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IDAPA 02
TITLE 06
CHAPTER 04

02.06.04 - IDAHO DEPARTMENT OF AGRICULTURE, PHYTOSANITARY AND POST-ENTRY CERTIFICATION RULES

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 22, Chapters 1 and 7, Idaho Code, Sections 22-103(22), 22-107 and 22-702. (2-1-95)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is "Idaho Department of Agriculture, Phytosanitary and Post-Entry Certification Rules." (2-1-95)

02. Scope. These rules govern 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. The official citation for this Chapter is IDAPA 02.06.04.000 et. seq. For example, this section's citation is IDAPA 02.06.04.001. (2-1-95)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (2-1-95)

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. (2-1-95)

004. DEFINITIONS.

01. Applicant. Any person applying for an inspection or certification under these rules. (2-1-95)

02. Department. The Idaho Department of Agriculture. (2-1-95)

03. Director. The Director of the Idaho Department of Agriculture or the Director's authorized agent. (2-1-95)

04. Federal Phytosanitary Certificate. This certificate is issued by the Department pursuant to a "Memorandum of Understanding" with the United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine, in accordance with the Code of Federal Regulations, Title 7, Part 353, Sections 353.1 - 353.7 as amended. This type certificate may only be issued for domestic plants and plant products being exported into a foreign country. (2-1-95)

05. Federal Phytosanitary Certificate for Reexport. This certificate is issued by the Department pursuant to a "Memorandum of Understanding" as referenced in Subsection 004.04 above. This type certificate may only be issued for plants and plant products of foreign origin to certify that, based on the original foreign phytosanitary certificate and/or an additional inspection, the plants and plant products entered the United States in conformance with the phytosanitary regulations of the importing country and have not been subjected to the risk of infestation or infection during storage in the United States. Shipments transiting the United States under a Customs bond are not eligible for reexport certification. (2-1-95)

06. Person. An individual, partnership, corporation, firm, association, or agent. (2-1-95)

07. Post-Entry Quarantine Certification. This program is carried out pursuant to a "Memorandum of Understanding" between the Department and the United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine, in accordance with the Code of Federal Regulations, Title 7, Part 319.37-7 as amended. The purpose of this program is to prevent the accidental introduction of plant pests in living plants that are imported into the United States and Idaho under permit. (2-1-95)

08. Rush Service. This service is to accommodate phytosanitary certification applications that must be issued earlier than the routine three (3) to four (4) day turn-around. This service shall be carried out only after a mutual agreement between the applicant and the Department. (2-1-95)

09. State Phytosanitary Certificate. This certificate may be issued for shipments of Idaho produced plants and plant products to foreign or domestic locations. This certificate is issued to confirm a field or commodity inspection for foreign destinations. This certificate must be issued to the same standard as a federal certificate as outlined in Subsection 004.04. Idaho Crop Improvement Association field inspections may serve as the basis for the issuance of a state phytosanitary certificate for domestic markets only. This certificate shall also bear any notation or comment the Director may make as to any findings concerning the inspection or import requirements of the products being certified. (2-1-95)

005. -- 049. (RESERVED)

050. DESIGNATED INSPECTION AREAS.
The land mass of the state has been divided into fourteen (14) "inspection areas" to facilitate the inspection of all seed-producing localities and to confine the loci of disease infestations when they arise. These areas shall be numbered serially and the boundaries of each shall remain fixed as described below. The cultural conditions, i.e., weather, elevation, soil type and general farming practices, are relatively uniform within each area; therefore, the disease content of the seed produced within each respective area may be expected to be uniform. (2-1-95)

01. Area 1. Kootenai County. (2-1-95)

02. Area 2. Benewah County. (2-1-95)

03. Area 3. That portion of Latah County above two thousand (2,000) feet elevation and that portion of Nez Perce County north of the Clearwater River and above two thousand (2,000) feet elevation. (2-1-95)

04. Area 4. That portion of Latah County below two thousand (2,000) feet elevation and all of the Clearwater River and below two thousand (2,000) feet elevation (2-1-95)

