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IDAPA 02
TITLE 06
CHAPTER 38

02.06.38 - RULES GOVERNING PLUM CURCULIO (*CONOTRACHELUS NENUPHAR*)

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 02.06.38, "Rules Governing Plum Curculio (*Conotrachelus nenuphar*)." (5-3-03)

02. Scope. This chapter has the following scope: this quarantine will restrict the shipment of regulated articles from regulated areas into Idaho. The official citation for this chapter is IDAPA 02.06.38.000 et seq. For example, this section's citation is IDAPA 02.06.38.001. (5-3-03)

002. WRITTEN INTERPRETATIONS.
There are no written interpretations of these rules. (3-23-98)

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. (3-23-98)

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.
The adoption of IDAPA 02.06.38, "Rules Governing Plum Curculio (*Conotrachelus nenuphar*)," will confer benefits to the fruit industry. The Plum curculio is a weevil known to infest many types of fruit including those listed in Subsection 150.01 of this rule. This insect is not currently known to be established in Idaho. (5-3-03)

008. -- 009. (RESERVED)

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

011. -- 049. (RESERVED)

050. REGULATED PEST.
Plum curculio (*Conotrachelus nenuphar* (*Coleoptera: Curculionidae*)). (5-3-03)

051. -- 099. (RESERVED)

100. AREA UNDER QUARANTINE.
In the eastern United States and Canada, all states and provinces east of and including Manitoba, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas. In Utah, Box Elder County. (3-23-98)

101. -- 149. (RESERVED)

150. ARTICLES AND COMMODITIES COVERED.

01. Fresh Fruit of All Plants Listed Below: (3-23-98)

a. Apple (*Malus* spp.); (3-23-98)

b. Apricot (*Prunus armeniaca*); (3-23-98)

c. Cherry, black (*P. serotina*); (3-23-98)

d. Cherry, choke (*P. virginiana*); (3-23-98)

e. Cherry, pin (*P. pensylvanica*); (3-23-98)

f. Cherry, sand (*P. pumila*); (3-23-98)

g. Cherry, sour (*P. cerasus*); (3-23-98)

h. Cherry, sweet (*P. avium*); (3-23-98)

i. Crabapple (*Malus* spp.); (3-23-98)

j. Hawthorn or haw (*Crataegus* spp.); (3-23-98)

k. Nectarine (*Prunus persica nectarina*); (3-23-98)

l. Peach (*P. persica*); (3-23-98)

m. Pear (*Pyrus communis*); (3-23-98)

n. Plum, American (wild) (*Prunus alleghaniensis*); (3-23-98)

o. Plum, beach (*P. maritima*); (3-23-98)

p. Plum, European (*P. domestica*); (3-23-98)

q. Plum, Japanese (*P. salicina*): (3-23-98)

r. Prune (*P.* spp.); (3-23-98)

s. Quince (*Cydonia oblonga*). (3-23-98)

02. Soil. Soil or other growing medium within the drip zone of plants producing or which have produced fruit as listed in Subsection 150.01. (3-23-98)

151. -- 199. (RESERVED)

200. RESTRICTIONS.

01. Certification Required. Articles and commodities covered which are produced in or shipped from the area under quarantine are prohibited entry into the state of Idaho unless each lot or shipment is accompanied by a certificate issued by and bearing the original or facsimile signature of the authorized agricultural official of the state from which the article or commodity is shipped evidencing compliance with Subsections 200.03, 200.04, 200.06 or 200.07 of these rules. No certificate is required for commodities meeting the requirements of Subsections 200.02 or 200.05 of these rules. (3-23-98)

02. Reshipments in Original Containers from Area Under Quarantine of Commodities Grown Outside Thereof. Commodities in original unopened containers, each bearing labels or other identifying marks evidencing origin outside the area under quarantine, may be reshipped to this state from any point within the area under quarantine. (3-23-98)

03. Repacked Commodities Admissible from Area Under Quarantine If Certified Grown Outside Thereof. Provided each lot or shipment is certified by an authorized agricultural official to have been grown outside the area under quarantine and that continued identity has been maintained while within the area under quarantine, the commodities may be repacked and shipped by common carrier from any point within the area under quarantine to this state. The certificate shall set forth the state in which commodities were grown, point of repacking and reshipment, amount and kind of commodities comprising the lot or shipment, and the names and addresses of the shipper and consignee. (3-23-98)

04. Apples Exposed to Controlled Atmosphere (CA) Storage Admissible Under Certificate. Apples which are exposed to controlled atmosphere (CA) storage for a continuous period of ninety (90) days, during which period the temperature within the storage room is maintained at thirty-eight degrees Fahrenheit (38° F), three point three degrees Celsius (3.3° C) or less, may be admitted into Idaho provided said storage room or building is approved by the proper authorities in the state of origin as a controlled atmosphere facility and further provided each lot or shipment of such apples to Idaho is accompanied by a certificate, as stated in Subsection 200.01, evidencing compliance with the minimum requirements of this section. (3-23-98)

05. Solid Frozen Fruits Exempt. No restrictions are placed by this rule on the entry into this state of fruits which upon arrival are frozen solid and which are under refrigeration to assure their solid frozen state. (3-23-98)

06. Shipments from Cold Storage at Thirty-Two Degrees Fahrenheit (32° F), Zero Degrees Celsius (0° C). Commodities covered which are held in cold storage for a continuous period of forty (40) days or more, during which period the temperature within the storage room is maintained at thirty-two degrees Fahrenheit (32° F) zero degrees Celsius (0° C) or less, may be admitted into Idaho provided each lot or shipment is accompanied by a certificate, as stated in Subsection 200.01, evidencing compliance with the minimum requirements of Subsection 200.06. (3-23-98)

07. Soil or Growing Media When Certified. Soil or growing media specified in Subsection 150.02 is admissible when certified as treated at origin in a manner approved by the Director. (3-23-98)

201. -- 249. (RESERVED)

250. PENALTY.
Any person violating any provision of these rules shall be subject to the penalty provisions of Title 22, Chapter 20, Idaho Code. (5-3-03)

251. -- 999. (RESERVED)

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