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**IDAPA 02
TITLE 06
CHAPTER 31**

02.06.31 - NOXIOUS WEED FREE FORAGE AND STRAW CERTIFICATION RULES

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Sections 22-101(3), 22-2403, 22-2411, 22-2412, and 22-2413, Idaho Code. (3-10-00)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is the “Noxious Weed Free Forage and Straw Certification Rules.” (3-19-07)

02. Scope. This chapter has the following scope: these rules shall govern the inspection, certification, and marking of noxious weed free forage and straw to allow for the transportation and use of forage and straw in Idaho and states where regulations and restrictions are placed on such commodities. The official citation of this chapter is IDAPA 02.06.31.000 et seq. For example, the citation for this section is IDAPA 02.06.31.001. (4-4-13)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (7-1-94)

003. ADMINISTRATIVE APPEALS.

There is no provision for administrative appeals before the Department of Agriculture under this chapter. (7-1-94)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (3-19-07)

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. (3-19-07)

02. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (3-19-07)

03. Street Address. The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (3-19-07)

006. PUBLIC RECORDS.

The records associated with this chapter are subject to Title 9, Chapter 3, Idaho Code. (3-10-00)

007. -- 009. (RESERVED)

010. DEFINITIONS.

The definitions found in Section 22-2402, Idaho Code, apply to this chapter. In addition, as used in this chapter: (7-1-94)

01. Agent. Any instrumentality or entity authorized by the Director of the Department, and acting on behalf of the Department, to administer the provisions of this rule. Any designated agent shall act in an official capacity for the Department and under the supervision of the Director of the Department. The principal purpose of the agent is to establish, conduct, and maintain a uniform and reasonable system of inspection and certification of forage and straw crops to determine if such crops are noxious weed free. (3-19-07)

02. Approved Inspector. An individual who has been accredited by the Department or by the Department’s agent in the noxious weed free forage and straw certification program. (3-19-07)

- 03. Bale.** A mechanically compressed package of forage or straw bound by string or wire, or other binding material. (3-19-07)
- 04. Bale Tag.** A tag or label which is attached to the string or wire, or other binding material of a bale of certified forage or straw, and identifies the bale as being certified noxious weed free. (3-19-07)
- 05. Certificate of Inspection.** A record of inspection issued by an approved inspector that states the results of a field or commodity inspection. The certificate shall document that the inspected field or commodity is Idaho State Noxious Weed Free, North American Noxious Weed Free, or that the field or commodity contains noxious weeds. (5-8-09)
- 06. Certification.** The process whereby an approved inspector conducts field or commodity inspections to determine that the field or commodity is noxious weed free. (3-19-07)
- 07. Certification Markings.** Bale tags, purple and yellow colored twine, compressed forage bale binding material, and forage cubes/pellets container tags/labels. (4-4-13)
- 08. Certified Compressed Forage Bale Binding Material.** An ISDA approved binding material which is attached to a compressed forage bale of certified noxious weed free forage and identifies the bale as being certified to the North American Standards. (5-8-09)
- 09. Compressed Forage Bale.** A bale that has been twice compressed, once in the field by a forage baler and then recompressed a second time and bound by string, wire or other binding material. (3-19-07)
- 10. Department.** The Idaho State Department of Agriculture. (3-19-07)
- 11. Field.** The land on which a forage or straw crop is grown and is not divided by streams, public roads, other crops, or other barriers. (3-19-07)
- 12. Field Certification Inspection.** An on-site inspection of forage or straw in the field, and areas adjacent to the field, for the presence of noxious weeds. The inspection shall be conducted prior to cutting or harvesting. (3-19-07)
- 13. Forage.** Alfalfa, grain, and grass hay, and/or combinations of alfalfa, grain, or grass hay; the term “forage” includes forage cubes, compressed forage bales, and pellets. (3-19-07)
- 14. Forage Cubes.** Forage that is harvested from a field certified to North American Standards and is mechanically compacted into wafers or cubes. (3-19-07)
- 15. Forage Cube/Pellet Tag.** A tag, label, or statement which is attached or printed on a container of certified noxious weed free forage cubes or pellets, and identifies the container as being certified to the North American Standards. (5-8-09)
- 16. Idaho State Noxious Weed Free.** Forage and straw inspected for weeds designated by the Director as noxious as defined in Section 22-2402(15), Idaho Code, and determined to be free of such weeds. (3-19-07)
- 17. Idaho State Noxious Weed Free Standards.** Forage and straw that meets the requirements Idaho State Noxious Weed Free. (3-19-07)
- 18. North American Noxious Weed Free.** Forage and straw inspected for, and determined to be free of, weeds designated as noxious by the Director as defined in Section 22-2402(15), Idaho Code, and noxious weeds listed on the North American Designated Weed List. (3-29-17)
- 19. North American Weed Free Forage Certification Program.** The North American Invasive Species Management Association standard for forage certification. (3-29-17)
- 20. North American Twine.** Special purple and yellow colored twine approved by NAISMA that is