05. Area 5. Lewis County. (2-1-95)

06. Area 6. Canyon, Ada, Owyhee, Payette, Washington and Gem Counties. (2-1-95)

07. Area 7. Gooding, Jerome, Lincoln and Elmore Counties. (2-1-95)

08. Area 8. Twin Falls County. (2-1-95)

09. Area 9. Cassia County. (2-1-95)

10. Area 10. That portion of Minidoka County lying south of the main line of the Union Pacific Railroad. (2-1-95)

11. Area 11. That portion of Minidoka County lying north of the main line of the Union Pacific Railroad. (2-1-95)

12. Area 12. Bingham, Bonneville, Power and Bannock Counties. (2-1-95)

13. Area 13. Jefferson, Madison, Fremont, Teton, Clark and Butte Counties. (2-1-95)

14. Area 14. All other agricultural areas of the state not specifically designated above. (2-1-95)

051. -- 099. (RESERVED)

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

01. Minimum Field Inspection(s). Unless otherwise requested by the applicant, minimum field inspections for diseases shall be as follows: (2-1-95)

a. Corn: Stewart's wilt, - Erwinia stewartii ((E.F.Sm.)Dye), head smut - Sphacelotheca reiliana, common smut - Ustilago zeae (U. maydis), and maize dwarf mosaic virus. (2-1-95)

b. Peas: Bacterial blight, Pseudomonas species. (2-1-95)

c. Beans: Halo Blight, caused by Pseudomonas syringae pv. phaseolicola (Burkholder 1926) Young, Dye & Wilkie 1978, (synonym P. phaseolicola (Burkholder 1926) Dawson 1943); common blight caused by Xanthomonas campestris pv. phaseoli (Smith 1897) Dye 1978, (synonyms X. phaseoli (Smith 1897) Dawson 1939, X. phaseoli var. fuscans (Burkholder 1930) Starr and Burkholder 1942); brown spot, caused by Pseudomonas syringae pv. syringae, van Hall 1902, (synonym P. syringae, van Hall 1902) only strains virulent to Phaseolus sp.; bacterial wilt, caused by Corynebacterium flaccumfaciens (Hedges 1922) Dawson 1942; or any variations or new strains of these bacteria, which are recognized as virulent to and seedborne in Phaseolus spp., and are a potential threat to seed production, all of which are hereafter referred to as bacterial diseases of beans. Anthracnose, Colletotrichum lindemuthianum (Sacc. and Magn.) Scrib. (2-1-95)

d. Alfalfa: Verticillium Wilt - *Verticillium albo-atrum*, stem and bulb nematode - *Ditylenchus dipsaci*. (2-1-95)

e. Lettuce: Lettuce mosaic virus. (2-1-95)

f. Radish: Bacterial spot - *Xanthomonas campestris pv. vesicatoria*, Anthracnose -- *Colletotrichum higginsianum*, blackleg - *Leptosphaera maculans*. (2-1-95)

g. Onion: Stem and bulb nematode -- *Ditylenchus dipsaci*, Onion white rot -- *Sclerotium cepivorum*, onion smut -- *Urocystis cepulae*, neck rot -- *Botrytis* alli, purple blotch -- *Alternari porri*. (2-1-95)

h. Carrot: Bacterial blight *Xanthomonus campestris pv. carotae*, soft rot - *Erwinia carotovera*. (2-1-95)

02. Special Inspection Requests. Requests for inspection of plants and plant products for plant diseases or pests not specifically listed in these rules 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 500. (2-1-95)

101. -- 149. (RESERVED)

150. APPLICATION FOR INSPECTION - PROCEDURES.

01. Application for Field Inspection. Application(s) must include but will not be limited to the following: company name, grower name, crop, variety, lot number (if available), pest(s)/disease(s) inspections being requested, field location, number of acres and type of irrigation. Application(s) must be filed with the Idaho Department of Agriculture, Division of Plant Industries, P.O. Box 790, Boise, Idaho 83701 or Idaho Department of Agriculture, Division of Plant Industries, P.O. Box 401, 434 Shoshone St. West, Twin Falls, Idaho 83303-0401, on forms provided by the Department. (2-1-95)

