

## IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE

### Plants Division

#### 02.06.04 – Rules Governing Plant Exports

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

*Growers and exporters of agricultural crops and commodities that need phytosanitary certificates, inspection, and other services provided in order to meet export market requirements. Nurseries and exporters who require voluntary services in order to export nursery stock.*

*Dealers and growers of ginseng that require certification of ginseng in order to meet export requirements.*

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

*This rule governs the production of pest-free plants and plant products, and provide procedures for compliance with phytosanitary regulations of other states and foreign countries, in order to protect Idaho agriculture from the introduction of foreign pests on imported plant materials. This rule also governs procedures for voluntary certification of virus-free nursery stock for export.*

*Idaho exports a significant amount of specialized and high value commodities, including seed and nursery stock. Not all commodities are exported, and the production of crops eligible for export is voluntary. Those that do wish to export commodities are commonly required by destination countries or states to provide phytosanitary or virus free certification in order to be eligible for export. Those destination countries commonly require such certification to be provided by an official state agency in order to be valid.*

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

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

- [22-107, Idaho Code](#) – Voluntary Services for Public – Fees – Appropriation of Moneys
- [22-112, Idaho Code](#) – Promotion and Certification of Idaho Agricultural Products
- [22-2303\(5\), Idaho Code](#) – Duties of the Department Regarding Nurseries and Florists

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

Idaho State Department of Agriculture  
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P.O. Box 7249  
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Webpage: <https://agri.idaho.gov/main/>

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## 02.06.04 – RULES GOVERNING PLANT EXPORTS

### 000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-107, 22-112, and 22-2303(5), Idaho Code. (7-1-24)

### 001. SCOPE.

These rules govern the production of pest-free plants, plant products, and like inspections. To provide procedures for compliance with phytosanitary regulations of other states and foreign countries, in order to protect Idaho agriculture from the introduction of foreign pests on imported plants and materials. These rules also govern procedures for voluntary certification of virus-free nursery stock for export. These rules also establish a ginseng registration and export program to protect American ginseng as an endangered species. (7-1-24)

### 002. – 109. (RESERVED)

## SUBCHAPTER A – PHYTOSANITARY AND POST-ENTRY CERTIFICATION

### 110. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into subchapter A: (7-1-24)

**01. United States Department of Agriculture, Plant Protection and Quarantine Export Program Manual (XPM).** The Officially adopted Documents, Official Terms, and Policies, as published in the XPM of USDA/APHIS/PPQ. A copy may be obtained online from the USDA website at: [http://www.aphis.usda.gov/import\\_export/plants/manuals/domestic/downloads/xpm.pdf](http://www.aphis.usda.gov/import_export/plants/manuals/domestic/downloads/xpm.pdf). (7-1-24)

**02. United States Department of Agriculture, Plant Protection and Quarantine Post-Entry Quarantine (PEQ) Manual.** The Officially adopted Documents, Official Terms, and Policies, as published in the PEQ manual of USDA/APHIS/PPQ. A copy may be obtained online from the USDA website at: [https://www.aphis.usda.gov/import\\_export/plants/manuals/domestic/downloads/postentry.pdf](https://www.aphis.usda.gov/import_export/plants/manuals/domestic/downloads/postentry.pdf). (7-1-24)

### 111. -- 129. (RESERVED)

### 130. CROP/COMMODITY, DISEASE AND PEST(S) INSPECTIONS.

**01. Minimum Field Inspection(s).** Minimum field inspections for diseases will be published annually by the Department. (7-1-24)

**02. Special Inspection Requests.** Requests for inspection of plants and plant products for plant diseases or pests not specifically listed in the annual publication will be performed subject to the availability of Department inspectors and the biology of the pest and plant or plant products for which the request is being made. Procedures for conducting the special field or commodity inspections, the time the inspection is to be made, and any charges or fees will be made at the discretion of the Department and may be in addition to those listed in Section 195. (7-1-24)