used to mark bales as certified to the North American Standards. (3-29-17)

21. North American Standards. Requirements of the North American Weed Free Forage Certification Program. (3-19-07)

22. Noxious Weed Free. No noxious weeds with viable seed, injurious portions, or propagating parts were found during inspection procedures. (3-19-07)

23. Pellets. Forage that is harvested from a field certified to North American Standards and is manufactured into an agglomerated feed, formed by compacting and forcing through die openings by a mechanical process. (3-19-07)

24. Straw. The dried stalks or stems remaining after grain is harvested. (3-19-07)

25. Transit Certificate. A document completed by an approved inspector to certify products proposed for movement as certified noxious weed free into states that require noxious weed free forage and straw certification. The transit certificate must be in the possession of the transporter. (3-29-17)

011. ABBREVIATIONS.

01. ISDA. The Idaho State Department of Agriculture. (3-19-07)

02. NAISMA. North American Invasive Species Management Association. (3-29-17)

03. NWFF&S. Noxious Weed Free Forage and Straw. (3-19-07)

012. -- 099. (RESERVED)

100. VOLUNTARY NOXIOUS WEED FREE FORAGE AND STRAW CERTIFICATION PROGRAM.

01. Purpose. The noxious weed free forage and straw certification program is a voluntary program, the purpose of which is to provide a means for the inspection, certification, and marking of forage and straw as noxious weed free. The program will be managed by the Department and may be implemented through an agent of the Department. The program will allow for the preparation of a transit certificate for the purpose of interstate transport or shipping of forage and straw into and through states which place regulations and restrictions on such commodities. The program is intended to reduce the exportation, importation, growth, and spread of noxious weeds. (4-4-13)

02. Certifying Authority. The Department or its agent is the certifying authority. The certifying authority shall appoint, as needed, approved inspectors throughout the state, who may issue certificates of inspection. (3-10-00)

03. Certification Training. The Department shall determine minimum training and accreditation standards for approved inspectors. Training will be provided annually by the Department or its agent. Attendance at annual training will certify accreditation for the inspector for that calendar year. Approved inspectors will be issued a certificate of training for the calendar year. Annual training shall include: (3-19-07)

a. Field inspection techniques and procedures; (3-19-07)

b. ISDA and North American Noxious weed list plant identification; (3-19-07)

c. ISDA and North American certification standards and guidelines; (3-19-07)

d. Knowledge of weed management, including: (3-19-07)

i. Burning; (3-19-07)

ii. Mowing, cutting or roguing; (3-19-07)