02. Application for Area Inspection (Peas and Corn Only). Application shall be made in writing on company letterhead listing crop, grower name, variety, lot number, acres, and area grown in as outlined in Subsections 050.01 through 050.14. A minimum of two hundred (200) acres per company per designated inspection area must be submitted to be eligible for an area inspection. Applicants submitting under two hundred (200) acres within a designated inspection area must do so pursuant to Subsection 150.01 above. (2-1-95)

03. Deadlines. Applications for individual and/or area field inspections shall be submitted no later

than: April 30 for Alfalfa, May 1 for peas and mint, May 15 for lettuce, radish, onion, or other vegetable crops, and July 1 for beans and corn. Applications submitted after these dates will be performed only at the discretion of the Director. (2-1-95)

04. Special Field Inspection Requests. Requests for field inspections of plants and plant products for diseases or pests not listed in Subsections 100.01.a. through 100.01.h. above shall be written in on the application as provided in Subsection 150.01 above and be subject to the conditions as outlined in Subsection 100.02. (2-1-95)

151. -- 199. (RESERVED)

200. INSPECTION AUTHORITY.
The Director will authorize the crop inspections and will delegate competent agents or agencies to conduct the work. Phytosanitary certificates will be issued only by the Director. (2-1-95)

201. -- 249. (RESERVED)

250. INSPECTION PROCEDURES.

01. Mechanics of Inspection. The mechanics of inspection for a particular crop(s) will be left to the discretion of the Department, but will take into account sound sampling procedures, the biology of the pest, and the crop being inspected. A crop will be inspected a minimum of, but not limited to, one (1) time during the growing season, depending on the biology of the pest or disease being inspected. (2-1-95)

02. Reports of Inspection Summaries and Requests for Inventory. Written reports of the field and area inspections will be filed and retained in the office of the Director, for a minimum of five (5) years after the inspection of the fields is completed. At the end of each inspection season, each applicant will be sent a summary of the inspections performed with a request for any corrections or adjustments to be made as far as lot numbers, varietal names, or other information is concerned. A request will also be made at that time for the clean weights of the product harvested from each lot inspected. No phytosanitary certificate will be issued for any inspected lot for which there is incomplete documentation. (2-1-95)

03. Notification of the Detection of Disease(s) or Pest(s). The Department shall notify the applicant in writing upon the confirmation of the presence of a disease or pest. Notification shall be limited to those disease(s) or pest(s) outlined in Subsections 100.01.a. through 100.01.h. above or as specifically requested on the applicant's application for inspection for phytosanitary certification pursuant to Subsection 150.04. (2-1-95)

251. -- 299. (RESERVED)

300. PROCEDURE FOR OBTAINING PHYTOSANITARY CERTIFICATES.

01. 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. Only fully completed applications shall be accepted. Applications shall be submitted to either the State of Idaho, Department of Agriculture, Plant Industries Division, P.O. Box 790, Boise, Idaho 83709 or State of Idaho, Department of Agriculture, P.O. Box 401, Twin Falls, Idaho 83301. (2-1-95)

02. Application Information. Applications for phytosanitary certificates must include, but will not be limited to the following information: variety, crop (including scientific name), lot number (in the case of blends, all lots used in the blend must be included), number of pounds in each lot, name of grower, area and year in which crop was grown, state number, consignor and consignee, and chemical treatment applied. (2-1-95)

03. "Rush" Service. As defined in Subsection 004.08 must be requested before or upon submission of an application for phytosanitary certification. The request may be made by telephone. "Rush" service will be subject to the fees as outlined in Subsection 500.02.d. (2-1-95)

301. -- 349. (RESERVED)

