** Industrial types of rapeseed planted in District I must adhere to the following conditions: (7-1-21)T

i. It is the responsibility of the person planting industrial types of rapeseed in District I to consult with and obtain the written approval from all farmers bordering the fields to be planted with industrial types of rapeseed. (7-1-21)T

ii. Industrial types of rapeseed planted in District I must be at least one (1) mile from a field planted to edible types of rapeseed. (7-1-21)T

**221. -- 229. (RESERVED)**

**230. REQUIREMENTS FOR ALL BRASSICA SEEDS TO BE PLANTED IN IDAHO.**

**01. Requirements.** All *Brassica* seeds to be planted in Idaho shall meet the following requirements. (7-1-21)T

**a.** *Brassica* seeds shall be treated with an EPA and State registered fungicide for the control of blackleg (*Leptosphaeria maculans*). (7-1-21)T

b. *Brassica* seed lots produced outside Idaho shall be accompanied by a phytosanitary certificate stating that the seed is free (zero tolerance) from blackleg based on a laboratory test of a minimum of two point nine (2.9) grams or one thousand (1,000) seeds. (7-1-21)T

02. **Exemptions.** The following are not subject to the provisions of Subsections 230.01.a. and 230.01.b. (7-1-21)T

a. *Brassica* seeds sold in lots of two (2) pounds or less. (7-1-21)T

b. *Brassica* seeds produced in Idaho. (7-1-21)T

231. -- 239. (RESERVED)

**240. RAPESEED GROWING OUTSIDE CULTIVATED FIELDS ENFORCEMENT AND PENALTIES.**

Volunteer rapeseed plants within designated production districts shall be destroyed prior to flowering. The Director has the authority to require destruction of any rapeseed prior to flowering that has not met the provisions of Subchapter B. In the event that the person responsible for planting the rapeseed does not comply with the destruction order, the Director is authorized to have the rapeseed destroyed by a third party and the cost of destruction charged to the party responsible for planting the rapeseed. (7-1-21)T

241. -- 249. (RESERVED)

**250. TRANSPORTATION OF BRASSICA SEEDS INTO AND THROUGHOUT IDAHO.**

Any transport of *Brassica* seeds shall be accomplished in suitably packaged, covered or sealed containers or vehicles in order to avoid the accidental spread of seed in non-production and prohibited areas. (7-1-21)T

251. -- 309. (RESERVED)

**SUBCHAPTER C – BLUEGRASS**

**310. DEFINITIONS.**

In addition to the definitions found in Section 22-2005, Idaho Code, the definitions found in Section 310 apply to the interpretation and enforcement of Subchapter C only. (7-1-21)T

01. **Annual Bluegrass.** *Poa annua* and all related species off-types or sub-species of *Poa annua*, hereinafter referred to as annual bluegrass. (7-1-21)T

02. **Annual Bluegrass Analysis Certificate.** A test report from an official laboratory showing freedom from annual bluegrass. (7-1-21)T

03. **Grass Species.** All bluegrass (*Poa*) species, fescue (*Festuca*) species, ryegrass (*Lolium*) species and all bentgrass (*Acrostic*) species. (7-1-21)T

04. **Official Seed Laboratory.** A seed testing laboratory approved by the Director. (7-1-21)T

05. **Annual Bluegrass Quarantine Release Tag.** A numbered tag printed and issued by the Idaho Department of Agriculture to be attached to each bag showing said seed has met quarantine requirements and giving the following information: "This lot of seed was tested and found to be apparently free of annual bluegrass and is eligible for planting in Idaho." (7-1-21)T

06. **Rough Bluegrass Quarantine Release Tag.** A numbered tag printed and issued by the Idaho State Department of Agriculture to be attached to each bag showing said seed has met quarantine requirements and giving the following information: "This lot of seed was tested and found to be apparently free of rough bluegrass and is eligible for planting in Idaho." (7-1-21)T