- iii. Mechanical methods; and (3-19-07)
- iv. Herbicides. (3-19-07)
- e. Inspection forms. (3-19-07)
- 04. Certification Program.** (3-10-00)
 - a. The Department or its agent shall: (3-10-00)
 - i. Coordinate forage and straw inspections within the state; (3-10-00)
 - ii. Select, train, and supervise persons who serve as approved inspectors; (3-10-00)
 - iii. Issue certificates of inspection, transit certificates, North American Twine, forage cubes/pellets tags/labels, certified compressed forage bale binding material, and bale tags to qualifying participants; (3-19-07)
 - iv. Maintain a record of inspections performed and certificates and tags issued; (7-1-94)
 - b. Under the direction of the Department or its agent an approved inspector may perform inspections and issue certificates of inspection, transit certificates, North American Twine, forage cubes/pellets tags/labels, and bale tags within the state at cost. (3-19-07)
- 05. Application for Certification.** (7-1-94)
 - a. Application for certification inspection shall be made on forms available from the Department or its agent and submitted to the Department or its agent. (5-8-09)
 - b. An applicant's signature on the application for certification is verification of the accuracy of the information submitted, and signifies the applicant's intent to comply with the post-certification and distribution requirements. (3-10-00)
- 06. Field Inspection Procedures.** (7-1-94)
 - a. Forage or straw shall be inspected within a maximum of ten (10) days prior to cutting/harvesting in the field of origin for each field and cutting to be certified. Fields must be inspected again if circumstances prevent harvest of the forage for a period greater than ten (10) days from the first inspection. (3-29-17)
 - b. Each field inspected shall be identified by the name of the owner and a field name or number. The certification inspection may be performed on an entire field or a portion of a field, if the portion is plainly marked and identified prior to inspection. (3-10-00)
 - c. Field inspections must take place prior to any operation that will limit the approved inspector's ability to properly inspect and certify the field. Fields that have been cut or harvested prior to inspection are ineligible for certification. (3-19-07)
 - d. There shall be a minimum of two (2) entry points per field. (3-19-07)
 - e. There shall be minimum of one (1) entry point per each ten (10) acres (four (4) hectares). (3-29-17)
 - f. Each point of entry shall be at least one hundred fifty (150) feet (forty-five (45) meters) into the field, and each additional one hundred fifty (150) feet (forty-five (45) meters) traveled shall constitute an entry point. Travel shall be uninterrupted, proceeding through the field being inspected. (3-29-17)
 - g. The entire field border shall be physically inspected. (3-19-07)

- h.** The field inspection will include all ditches, fence rows, roads, easements, rights-of-way, or buffer zones surrounding the field. (3-19-07)
- i.** Forage which contains any noxious weeds as identified in Section 22-2402(15) or noxious weeds listed on the North American Noxious Weed List, may be certified if the following requirements are met: (3-19-07)
- i.** Forage that contains any noxious weeds may still be certified if the field upon which the forage was produced is treated to prevent noxious weed seed or other propagule viability according to agricultural practices acceptable to, and to the satisfaction of, the approved inspector. (3-29-17)
- ii.** Noxious weed(s) were treated not later than rosette to bud stage, or boot stage for grass species classified as noxious weeds, prior to cutting or harvesting; and (3-19-07)
- iii.** Treatment method can include, but is not limited to burning, mowing, cutting or roguing, mechanical methods, or chemicals. (3-19-07)
- j.** An inspection certificate shall document that the above requirements have been met. (3-19-07)
- k.** Baling equipment must be cleaned of any noxious weeds prior to harvesting certified forage. If the baling equipment is not cleaned, the first three (3) small square bales or the first large round or square bale produced shall be considered non-certified. (3-19-07)
- l.** Interstate shipment of baled forage and straw shall be accompanied by an original transit certificate issued by the approved inspector in the county of origin. The storage area shall also be inspected and shall be free of noxious weeds. (3-29-17)
- m.** An approved inspector may not inspect fields of which said inspector has ownership or financial interest. (3-19-07)
- 07. Certification Standards.** After completing an inspection, the approved inspector shall complete a certificate of inspection. (3-10-00)
- a.** If the field or commodity inspected is certified as North American Noxious Weed Free, the approved inspector shall issue a certificate of inspection for that harvest or cutting. If the field or commodity contains North American Noxious Weeds, but does not contain Idaho State noxious weeds, it may be certified as Idaho State noxious weed free, and such certification shall be noted on the certificate of inspection. (3-19-07)
- b.** If the field or commodity inspected is certified as noxious weed free, as defined in these rules, the approved inspector may also issue, upon request, any of the following documents: (3-19-07)
- i.** Transit certificates. (7-1-94)
- ii.** Bale tags. The date on the bale tag must accurately reflect the year in which the bale was produced. (4-4-13)
- iii.** North American Twine only if the field or commodity is certified as North American Noxious Weed Free. (3-19-07)
- iv.** Forage cube/pellet tag/labels only if the field or commodity is certified as North American Noxious Weed Free. (3-19-07)
- v.** Certified compressed forage bale binding material only if the field or commodity is certified as North American Noxious Weed Free. (3-19-07)
- c.** Certificates of inspection, transit certificates and bale tags shall be on forms prescribed by the Department or its agent. (3-10-00)