### 131. -- 169. (RESERVED)

### 170. APPLICATIONS FOR FIELD INSPECTION AND PHYTOSANITARY CERTIFICATES.

**01. Application for Field Inspection.** Application(s) must be filed with the Department's online submission form. Applications submitted after published deadlines will be performed only at the discretion of the Department. (7-1-24)

**02. Requests for Phytosanitary Certificates.** Application shall be made in writing to the Department on the appropriate application form(s) provided by the Department for the certificate(s) being requested and submitted by the application to the USDA Phytosanitary Certificate Issuance and Tracking (PCIT) System at <https://pcit.aphis.usda.gov/pcit/>. Only fully completed applications will be accepted. Notification of pending applications shall be submitted to the area phone message line. (7-1-24)

**03. "Rush" Service.** This service is to accommodate requests for phytosanitary certification applications, official sampling, field inspection, or other services that must be completed with a one (1) business day turn-around or within a specific timeframe on a certain day without a two (2) business day prenotification. Request for phytosanitary or treatment observation services after normal working hours, on weekends, or holidays are subject to overtime and state per diem charges in addition to the normal charges. This service will be carried out only after a

mutual agreement between the applicant and the Department. The request must be made by telephone. “Rush” service will be subject to the fees as outlined in Subsections 195.01 and 195.02. (7-1-24)

**171. -- 194. (RESERVED)**

**195. FEES AND CHARGES.**

**01. Phytosanitary Certificates, Like Inspections, and Official Treatment Observations.** Fees for these voluntary services will be published annually on the Department website at [www.agri.idaho.gov](http://www.agri.idaho.gov). Fees will be updated every three (3) years. Proposed fees will be posted for comment no later than September 1, final fees will be posted no later than November 1 to be in effect the following January 1. (7-1-24)

**02. Field or Lot Inspections.** Fees published annually by the Department. Fees for these voluntary services will be published annually on the Department website at [www.agri.idaho.gov](http://www.agri.idaho.gov). Fees will be updated every three (3) years. Proposed fees will be posted for comment no later than September 1, final fees will be posted no later than November 1 to be in effect the following January 1. (7-1-24)

**03. Plant Pathological Laboratory Services.** Fees available upon request through the Bureau of Agriculture Laboratories. (7-1-24)

**196. -- 209. (RESERVED)**

**SUBCHAPTER B – VIRUS-FREE NURSERY STOCK CERTIFICATION**

**210. CERTIFICATION PROCEDURES.**

A virus certification program exists to produce fruit and ornamental nursery stock material discernibly free of economically harmful plant viruses and virus-like agents that meet domestic and international standards required for export. Eligible nurseries participate in the program on a voluntary basis and plant material must meet certification program requirements as provided by the Department. (7-1-24)

**211. -- 309. (RESERVED)**

**SUBCHAPTER C – GINSENG REGISTRATION AND EXPORT**

**310. REGISTRATION.**

A ginseng registration and export program exists to protect American ginseng (*Panax quinquefolius*) as an endangered species, prevent illegal trade of wild ginseng, and ensure cultivated ginseng meets domestic and international standards required for export. Anyone who buys ginseng for resale or grows and sells it for export shall register with the Department and plant material must meet program requirements as provided by federal and state standards. (7-1-24)

**311. -- 319. (RESERVED)**

**320. REGULATED PRODUCTS.**

American ginseng (*Panax quinquefolius*). (7-1-24)

**321. -- 329. (RESERVED)**

**330. COLLECTION OF WILD GINSENG.**

To prevent illegal trade, no grower’s or dealer’s registration will be issued for the collection, sale or distribution of wild ginseng. (7-1-24)

**331. -- 359. (RESERVED)**

**360. OUT-OF-STATE GINSENG.**

**031 Uncertified Ginseng.** If a dealer receives ginseng not accompanied by a valid certificate of origin,

the uncertified ginseng must be returned within thirty (30) days to the state or country of origin. Failure to do so renders the ginseng illegal for commerce. (7-1-24)

**361. -- 999. (RESERVED)**