07. **Regulated Pest.** The seeds of *Poa annua* (Annual bluegrass) and all related off-types or sub-

species of *Poa annua* hereinafter referred to as Annual bluegrass that are objectionable in grass seed stock, are considered weeds for the purposes of this chapter. (7-1-21)T

- 08. Representative Sample.** A sample of seed drawn in accordance to Subchapter A of this rule. (7-1-21)T
- 09. Rough Bluegrass.** *Poa trivialis* and all related off-types or sub-species of *Poa trivialis*, hereinafter referred to as rough bluegrass. (7-1-21)T
- 10. Rough Bluegrass Analysis Certificate.** A test report from an official laboratory showing freedom from rough bluegrass. (7-1-21)T
- 11. Seed Stock.** Those seeds of grass species that are to be planted for seed increase or with intent of seed increase. (7-1-21)T
- 311. -- 319. (RESERVED)**
- 320. ANNUAL BLUEGRASS REGULATED AREA.**  
The regulated area is the entire state of Idaho. (7-1-21)T
- 321. ROUGH BLUEGRASS REGULATED AREA.**  
The regulated areas are the Idaho counties of Benewah, Bingham, Blaine, Bonner, Camas, Clark, Clearwater, Elmore, Idaho, Jerome, Kootenai, Latah, Lewis, Madison, Nez Perce, Power, Shoshone and Twin Falls. (7-1-21)T
- 322. ROUGH BLUEGRASS QUARANTINE – RESTRICTIONS.**  
No rough bluegrass shall be planted for seed production in the regulated areas. (7-1-21)T
- 323. -- 329. (RESERVED)**
- 330. REGULATED ARTICLES.**  
Those articles that are regulated are seed stocks as defined in Subsection 310.11. (7-1-21)T
- 331. -- 339. (RESERVED)**
- 340. RULES GOVERNING PLANTING OF REGULATED ARTICLES (ANNUAL BLUEGRASS).**
- 01. Requirements.** Prior to any person planting any grass species seed stock in Idaho, that person shall comply with the following requirements: (7-1-21)T
- a.** Submit for an official laboratory analysis a representative sample showing freedom from annual bluegrass based on a five (5) gram sample for bentgrass or redtop, a twenty-five (25) gram sample for bluegrass, or a fifty (50) gram sample for other grasses; or (7-1-21)T
- b.** Have a representative sample submitted for testing. (7-1-21)T
- 02. Tags.** Upon receipt by the Director of an official seed laboratory analysis showing freedom from annual bluegrass, sequentially numbered tags will be issued for each bag found free of annual bluegrass from those lots according to Subsection 310.06. (7-1-21)T
- 03. Analysis Certificate.** In lieu of tags, a seed analysis certificate from an official seed laboratory showing each lot being planted to be free from annual bluegrass must be kept on file for a minimum of one (1) year after all of the inventory of that lot's harvested seed has been sold. (7-1-21)T
- 341. QUALIFICATIONS OF REGULATED ARTICLES FOR QUARANTINE RELEASE (ROUGH BLUEGRASS).**
- 01. Planting Seed Stock of Regulated Articles.** Any person planting seed stock of regulated articles

shall comply with the following requirements: (7-1-21)T

**a.** Submit to the Director an official laboratory analysis of a representative sample showing freedom from rough bluegrass based on a five (5) gram sample for bentgrass or redtop, a twenty-five (25) gram sample for bluegrass, or a fifty (50) gram sample for other grasses; or (7-1-21)T

**b.** Submit to the Director a representative sample for laboratory analysis. (7-1-21)T

**02. Quarantine Release Tag.** Upon receipt of an official seed laboratory analysis, the Director may upon request issue sequentially numbered tags for each bag of regulated article found free of rough bluegrass. (7-1-21)T

**03. Analysis Certificate.** In lieu of tags, a seed analysis certificate from an official seed laboratory showing each lot being planted to be free from rough bluegrass must be kept on file for a minimum of one (1) year after all of the inventory of that lots harvested seed has been sold. (7-1-21)T