- d. North American Twine and bale tags must be purchased from the Department or its agent. (5-8-09)
- 08. Copy of Inspections and a List of Approved Inspectors.** Upon request, the agent shall provide the Department with a copy of certificates of inspections issued and a current list of approved inspectors. (3-10-00)
- 09. Reciprocity.** Forage or straw certified under a reciprocal agreement between the Department and another state, and certified as North American Noxious Weed Free according to the other state's approved certification standards, may be shipped into the state of Idaho and shall be considered to meet the requirements of the Idaho program. (3-19-07)
- 10. Exports.** Certification under these rules does not qualify a commodity for export from the United States. Applications for certification for export should be made directly to the Division of Plant Industries within the Department. (3-10-00)
- 11. Voluntary Posting.** After certification, a producer may post signs, or other forms of notification, on the certified commodity indicating that the commodity is certified as noxious weed free. (3-10-00)
- 12. Post-Certification and Distribution Requirements.** After a producer's commodity has been inspected and certified, the producer shall: (3-19-07)
- a. Take reasonable and prudent steps to protect the certified commodity from contamination; (7-1-94)
 - b. Keep the certified commodity separated from all uncertified commodity; (3-10-00)
 - c. Attach bale tags, certified compressed forage bale binding material, or North American Twine to each bale of certified forage or straw intended for sale as noxious weed free forage or straw prior to the bales leaving the producers stack yard or storage area; and (3-19-07)
 - d. Attach cube/pellet tag/label to each container of certified forage cubes/pellets intended for sale as noxious weed free forage prior to the containers leaving the producer's facility. (3-19-07)
 - e. Provide the shipper, trucker, or transporter with the appropriate number of transit certificates. (3-29-17)
- 13. Cancellation for Failure to Comply.** Any person who provides false information on an application for inspection or who fails to comply with the post-certification and distribution requirements may, upon order of the Director, be suspended for a period of up to two (2) years from participating in the forage and straw certification program. (7-1-94)
- 14. Enforcement and Cancellation.** Harvested lots of forage or straw from certified fields may be checked at any time by an approved inspector. Manufactured lots of forage cubes, pellets, and compressed forage bales may be checked at any time by an approved inspector. Evidence that forage, straw, forage cubes/pellets, or compressed forage bales are not from a certified field or that any lot has not been protected from contamination shall be cause for cancellation of certification. (3-19-07)
- 15. Misuse of Transit Certificate and Certification Markings.** Using a transit certificate or certification marking for forage from a field that has not been certified shall constitute a violation of these rules. (3-19-07)
- 16. Certification Fees.** A minimum of thirty dollars (\$30) per inspection shall be charged for up to ten (10) acres, and three dollars (\$3) per acre thereafter, for fields up to ninety-nine (99) acres. Fields that are one-hundred (100) acres or larger in size, the fee is three dollars (\$3) per acre for the first one-hundred (100) acres and two dollars (\$2) per acre thereafter. The agent is authorized to assess a general fee of thirty dollars (\$30) per year to recover overhead costs. (3-29-17)
- 101. -- 149. (RESERVED)**