350. SIZE OF SAMPLES.
Size of samples for visual inspection for phytosanitary seed inspection certificates shall be: When shipment is: under two hundred (200) pounds - one half (1/2) pound sample (minimum); two hundred (200) pounds up to one thousand (1,000) pounds - two (2) pound samples; over one thousand (1,000) pounds - five (5) pound samples (maximum); or as may be required by the importing state or country. (2-1-95)

351. -- 399. (RESERVED)

400. PENALTY PROVISION.
Any alteration of a phytosanitary certificate is a misdemeanor and punishable under the penalty provisions of Title 22, Chapter 7, Idaho Code. (2-1-95)

401. -- 449. (RESERVED)

450. POST-ENTRY QUARANTINE CERTIFICATION.
Applications shall be made on forms provided by the Department and accompanied by the fee as stated in Subsection 500.05. The applicant must allow inspection by the Department as a condition of application approval, and additional inspections as required by the Department or the United States Department of Agriculture. The United States Department of Agriculture has final approval authority. The minimum period of the quarantine shall be two (2) years, with a minimum of one (1) inspection being performed during each of the two (2) years. (2-1-95)

451. -- 499. (RESERVED)

500. FEES AND CHARGES.

01. Phytosanitary Certificates. (3-16-04)

a. Federal Phytosanitary Inspection Certificates or like documents: sixty dollars ($60) per certificate. (3-29-10)

b. State Phytosanitary Inspection Certificates or like documents: twenty-five dollars ($25) per certificate. (3-16-04)

02. Phytosanitary Certification and Like Inspections and Official Treatment Observations. (2-1-95)

a. Officially Drawn Samples: (i.e., purity and germ samples, referee samples, lab analysis) - twenty dollars ($20) per sample. (3-16-04)

b. Submitted Samples: twenty dollars ($20) per item submitted. (3-16-04)

c. Treatment Observations: for official verification of seed and plant treatment, seed lot fumigation, cold storage treatments, and treatment of agricultural products brought into the state in violation of a state quarantine, fees are thirty dollars ($30) per hour (including travel time), and any per diem incurred. Per diem will be at established state rates. (3-29-10)

d. Rush service fees will be one hundred dollars ($100) per certification which will be in addition to the normal phytosanitary certification charges outlined in this Section 500. (2-1-95)

e. 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 outlined in this section. (2-1-95)

03. Area Inspections. Area Inspection: fourteen cents ($.14) per hundred-weight. (3-16-04)

04. Field or Lot Inspections. (2-1-95)

a. Application for Field Inspection: five dollars ($5) per application. (3-16-04)

b. Acreage Inspection Fee: three dollars and fifty cents ($3.50) per acre per inspection. A minimum of fifty dollars ($50) per inspection will be charged when the total acreage submitted by any one (1) applicant is fifteen (15) acres or less. (3-16-04)

05. Post-Entry Quarantine Inspections. The inspection fee is two hundred dollars ($200) for the required two (2) year quarantine and an additional one hundred dollars ($100) per year for each year beyond the initial two (2) years, if required. For rejected applications, twenty-five dollars ($25) of the two hundred dollar ($200) inspection fee is non-refundable, and will be retained to cover administrative costs. (2-1-95)

06. Plant Pathological Laboratory Services. Fees available upon request. (2-1-95)

07. Special Project Fee. (3-29-10)

a. Special projects not covered by the existing fee schedule may be billed at twenty-five dollars ($25) per hour with a minimum twenty-five dollar ($25) fee. Special projects include, but are not limited to, the following: (3-29-10)

i. Research; (3-29-10)

ii. Lot history verification; (3-29-10)

iii. Data entry; (3-29-10)

iv. Sales and purchases; (3-29-10)

v. Transfer of lots into ISDA database; (3-29-10)

vi. ISDA training of private company personnel; (3-29-10)

vii. Special plant pest detection surveys; or (3-29-10)

viii. Any other circumstance approved by the Director. (3-29-10)

b. This fee does not include any laboratory analysis fees that might be required as part of a special plant pest detection survey. (3-29-10)

501. -- 999. (RESERVED)

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