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IDAPA 02
TITLE 06
CHAPTER 29

02.06.29 - RULES GOVERNING NON-NATIVE PHYTOPHAGOUS SNAILS

000. LEGAL AUTHORITY.
This chapter is adopted under the legal authority of Title 22, Chapter 20, Idaho Code. (5-3-03)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.29, "Rules Governing Non-Native Phytophagous Snails." (5-3-03)

02. Scope. This chapter has the following scope: This rule establishes definitions, restricts the shipment of regulated pests and products into the state of Idaho, establishes procedures for the importation of regulated products and regulated pests, and specifies provisions for the disposition of infested products and pests. The official citation of this chapter is IDAPA 02.06.29, et seq. For example, this citation for this section is IDAPA 02.06.29.001.02. (3-19-99)

002. WRITTEN INTERPRETATIONS.
There are no written interpretations of these rules. (3-19-99)

003. ADMINISTRATIVE APPEAL.
There is no provision for administrative appeal before the Idaho State Department of Agriculture under this chapter. Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. (3-19-99)

004. INCORPORATION BY REFERENCE.
There are no documents incorporated by reference in this chapter. (5-3-03)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the State of Idaho. (5-3-03)

02. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (5-3-03)

03. Street Address. The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (5-3-03)

006. PUBLIC RECORDS ACT COMPLIANCE.
These rules are public records available for inspection and copying at the Department and the State Law Library. (5-3-03)

007. FINDINGS.
These rules will place restrictions on the introduction and/or distribution of live, non-native, plant-feeding snails and their host material into the state of Idaho. Non-native, plant-feeding snails pose a threat to the Idaho horticultural and agricultural crops. (5-3-03)

008. -- 009. (RESERVED)

010. DEFINITIONS.
The Idaho State Department of Agriculture adopts the definitions set forth in Section 22-2005, Idaho Code. (5-3-03)

011. (RESERVED)

012. REGULATED PESTS.

01. **Snails**. Any snail that feeds on plants and does not occur naturally in Idaho, including, but not limited to the following: (3-19-99)

a. The brown garden snail (*Cryptomphalus (Helix) aspersa*); (5-3-03)

b. The green or burrowing snail (*Cantareus (Helix) apertus*); (5-3-03)

c. The pulmonate snail (*Helix pomatia*); (5-3-03)

d. The white garden snail (*Theba pisana*); (5-3-03)

e. The giant African snail (*Achatha fulica*); (5-3-03)

f. The lactea snail (*Otala lactea*); and (5-3-03)

g. Any other species which may be declared by the Director to be a threat to Idaho agricultural crops. (3-19-99)

02. **Native Idaho Species**. Native Idaho species are not included. (3-19-99)

013. -- 014. (RESERVED)

015. REGULATED AREAS.
The entire states of Arizona, California, Louisiana, New Mexico, Texas, Utah, and Washington, and any area in any state in which non-native plant-feeding snails are known to exist, including snail rearing facilities in otherwise uninfested areas. (3-19-99)

016. -- 019. (RESERVED)

020. REGULATED ARTICLES.
Grass sod and all plants, nursery stock or florist stock with roots in soil are hereby declared to be hosts or possible carriers of the regulated pest and are prohibited entry into the state of Idaho whether directly, indirectly, diverted, or reconsigned, unless there is compliance with Section 030 or exemption under Sections 030 and 035 of this rule. (5-3-03)

021. -- 024. (RESERVED)

025. PROHIBITIONS.
All regulated pests and regulated products are prohibited entry into the state of Idaho. (3-19-99)

026. -- 029. (RESERVED)

030. CONDITIONS.

01. **Regulated Products**. Regulated products from regulated areas may be permitted entry into Idaho only when such regulated products are accompanied by a certificate of quarantine compliance issued by an authorized official from the state of origin which certifies that the regulated product has been determined by official inspection immediately prior to shipment to be free of all life stages of regulated pests or that such regulated products originated from an area determined by official inspection to be free from regulated pests. The original certification document shall be forwarded to the Idaho State Department of Agriculture, Division of Plant Industries, P.O. Box 790, Boise, Idaho 83701-0790, immediately by first class mail or by facsimile transmission to (208) 334-2283. Each lot or shipment of the regulated product shall be accompanied by a copy of the above described certification document. The Idaho receiver to whom the regulated products are shipped shall notify the Department immediately upon receipt of such regulated products and shall hold the same until they are released by the Department. (3-19-99)

02. **Movement of Regulated Products**. Certified and noncertified regulated products shall not be

shipped together in the same transporting vehicle, and any such mixing of certified and noncertified regulated products shall nullify certification and result in the rejection of the entire shipment of regulated products. Upon inspection and determination by the Department that the transporting vehicle or any properly certified regulated products are infested with any life stage of a regulated pest, such shipment shall be found in violation of this rule. (3-19-99)

031. -- 034. (RESERVED)

035. EXEMPTIONS.

01. Plant Material. Cut greens, cut flowers, and soil-free plants, including bare root plants, plant crowns, roots for propagation, bulbs, corms, tubers, and rhizomes of plants, found upon inspection not to obscure or be infested with any life stage of regulated pests are exempt from this rule. (3-19-99)

02. Permits. Upon request, and upon investigation and finding that unusual circumstances exist justifying such action, the Department may issue a permit allowing entry into Idaho of covered regulated products without meeting the requirements of Section 030 of this rule. However, all conditions specified in the permit shall be met before such permit will be recognized. (3-19-99)

036. -- 039. (RESERVED)

040. HELICULTURE PROHIBITED.
Raising, maintaining, selling, shipping, and holding live non-native phytophagous snails within the state of Idaho is prohibited. (3-19-99)

041. -- 044. (RESERVED)

045. PENALTY.

01. Penalty. Any person violating the provisions of the rule may be subject to the penalty provisions of Title 22, Chapter 20, Idaho Code. (5-3-03)

02. Disposition of Regulated Articles and Regulated Pests in Violation of This Rule. All regulated articles and regulated pests found to be in violation of this rule shall be immediately returned to the point of origin by the Idaho receiver, or, at the receiver's option, be destroyed under the supervision of a representative of the Department, without expense to or indemnity paid by the Department. (5-3-03)

046. -- 999. (RESERVED)

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