150. NORTH AMERICAN NOXIOUS WEED LIST.

| Common Name | Scientific Name |
|----------------------|-----------------------------------|
| Absinth wormwood | <i>Artemisia absinthium</i> |
| Austrian fieldcress | <i>Rorippa austriaca</i> |
| Black henbane | <i>Hyoscyamus niger</i> |
| Buffalobur | <i>Solanum rostratum</i> |
| Canada thistle | <i>Cirsium arvense</i> |
| Common burdock | <i>Arctium minus</i> |
| Common crupina | <i>Crupina vulgaris</i> |
| Common mullein | <i>Verbascum thapsus</i> |
| Common tansy | <i>Tanacetum vulgare</i> |
| Common teasel | <i>Dipsacus fullonum</i> |
| Cutleaf teasel | <i>Dipsacus laciniatus</i> |
| Dame's rocket | <i>Hesperis matronalis</i> |
| Dalmatian toadflax | <i>Linaria dalmatica</i> |
| Diffuse knapweed | <i>Centaurea diffusa</i> |
| Dyers woad | <i>Isatis tinctoria</i> |
| Field bindweed | <i>Convolvulus arvensis</i> |
| Field scabious | <i>Knautia arvensis</i> |
| Hoary alyssum | <i>Berteroa incana</i> |
| Hoary cress | <i>Cardaria spp.</i> |
| Horsenettle | <i>Solanum carolinense</i> |
| Houndstongue | <i>Cynoglossum officinale</i> |
| Johnsongrass | <i>Sorghum halepense</i> |
| Jointed goatgrass | <i>Aegilops cylindrica</i> |
| Leafy spurge | <i>Euphorbia esula</i> |
| Meadow knapweed | <i>Centaurea pratensis</i> |
| Medusahead | <i>Taeniatherum caput-medusae</i> |
| Musk thistle | <i>Carduus nutans</i> |
| Orange hawkweed | <i>Hieracium aurantiacum</i> |
| Oxeye daisy | <i>Chrysanthemum leucanthemum</i> |
| Perennial pepperweed | <i>Lepidium latifolium</i> |
| Perennial sowthistle | <i>Sonchus arvensis</i> |
| Plumeless thistle | <i>Carduus acanthoides</i> |

| Common Name | Scientific Name |
|-------------------------|---|
| Poison hemlock | <i>Conium maculatum</i> |
| Puncturevine | <i>Tribulus terrestris</i> |
| Purple loosestrife | <i>Lythrum salicaria</i> |
| Quackgrass | <i>Agropyron repens</i> |
| Rush skeleton weed | <i>Chondrilla juncea</i> |
| Russian knapweed | <i>Centaurea repens</i> |
| Scentless chamomile | <i>Matricaria perforata</i> or <i>M. milaceum</i> |
| Scotch thistle | <i>Onopordum acanthium</i> |
| Sericea Lespedeza | <i>Lespedeza cuneata</i> |
| Spotted knapweed | <i>Centaurea maculosa</i> |
| Squarrose knapweed | <i>Centaurea virgata</i> |
| St. Johnswort | <i>Hypericum perforatum</i> |
| Sulfur cinquefoil | <i>Potentilla recta</i> |
| Tall buttercup | <i>Ranunculus acris</i> |
| Tansy ragwort | <i>Senecio jacobaea</i> |
| Vipers bugloss/blueweed | <i>Echium vulgare</i> |
| Wild oats | <i>Avena fatua</i> |
| Wild proso millet | <i>Panicum miliaceum</i> |
| Yellow hawkweed | <i>Hieracium pratense</i> |
| Yellow starthistle | <i>Centaurea solstitialis</i> |
| Yellow toadflax | <i>Linaria vulgaris</i> |