**342. -- 349. (RESERVED)**

**350. INFESTED SEED STOCK (ANNUAL BLUEGRASS).**

Each lot of seed found to contain annual bluegrass shall be placed under a "Hold Order" pursuant to Section 22-103(20), Idaho Code, to be released only for shipment out of Idaho or for planting in nurseries of two (2) acres or less under supervision of the Director. The nursery shall be seeded in rows spaced twenty-four (24) inches apart and it is the duty of the person receiving such seed to rogue this increase area or chemically treat to eradicate the annual bluegrass. Seed increases shall be inspected by the department or the Idaho Crop Improvement Association at least three (3) times during the seedling year. Any areas not passing inspection shall not be harvested but is destroyed upon the order of the Director at the owner's expense. (7-1-21)T

**351. ROUGH BLUEGRASS QUARANTINE - INSPECTIONS.**

The Director will cause inspections to be made in accordance with the provisions of Section 22-2007, Idaho Code. (7-1-21)T

**01. Infested Seed Stock.** Lots of turf seed stock contaminated with rough bluegrass seeds may be planted in an approved nursery of two (2) acres or less under the supervision of the Director. The nursery shall be seeded in rows spaced twenty-four (24) inches apart and it is the duty of the person receiving such seed stock to rogue the planting or chemically treat to eradicate the rough bluegrass. The approved nursery will be inspected by the Department or the Idaho Crop Improvement Association at least three (3) times during the seedling year. Any approved nursery not passing inspection shall not be harvested but will be destroyed upon the order of the Director at the owner's expense. (7-1-21)T

**352. -- 359. (RESERVED)**

**360. APPLICATION FOR NURSERY INSPECTION.**

A person shall make application for nursery inspection to the Idaho Department of Agriculture or the Idaho Crop Improvement Association at least fourteen (14) days prior to planting. (7-1-21)T

**361. -- 369. (RESERVED)**

**370. EXEMPTIONS (ANNUAL BLUEGRASS).**

**01. Forage.** These rules do not apply to seed sown for forage. (7-1-21)T

**02. Experiments.** These rules do not apply to: (7-1-21)T

**a.** Experiments or trial grounds of the United States Department of Agriculture; or (7-1-21)T

**b.** Experiments or trial grounds of the Idaho State Experiment Station; or (7-1-21)T

**c.** Trial grounds of any person, firm, or corporation provided said trial ground plantings are approved by the Director and under supervision of technically-trained personnel familiar with annual bluegrass control. (7-1-21)T

**371. EXEMPTIONS (ROUGH BLUEGRASS).**

**01. Experiments or Trial Grounds.** This quarantine shall not apply to: experiments or trial grounds of the United States Department of Agriculture, experiments or trial grounds of the University of Idaho Agriculture Experiment Station, or trial grounds of any person, provided said trial ground plantings are approved by the Director and under supervision of technically-trained personnel familiar with rough bluegrass. (7-1-21)T

**02. Rough Bluegrass.** Rough bluegrass may be planted in the regulated areas for turf but shall not be allowed to mature to the seed producing stage. (7-1-21)T

**372. -- 379. (RESERVED)**

**380. FEES AND CHARGES.**

**01. Sampling.** Fees for official sampling drawn by the Director are twelve dollars (\$12) per sample. (7-1-21)T

**02. Seed Analysis.** Fees for seed analysis are that fee provided in the fee schedule of the official Seed Testing Laboratory. (7-1-21)T

**03. Inspection.** Inspection fees for nursery plantings are fifty dollars (\$50) per acre or portion thereof for each inspection. Any field of less than one acre is a minimum fee of fifty dollars (\$50). (7-1-21)T

**04. Quarantine Release Tags.** Quarantine release tags will be twenty-five cents (\$0.25) per tag and charged to person(s) when issued. (7-1-21)T

**381. -- 999. (RESERVED)**

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