(3-29-17)

151. -- 199. (RESERVED)

200. APPLICATION FORM REQUIREMENTS.

A person wishing to participate in the noxious weed free forage and straw program shall make an application for NWFF&S certification annually. There are no fees for application. The application shall be made with the ISDA agent in the county in which the person resides or in the county in which the person owns or leases land on which forage will be produced. The request for application shall be made in writing on application forms prescribed by ISDA. (3-19-07)

201. -- 249. (RESERVED)

250. CERTIFICATION MARKING.

Each certified bale or container shall be marked by one (1) of the following: (3-19-07)

- 01. North American Twine.** Only one (1) strand is required per bale. (3-19-07)
- 02. Bale Tag.** The following information shall be shown on baled forage and straw: (3-29-17)
 - a.** The words - “North American Weed Free Forage Certification Program” or “Idaho State Noxious

- Weed Free Forage & Straw Certification Program”; (3-19-07)
- b.** Bale tag serial number; (3-19-07)
 - c.** County of origin identification; (3-19-07)
 - d.** ISDA emblem; (3-19-07)
 - e.** ISDA telephone number; and (3-19-07)
 - f.** A statement that the product is “Certified to the North American Standards” or “Certified to the Idaho State Noxious Weed Free Standards.” (3-19-07)
 - g.** Year the bale tag was issued. (4-4-13)

03. Forage Cube/Pellet Tag/Label. Certification tags/labels shall be attached to or a statement with the following information shall be printed on each container of noxious weed free product: (3-19-07)

- a.** The words - “North American Weed Free Forage Certification Program”; (3-19-07)
- b.** ISDA forage manufacturer identification number; (3-19-07)
- c.** ISDA emblem; (3-19-07)
- d.** ISDA telephone number; and (3-19-07)
- e.** A statement that the product is “Certified to the North American Standards.” (3-19-07)

04. Certified Compressed Forage Bale Binding Material. The following information shall be printed in purple ink on yellow binding material. Two (2) consecutive vertical purple lines approximately one-eighth of an inch (1/8”) wide, spaced approximately one and one-quarter inches (1 1/4”) apart, placed before and after written text which includes the acronym “ISDA NWFFS” and can include the manufacturer’s name. (5-8-09)

251. -- 299. (RESERVED)

300. PROCEDURES FOR CERTIFICATION OF FORAGE CUBES/PELLETS/COMPRESSED FORAGE BALES.

01. Application. A person desiring to certify forage cubes/pellets/compressed forage bales as noxious weed free must make an annual application on the ISDA's forage cube/pellet/compressed forage bale certification application form. (3-19-07)

02. Validity. The application shall be valid from the date of Department approval through December 31 of that calendar year. (3-19-07)

03. Equipment. Equipment shall be cleaned of any noxious weed propagules prior to processing forage for certification. (3-19-07)

04. Purging. After cleaning equipment, a minimum of five hundred (500) pounds of certified forage must be purged through the entire system prior to processing certified forage cubes/pellets/compressed forage bales. The five hundred (500) pounds of forage used to eliminate any noxious weed seeds shall not be certified. (3-19-07)

05. Documentation. A person who manufactures products referenced in Section 300 shall retain the following records for two (2) years: (3-19-07)

- a.** All NWFF&S inspection certificates relating to the certified forage delivered to their manufacturing facility each calendar year. (3-19-07)

- and **b.** Quantity of certified forage cubes/pellets/compressed forage bales processed each calendar year;
(3-19-07)
 - c.** Quantity of non-certified forage cubes/pellets/compressed forage bales processed each calendar
year. (3-19-07)
- 301. -- 999. (RESERVED)**

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